SENATE—*Tuesday, March 5, 1996*

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

The PRESIDENT pro tempore. Our Chaplain this morning is Dr. O.S. Hawkins, pastor of the First Baptist Church of Dallas, TX. He is sponsored by Senator HUTCHISON.

PRAYER

The guest Chaplain, Dr. O.S. Hawkins, pastor of the First Baptist Church of Dallas, TX, offered the following prayer:

Dear Lord, thank You for the realization that You are truly alive today. Bring us to a conscious awareness that, as Your Word states, "The Most High still rules over the affairs of men," that "Your eyes run to and fro over this whole world to show Yourself strong in behalf of those whose hearts are fixed on You."

Lord, impart a spirit of faith, hope, and love to this body of men and women in these strategic places of leadership. A spirit of faith because You said "without faith it is impossible to please You." A spirit of hope because You are the personification of our hope, our blessed hope. And, a spirit of love because You said that is the single distinguishing characteristic by which we would be known. We ask these things in Jesus' name. Amen.

The PRESIDENT pro tempore, Senator HUTCHISON of Texas.

ACCOLADES TO GUEST CHAPLAIN, DR. O.S. HAWKINS

Mrs. HUTCHISON. I want to say how pleased I am to have been able to invite Dr. O.S. Hawkins of the First Baptist Church of Dallas, one of the largest Baptist churches in the whole world, to be with us today. He is a very special person in my life, along with his wife, Susie, whose father I served with in the Texas Legislature. Susie Hawkins was just a girl when her father and I served in the legislature. My husband also served with Susie's father in the State legislature in Texas. Our family ties have gone back a long way.

I want to say Dr. Hawkins is one of the great future religious leaders of our country. He already has taken over this great Baptist church of Texas. We are very proud of him. He has been wonderful to my family and to me.

I also want to thank Dr. Ogilvie for helping us bring him in for the great honor of opening the Senate. I think it is a wonderful tradition we have to start every day as we do by just taking a moment to thank God for the blessings that we have in this country. I think Dr. Hawkins did it very well today. I commend him. I am proud to be one of his constituents.

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

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Mississippi.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately begin consideration of the conference report accompanying H.R. 927, the Cuban sanctions bill. Under the current consent agreement reached last week, there will be 2½ hours of debate on the conference report divided equally between Senators COVERDELL and DODD.

Following debate on the conference report, the conference report will be set aside with a vote to occur on the adoption of that conference report at 2:15 today. At the hour of 12 noon today the Senate will begin 30 minutes of debate on the motion to invoke cloture on the District of Columbia conference report, with the vote to invoke cloture immediately following the 2:15 vote on the Cuban sanctions legislation.

The Senate will recess from the hours of 12:30 to 2:15 today for the weekly party conferences to meet. Senators should therefore be reminded there will be two consecutive rollcall votes beginning at 2:15 this afternoon, the first vote being on the Cuban conference report, followed by a vote on cloture on the D.C. conference report.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the House a conference report on H.R. 927. The report will be stated. The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 1, 1996.)

Mr. LOTT. I believe the managers of the legislation will be ready to go in a few minutes. Until they arrive, 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. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. COVERDELL. Mr. President, I ask unanimous consent that floor privileges be granted to the following staff members from the House Committee on International Relations, Mr. Roger Noriega and Mr. Stephen Rademaker, during the pendency of the conference report on H.R. 927 and for the rollcall votes thereon.

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

Mr. COVERDELL. Mr. President, we are beginning deliberation on the Cuban Liberty and Democratic Solidarity Act, H.R. 927. There has been much said about this piece of legislation. It has been controversial from the beginning.

I believe it is important that we put this legislation in context. This legislation, Mr. President, is directed at a dictator and regime that has engaged in the violation of human rights of their own people and others, murder, terrorism, exportation of revolution, and has been an open adversary of the United States of America and her people.

To put it in context, there have been decades of pursuit of the objectives I just referred to. In 1959, Cuba aided armed expeditions against Panama, the Dominican Republic, and Haiti. During the 1960's, Cuba backed attempts to develop guerrilla insurgencies in Guatemala, Colombia, Venezuela, Peru, and Bolivia. In the 1970's and the 1980's, Cuba had 50,000 troops in Angola; in Ethiopia, 24,000; and in Nicaragua 1,500.

By the end of 1960, the Cuban Government, under Fidel Castro, had expropriated all—all—private United States property in Cuba.

We all remember—or should remember—the confrontation between the United States and Cuba and the Soviet Union as they attempted to put hostile missiles on Cuban soil, directed at the United States. In July 1964 the Organization of American States voted to suspend diplomatic and trade relations with Cuba because of Cuban support for subversive activities in Venezuela.

In the 1980's, from April through September of 1980, 125,000 Cubans fled Cuba

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

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in the so-called Mariel boatlift. In February 1982 the Secretary of State added Cuba to the list of countries supporting international terrorists for its complicity with the M–19 movement in Colombia.

On April 29, 1994, Cuban border guards rammed and sank a private vessel, the *Olympia*, which had fled Cuba and was 25 nautical miles off its shores; 3 of the 21 Cubans aboard drowned, including two 6-year-old children.

On July 13, 1994, approximately 40 Cubans, many of whom were children, drowned when the tugboat *Trece de Marzo*, stolen by a group of Cubans attempting to flee Cuba, sank after being rammed by Cuban border guard vessels and flooded with fire hoses into the hold, sweeping the innocent citizens off the deck.

On December 22, 1995, the U.N. General Assembly approved a resolution, again calling on Cuba to cooperate fully with the U.N. Special Rapporteur, regretting profoundly the numerous violations of human rights and fundamental freedoms in Cuba.

Beginning on February 15, 1996, the Cuban Government began a crackdown on members of the Concilio Cubano, an umbrella group of more than 100 dissident organizations that had applied for permission to hold a national meeting on February 24, 1996.

And then, Mr. President, on February 24, Cuban MiG–29 fighter jets shot down two United States private airplanes, Cessna 336's, in the Florida straits, flown by members of the Cuban-American group, Brothers to the Rescue.

Mr. President, I might add that both aircraft were destroyed, unarmed, in international waters, 4 and 6 miles beyond Cuban airspace.

This incident has caused considerable outrage and has caused the administration to alter its policy of befriending the Castro government; and they have now come together with the authors of this resolution, Senator HELMS of North Carolina and Representative BURTON of Indiana, in an agreement to finally pass the Libertad Act and direct our hostility toward the Cuban Government.

But the point is that this is not an isolated incident. This is but one of hundreds of incidents and infractions of common and civil and appropriate behavior on the part of the Cuban Government, which it continues to fail to practice.

Let us look at a summary of the Libertad Act. Title I: Strengthening international sanctions against the Castro government.

It urges the President to seek in the U.N. Security Council an international embargo against the Castro dictatorship.

It authorizes the President to furnish assistance to support the democratic opposition and human rights groups in Cuba.

It instructs the United States executive directors to international financial institutions to oppose Cuban membership until the President determines that a democratically elected government is in power in Cuba.

It codifies—this is very important—it codifies the existing embargo on Cuba, making it law unless a transition government is in place.

Title II: Assistance to a free and independent Cuba, instructs the President to develop a plan for providing support to the Cuban people during the transition to a democratically elected government; and it authorizes the President to suspend the embargo, once a transition government is in place, and to terminate the embargo once a democratic government is in power in Cuba.

Title III: Protection of property rights of United States nationals. It establishes, as of August 1, 1996, a private right of action by which U.S. citizens can protect their interest in property confiscated—stolen—by the Castro government. The President has the authority to delay the effective date on a 6-month basis if he determines that such an act of delay is "necessary to the national interest of the United States and will expedite the transition to a democratic government in Cuba."

Title IV: Exclusion of certain aliens. It denies visas to aliens who confiscate, convert or traffic or benefit from property confiscated from United States nationals by the Cuban Government.

Mr. President, opponents of this legislation will contend that it will disrupt trade with our European and other allies and claim that the bill violates our international trade agreements. Although a number of our allies have expressed displeasure with this measure, the right-of-action provision will provide a measure of protection for all international investors by making it clear that trafficking in stolen property will not be tolerated.

We will be asked, "Why limit the property rights debate encompassed in this bill to Cuban-Americans? Why not expand it to Americans from Poland or China or Vietnam or other nations of Eastern Europe?"

In fact, the United States has reached settlements of confiscated American property claims with Albania, Vietnam, the People's Republic of China and most of the States of Central and Eastern Europe, including the former German Democratic Republic—East Germany—Bulgaria, Yugoslavia, Poland, Hungary, Romania, and Czechoslovakia.

Castro, conversely, has shown no serious interest in the settling of property claims—neither of American citizens at the time of the seizures in the early 1960's, nor for the thousands of Cuban citizens who had property stolen by the regime since then. The only remedy the Libertad bill allows is for American citizens who meet the jurisdictional requirements to have their day in court to deter the continuing wrong of Castro's exploitation of property.

Opponents will say that the bill will result in an explosion of claims in the United States court system; but the primary intent of the right of action is as a deterrent to would-be investors in Cuba. Few actions are expected to be brought under this conference report because both parties must be sufficiently present in the United States to sustain jurisdiction in our courts. The Congressional Budget Office, in its estimate of the House bill, stated that they expect that only a few cases would actually go to trial.

Further, in the process of arriving at this conference agreement, there is a cap. The cases must involve property valued at $50,000 or more. We have concluded that there are only about 700 claims, principally commercial interests, that would therefore come under the act.

Mr. President, the Libertad conference report, as I said, provides a way for American citizens whose property was stolen by Fidel Castro to protect their claim or receive compensation from those who knowingly and intentionally exploit that property and are in the United States under the jurisdiction of U.S. courts.

Castro is running a fire sale in stolen properties. Since his loss of $5 to $6 billion in annual Soviet subsidies, Castro is looking to capitalize on the sale of stolen property. He has gotten into the business of joint ventures with stolen property.

Imagine if you were in an airport in Canada or Europe and picked up a brochure actually advertising these properties to the highest bidder? The Castro regime offers the sale of the Hermanos Diaz Refinery in Santiago, Cuba. Its rightful owner, however, Mr. President, is Texaco.

"Item 119" for sale is the Manuel M. Prieto sugar mill; its rightful owner is a naturalized U.S. citizen whom Castro has never been forced to compensate for the claim.

This is why title III is needed. It puts would-be investors—those who would be accomplices to a dictator and his property theft—on notice that, if they enrich themselves with stolen property, they will be held liable to the legitimate U.S. owners.

For some reason, the opponents of the pending bill have expressed outrage that American citizens would be given a means of defending their property in the United States. This bill violates no treaty or international convention. It does not violate customary international law, which recognizes that a nation's domestic courts may reach actions abroad when those actions directly affect that nation. There is no doubt that Castro's illegal

confiscations and the exploitation of those properties has a direct effect on American citizens.

Mr. President, there is an old cliche that the truth is often stranger than fiction. I think that is the case here.

The United States has more effective mechanisms to protect fish and marine life than it has to protect Americans who have property stolen. We have statutes on the books to protect dolphins from tuna fishermen even when those provisions violate trade agreements. Other nations are required by U.S. law to protect sea turtles in order to continue having access to U.S. markets. Yet opponents of the Libertad bill object to protecting the legitimate interests of U.S. citizens.

Mr. President, property rights are the core of investments and commerce historically and forever.

I was recently in Nicaragua and had discussions with the Chamarro government, which was struggling to deal with property rights following the fall of the Sandinistas. Until they got that straight, there would be no investment.

There will never be a rebuilt Cuba without property adjudication—never.

Mr. President, this legislation moves to the center of the debate the issue of property rights and international treatment of property rights. I believe it is benchmark legislation. I believe it is legislation that can initiate positive new developments; that the scope and the breadth of it, as it moves the issue of property rights forward, will not only serve the citizens of the United States but the international community in general as we globally deal with the issue of property rights and the victims of property thefts. This is a singular case that demands our attention as it relates to Fidel Castro, his dictatorship, and the brutality of his regime.

Mr. President, I yield the floor to my distinguished colleague from Texas for a period of up to 5 minutes.

Mr. GRAMM. Can we make that 10?

Mr. COVERDELL. Can we use 5 minutes and come back?

Mr. GRAMM. All right.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, 50 years ago today Winston Churchill came to America to a tiny college in the middle of the Midwest—to Westminster College—and gave a speech that awakened America and the world to a crisis. We all know that speech. We all remember it from our childhood, or reading about it in history books. He talked about the descending of an iron curtain across the face of Europe. And, while the cold war was already underway, that speech probably more than anything else awakened America and the world to the Soviet threat.

We started to respond with the policy of containment. We responded by building up NATO and SEATO. We responded by fighting in Korea and Vietnam. We responded with the Marshall plan and the Truman plan to expand trade and work toward free trade. Our policies won the cold war, tore down the Berlin Wall, liberated Eastern Europe, and transformed the Soviet Union. We won one of the greatest victories in the history of mankind.

But there still is important unfinished business from the cold war. Communist China is in transition, and so is Vietnam. But there are two Communist regimes on this planet that are totally unchanged, that still believe in Marxism and Leninism, that still are committed to everything that we oppose in the world. One of those regimes is the military dictatorship in North Korea. The other is Fidel Castro's Cuba.

For 3 years, Bill Clinton has coddled both of those regimes. We have a policy in place today to give, through an international consortium, $4 billion to North Korea to build for them two nuclear powerplants even though there is no evidence whatsoever that either of the existing nuclear powerplants in North Korea was ever used to generate a watt of electricity or ever had any purpose other than building nuclear weapons. We are today supplying oil through that consortium to North Korea and propping up a Communist regime.

President Clinton for 3 years has coddled Fidel Castro. He announced a policy last year that enforced the imprisonment of the Cuban people—that actually used the United States Navy to enforce the imprisonment of the Cuban people. The United States Navy was given the assignment by the President of the United States to pick up people who risk their lives to flee Communist oppression from Cuba, put them in American naval vessels, and then turn those people back over to Fidel Castro. The President set out a policy that opened the door for nongovernment organizations to establish a presence in Cuba and in the process started what Fidel Castro believed, and the world believed, was a movement toward normalization. Voices were raised in Congress in opposition to the President's policy. Both the distinguished Senator from Georgia and I spoke out against it, as did many others.

We now see the fruit of that policy, and the fruit of that policy is that Fidel Castro brutally murdered four Americans. We have the tapes of the communications from the MiG's as they talked to their home base, identifying civilian planes with no armament. We have the tapes of those conversations when they then boasted how they were going to destroy these planes. On an order from their home base, they fired the missiles that killed four American citizens.

We are now considering a bill to change our relationship with Castro's Cuba and bring it back to what it has always been; that is, a policy of strong opposition.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. COVERDELL. Mr. President, I yield an additional 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, our position expressed with this bill goes back to what our position has been with regard to Fidel Castro since the early days of that brutal regime. Our position is founded on the recognition that Fidel Castro is a brutal dictator and murderer and that his regime in Cuba must end.

Our position under Democrat and Republican administrations has always been—until the Clinton administration—a commitment to the isolation of Castro's Cuba, and a commitment to seeing the overthrow of Fidel Castro and his accomplices.

Today with this bill, we restore that policy and we hit Fidel Castro where it hurts the most. We hit him in the pocketbook. We allow Americans to sue those who buy their property stolen by Castro, to sue those who are trafficking in stolen goods. With this bill we allow Americans to sue international interests in American courts to recover damages. The effective result of that will be that private investors will think two and three times before they bring their investment money to Castro's Cuba.

Let me also say, Mr. President, that there is more that we can do. I think the President ought to act unilaterally to deny Americans the ability to send money to Castro's Cuba.

While it is true that allowing people to send money to their relatives provides some temporary assistance to them, some relief to them, those funds, that hard currency also props up Castro's Cuba, allowing Castro to continue his imprisonment of the people. It prolongs their misery, and in my opinion that should be ended.

I believe that we should demand that Cuba turn over the two pilots who fired the missiles, turn over the air traffic controller who gave the order to fire, and turn over anyone in the chain of command who was engaged in giving the orders or carrying those orders that killed four Americans. As we did in Iraq, as we have done in Bosnia, I think we need to declare a no-fly zone over Cuba for military aircraft until those people are turned over, and I think we ought to enforce that no-fly zone.

I believe we need to recommit ourselves to the principle that Fidel Castro and his regime will not survive the end of the 20th century. What a terrible tragedy it would be if this tidal wave of freedom which has covered the planet is allowed to subside before it drowns

Fidel Castro. I think we have in these brutal murders a new example to remind us again of who Fidel Castro is and what he stands for, and I believe we should dedicate ourselves to the principle that the 20th century will not end and find the Castro dictatorship intact in Cuba.

This bill is a step forward. I urge the President to take other actions, such as to cut off cash transfers to Cuba by American citizens, to demand that the pilots and the air traffic controllers who were responsible for the death of four Americans be turned over, along with anyone in the chain of command who gave or carried out those orders. I think we ought to enforce that with a no-fly zone.

I congratulate our colleagues from Georgia and North Carolina for their leadership on this bill. This is long overdue. We should have made this bill the law of the land last year. I remind my colleagues and the American people that up until the last few days President Clinton fought this bill and threatened to veto this bill. He thought his policy of coddling Fidel Castro was working. He thought a movement toward normalization of relations with Castro's Cuba could be successful. We now know what the fruits of that policy were: death for four Americans. I say enough is enough. Let us restore freedom and democracy to Cuba. Let us do it in this century. Starting with this bill let us get serious.

I thank our colleague for yielding to me.

Mr. COVERDELL. Mr. President, I yield the Senator from New Mexico 3 minutes to speak in support of the conference report.

Mr. DOMENICI. Mr. President, I rise to support the conference report of H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I commend Senator HELMS and Congressman BURTON for their foresight and fortitude in tackling the Castro regime.

On Saturday, February 24, two Cuban MiG fighter jets shot down two civilian, unarmed Cessna aircraft off the coast of Cuba. The Cuban pilots gave the Cessnas no warning. These planes were operated by Brothers to the Rescue, a group based in Miami whose mission is to look for Cuban refugees floating toward the United States.

The Havana government has failed to provide proof that the Cessnas were in Cuban airspace, but never mind that. No country has the right to shoot down civilian planes. Cuba even adopted the 1983 international rules stating that there is never a justification for such actions.

These planes posed no threat to Cuba's security. They were unarmed on a nonviolent humanitarian mission, and the Cuban Government knew it. To respond with deadly force is a shamelessly cruel act. This is cold-blooded murder and shows Fidel Castro's total disregard for human life as an alleged attempt to enforce Cuban sovereignty.

My deepest sympathy goes out to the families and friends of the four pilots killed.

Mr. President, some politicians and businessmen were encouraged over this past year, encouraged that Castro and Cuba were reforming and open to a warmer United States relationship. But we should not have been surprised by Cuba's latest crime against the United States. Castro is a ruthless dictator and we must stop underestimating him.

No matter how open the Cuban economy becomes, Castro never will change. A dictator who enforces doctrines through the secret police, firing squads, taking political prisoners, confiscating property, and limiting the basic rights of Cuban citizens. Only a brutal and vicious dictator could justify the murder of these four unarmed pilots all to counter the threat the Brothers to the Rescue makes on his cruel, authoritarian government.

Our best chance to oust Fidel Castro from power is now. The Cuban economy is in a crisis and Castro's totalitarian leadership has been threatened. H.R. 927 is our chance to exert more pressure on Mr. Castro, on the Cuban economy, and on those aiding the Cuban economy by trafficking in confiscated United States property.

Within 2 weeks of taking power in 1959, Castro issued his constitutional amendment authorizing the confiscation of property. In the following 2 years, Castro demolished private property rights by expropriating all businesses in Cuba owned by United States citizens, nationalizing industries owned by United States companies, and confiscating personal property of Cubans who left the country.

No compensation has been made in any U.S. claim in 37 years. Instead Castro has energetically promoted the exploitation of this stolen property by third-country joint ventures and foreign investment in order to sustain its faltering economy. These joint ventures have abounded, but to the benefit of Castro, not to the Cuban people whose labor is exploited. The Cuban Government has used the exploitation of working people and the absence of individual human rights as a lure to attract investors.

Mr. President, I rise in support of H.R. 927 because it would stop such deals and stop the resources Castro needs to restrain his ruthless and repressive regime.

Might I say to my friend from Texas, Senator GRAMM, I listened to part of his remarks, and I commend him for them. I think the Senator would share with me a concern about the very strange situation that in the United States we are bragging about. The world is moving toward democracy and free enterprise and private property rights—we kind of call it Pax Americana. Everybody is moving in that direction, and everybody is saying we are going to have a better life for billions of people than we ever thought we would have had 10 years ago when the potential for Communist dictatorships was very prevalent throughout the world. Is it not strange that right off our coastline sits a Communist dictator who is still in power, still in office while his people suffer, while his economy deteriorates, while people have no chance there of freedom and individual opportunity and individual rights?

I am sorry that it takes this kind of incident for the U.S. Government to become serious about doing everything in its power to erase that dictatorship from the face of the Earth.

This bill will push in that direction, but obviously this country also requires sustained leadership at the top levels of our Government. Leadership that will not bend its ideas to any concept that Castro is going to reform, and that things are going to work out in some normal way. We have to lend ourselves in legitimate ways to getting rid of this dictator and letting those people be free.

Can you imagine what is going to happen to that country when they are free and when enterprise is alive again? Just go to Florida and see what those people who have escaped this yoke are doing. Cubans will do the same in their country once they are free, but for now they cannot.

Today, Cubans are prisoners in their own country.

Again, I compliment the committee for what they have done in this bill and urge that the President sign it. I think that is what the Senator is saying, and perhaps that is not even enough, but let us get started today.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from Florida to speak in support of the conference report.

(Mr. FRIST assumed the chair.)

Mr. MACK. I thank the Senator from Georgia for yielding me this time.

I rise today in support of the Cuban Liberty and Democratic Solidarity Act, H.R. 927. I am proud that I was an original cosponsor of this bill and to have worked in support of its passage.

I commend my colleagues, particularly Senator HELMS and Congressmen BURTON, DIAZ-BALART, and MENENDEZ, and Congresswoman ROS-LEHTINEN for their efforts.

This bill reflects the heartfelt desire of many Americans to see the end of the tyranny and decades-long repression Castro has inflicted on his people. Make no mistake: The killing of the four Brothers to the Rescue was not out of character for Fidel Castro. The Cuban Government's heinous conduct reminded the world of Fidel Castro's true colors.

I might just say to those who take the opportunity to read about Fidel Castro's history, you will find that those words I just mentioned about not being out of character are quite accurate. The Cuban Government's heinous conduct, as I said a moment ago, reminded the world of his true colors. The brutal murder of unarmed Brothers to the Rescue occurred on a weekend when a prodemocracy and human rights group was to conduct an organizational meeting before Castro stopped it. Scores of Cubans affiliated with the group have been arrested, detained and harassed. In 1994, a tugboat with freedom-seeking Cubans was rammed by Cuban Government ships until it sank. Year after year, Cuba has had one of the world's worst human rights records.

It is time for tough talk to give way to tough actions. Guided by the principle that freedom is the core of all human progress, the bill contains provisions designed to isolate Fidel Castro, squeeze him from power and usher in an era of democracy and freedom.

In the best spirit of the American people, this legislation holds out the prospect of United States aid to transition and democratic governments in Cuba.

America will be there as soon as we can but not a moment before the long nightmare of the Castro regime is ended. So long as Fidel Castro is in power, United States hard currency, financing and other kinds of support will not go to the Cuban regime. We know that Castro uses the hard currency he gets from foreign investment to support the instruments of power and repression, and that must stop.

President Clinton last week finally agreed to support the Cuban Liberty and Democratic Solidarity Act. His support for the bill is welcome, if overdue. I am sorry it took the tragic murder of four pilots to focus the administration's mind on this bill.

Castro's efforts to intimidate the United States through onslaughts of refugees and now through the brutal and calculated shooting down of civilian humanitarian planes have come during Democratic administrations when Cuban policy has been weakened. It was incumbent upon President Clinton to stop delaying the Cuban Liberty and Democratic Solidarity Act. Anything less would have been a travesty and dishonored the lives of the Brothers to the Rescue who lost their lives.

With the President's agreement and with his call to congressional Democrats to support the legislation, America's long history of bipartisan opposition to tyranny in Cuba has been restored.

The bill that passed the House-Senate conference is even stronger than the bill that first passed the House. It contains the extremely important provisions of title III which deny Castro the ability to profit from illegally confiscated properties of Americans.

It also contains title IV's powerful provisions denying U.S. visas to individuals who traffic in confiscated property.

Although the bill gives waiver authority to the President, President Clinton will be hard pressed to find conditions that merit waiving the title III provisions.

It took tremendous pressure from the Congress to make the President accept title III. He will face the same pressure again should he attempt to delay the effect of title III's right to sue.

The bill also provides that all provisions of the United States embargo against Cuba will be codified in law, ensuring that the embargo will be preserved until a democratic transition is underway in Cuba.

All existing Cuban embargo Executive orders and regulations will now be signed into law. This is a major victory for the opponents of the Castro regime. No longer can President Clinton react unilaterally to a supposed reform in Cuba and lift a sanction here or there. No longer can administration wavering on the embargo threaten the historic policy of isolating the repressive Cuban regime.

When President Clinton announced measures in reaction to the shooting down of American citizens, he said they were a first step, and they had better be. While Ambassador Albright's performance at the United Nations was commendable, the administration must do more to convince our allies to impose an international embargo against Cuba and treat Fidel Castro as an outcast. His record deserves nothing less.

The fight must be taken up in every capital around the world. I believe our allies would respond to a sincere and concerted effort to win our cooperation in the embargo. Our Government must make the case that foreign investment perpetuates a dictatorship bent on brutality and repression, and it must stop.

I thank the President's support of the Libertad bill. Now he must take our Cuba policy to another level—to make it a priority with our allies to stop foreign investment in Cuba for the life of the Castro regime. I promise you, without that foreign investment, Castro's regime of repression cannot stand. It will be all that much sooner when the Cuban people can create a new society of freedom, justice, democracy and the protection of basic human rights.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to add my voice to those who have expressed their outrage about the Cuban Government's reckless and calloused shooting down of two small, unarmed civilian aircraft flown by the exile humanitarian group, Brothers to the Rescue. These shootings, which took place on the 24th of February, are deplorable, and I endorse the President's efforts to console and aid the families of those who died in this tragedy.

But as heinous as this shooting was, it does not justify the passage of wrongheaded legislation. Everything that was wrong with the Helms-Burton legislation before the incident remains wrong today.

I am reminded of the words of former Chief Justice Oliver Wendell Holmes who, in a dissenting decision, stated as follows:

> Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend.

Mr. President, the shooting of these planes have created, in Justice Holmes' words "overwhelming interest which appeals to the feelings and distorts the judgment." We in the Senate are feeling that "hydraulic pressure" to which Justice Holmes referred. Senator HELMS and others who have stated that the message of this bill is "Farewell, Fidel," are ignoring the utter failure of 35 years of our embargo against Cuba.

Rather, the Helms-Burton legislation is now being adopted and embraced by both parties and, unfortunately, by the President in a bid to curry favor with the Cuban-American community. As I have argued before on this floor, the passage of this bill will harm rather than help American interests in Cuba. It will restrict this President and any future President's hand in conducting foreign policy with an important neighboring nation and in responding to events quickly when the need arises. And it will codify in law an Executive order imposing an economic embargo on Cuba that has clearly failed.

Our Nation's foreign policy is rife with anachronisms, and I cannot support helping to reinforce and entrench in our foreign policy such an outmoded and regressive policy as is reflected in this bill.

In October of last year, the President announced a plan that received much bipartisan praise. The President promised to more vigorously enforce laws against unlicensed travel to Cuba, but to broaden support for cultural, intellectual and educational exchange in a way that the people of Cuba could encounter more frequently and broadly the fruits of democracy at work in the United States.

The President stated that he would license non-Government organizations to operate in Cuba, to provide information and to provide emergency relief

when needed, to provide the necessary infrastructure to help guide Cuba and its people toward democracy in the future.

The President also noted that Cuban-Americans with relatives still in Cuba would be permitted to visit Cuba to tend to family crises and that these one-time-per-year licenses to visit would not be stymied by the delays and management problems that frustrate American citizens attempting to get to Cuba when a family emergency hits.

These steps were important ones and they did not strengthen Castro's hand. What these provisions did was to help bond the people of Cuba to the people of the United States. For 35 years, we have tried to bring Fidel Castro down with heavy-handed tactics. One would think that during such a long period of time, we might have figured out that our policy had completely failed. We need a new direction, and it must involve building bridges with the Cuban people.

The Helms-Burton legislation will only injure and alienate ordinary Cubans, weaken Cuba's civil society, and retard Cuba's democratization. And the unprecedented effort to impose United States policies on other countries will make it more difficult for the United States Government to cooperate with its allies in fashioning a joint approach towards Cuba.

The problems with the bill before us are summed up well in an article this week by Walter Russell Mead in the New Yorker. Let me just quote a couple of sentences from that article. He says:

> Now President Clinton has agreed to sign the so-called Helms-Burton bill—a piece of legislation that will cement the embargo into law and deprive the President of the option of modulating it for diplomatic purposes. It will also permit lawsuits in American courts against Canadian, Mexican, European and other foreign companies whose Cuban investments involve the use of expropriated property—a category broad enough to include virtually every activity in Cuba. Moreover, the officers of these companies will be ineligible for American visas . . .
>
> . . . Fidel Castro has survived the enmity of nine American Presidents. In concert with his enemies in South Florida, he retains a hypnotic ability to induce stupidity in Yankee policymakers. That seems unlikely to change until the United States Government gets around to taking control of its Cuba policy away from a small, self-interested lobby group.

Mr. President, this bill is an anachronism that ties America to a past from which it needs to move on. America is the only industrial power in the world maintaining an economic embargo against Cuba. It is time we consider a new course. The shooting down of two civilian aircraft was a great tragedy that we all should mourn, but as Chief Justice Holmes warned, we need to stand strong against the "hydraulic pressure" of momentary events that evidently will cause this Congress to enact this very misguided law.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Georgia and also the Senator from North Carolina for bringing forward the Libertad Act, which is a very appropriate act in light of what has happened recently in Cuba, but it is more appropriate in light of what has happened in the last 37 years.

This is not an event of momentary instance, as was just referred to by the Senator from New Mexico, in my opinion. This is a problem that has existed and confronted this country for 37 years, and we have failed to take the aggressive action we should have to relieve the Cuban people of the dictatorship which has oppressed them in the last 37 years.

The least we can do as a nation is not aid and abet the activities of Fidel Castro and his actions, which have been to oppress his people, by giving him economic assistance and by giving him psychological support. This bill makes it very clear that no longer shall we give Cuba economic assistance in any way, indirectly or directly. We will no longer allow our citizens, American citizens, to have their property expropriated and mismanaged by this illegal and criminal government which now governs Cuba, but rather we will say clearly to the world that you have to choose between a democracy of America and American citizens whose rights are being abused, and in the instances of 2 weeks ago actually being killed, at the hands of this dictatorship, or you can choose the Government of Cuba operated by a dictator.

That is what this bill essentially says. It says to the world it is time to choose up in this confrontation. Unfortunately, this administration has had a schizophrenic, almost bumper-car approach to its foreign policy, but also on its policy to Cuba, it almost looks as if with Cuba they are looking through the eyes of the radical chic, the 1960's view of the world, which still views Castro as some sort of character of sympathy or character of international quality, whereas, in fact, he has proven himself over 37 years to be nothing more than a petty 2-cent dictator who has oppressed his people for his own personal gain.

Yet, this administration is not willing to face up to that, or has not been until American citizens lives were lost. Now we are going to give this administration and this country some teeth to come forward and say to Cuba, "No longer will we tolerate your form of government and to support the Cuban people and especially Cuban Americans who have lost their property in that nation."

So I want to commend again this bill, and I want to commend the authors of this bill. I was one of the original coauthors of this bill. I strongly support its initiatives, and I congratulate the Senator from North Carolina and the Senator from Georgia for bringing it forward today. I hope we will pass it overwhelmingly, send it to the White House, and we will finally see a definitive course from the White House by their signing this piece of legislation.

I yield back the remainder of my time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I believe we all want to promote a peaceful transition to democracy and economic liberalization in Cuba. Where we clearly differ is on how we get there.

Despite the recent tragic loss of life in the shootdown of two unarmed civilian aircraft by the Cuban Air Force, I continue to believe that the Cuba legislation before us takes us further away from achieving the goal of democracy and economic reform on the island of Cuba.

If anything, the conference agreement takes us even further down that wrong road than either the House- or Senate-passed versions of the bill did.

It is naive, in my view, to think that this bill or any sanctions legislation we might pass will succeed in forcing Castro to step aside when all similar actions in the past over many, many years have failed.

All we are likely to ensure is that the living conditions of the Cuban people are made even worse, making a mass exodus from for Miami the only attractive option. Taken to its most extreme, this bill could even provoke serious violence on the island.

In some ways, this legislation is even more problematic than earlier efforts to tighten the screws on Castro. I say this because its implications go well beyond United States and Cuban relations. It now allows that our foreign allies and friends can be sued in American courts for undertaking activities totally lawful in their own countries. It mandates that the Secretary of State deny entry into the United States those foreign businessmen and women and their families. Clearly, these measures can only alienate our allies and undermine American global foreign policy objectives.

Thirty-five years of policies of United States isolation have failed to change Castro, or convince our allies of the wisdom of our policy. Is it not time to try something else? I think of the success we had in Eastern Europe, when freedom, free thinking and democracy came over those countries as they opened. Is it not time to try a similar approach in Cuba, particularly when we think that it has now been 35 years that we have been trying this approach and we have had absolutely no success?

We are just about where we were—a little worse off with our relationship—35 years ago.

I continue to hold the view that contact and dialog between Havana and Washington is more likely to bring about democracy on the island of Cuba, not isolation and impoverishment. Perhaps if we took that approach, our allies would be more likely to support our policy with respect to Cuba, which virtually none of them do at this time.

The bill before us has gone through a number of changes since it was first introduced. However, no version to date resolves the fundamental problem that I have with the direction it takes U.S. policy. It takes us further down the road and leads to no where rather than reversing course, as we should have done years ago and can still do, and open up. When we have a free exchange of ideas in which we have free competition between democratic ideas and Communist ideas, democracy usually, one can say always, wins out.

I yield the floor.

Mr. DODD. Mr. President, I yield 5 minutes to my colleague from Illinois.

Mr. SIMON. Mr. President, I recognize this bill is going to pass, and I recognize the President is going to sign it. It is bad legislation. It is an emotional reaction to a situation that, obviously, all Americans are unhappy about. The action of Castro in shooting down those planes is indefensible. I have to add, our policy toward Cuba has been the basic cause of the friction. If that policy had changed a long time ago, those planes would not have been shot down.

I will take two examples—Cuba and China. Will anyone here suggest—and I do not for a moment defend the human rights policies of Fidel Castro—but does anyone here suggest that Cuba's human rights policy is worse than China's? Yet, what do we do? We say to China, "We are going to give you the MFN status, the favorable treatment on trade." When China growls, as the Presiding Officer knows, we quake.

I think it is a bad policy to have one policy like this on China and another totally different policy on Castro, who is not a threat to anybody. How many nations in the world follow the policy that we do on Cuba? None. Not even our good friend, Israel, who frequently, probably sometimes in embarrassment, votes with the United States. No nation follows our policy on Cuba. It just does not make sense.

Stephen Chapman had an op-ed piece in the Chicago Tribune—he is a regular columnist there—in which he quotes Senator DOLE as saying:

"Firmness and pressure" is what we have to use against Cuba. He says, "Firmness and pressure are what the United States has used against Castro since he came to power in 1959, and if they had succeeded, we wouldn't be dealing with him today. The Cuban dictator has outlasted eight American presidents, and the odds are good that Bill Clinton will also leave office long before Castro does. By any conceivable standard, our efforts to bring down his regime or force him into democratic reforms have been a monumental failure."

No question about it. If in the old days of the Soviet Union, the Soviets and Castro had gotten together and said, "How can we design American policy so Fidel Castro can stay in power," they could not have designed a better policy than the United States followed. It is absolutely self-defeating.

It is interesting how we treat two different incidents. Belorussia shot down two American balloonists—innocent balloonists. We protested. Belorussia apologized. The incident has been forgotten. Now, there are differences. One is that Cuba has not apologized, which they should. But the other difference is, those balloonists were completely innocent. They were not trying to overthrow the Government of Belorussia.

It is a different situation, but the response is obviously an emotional response on our part. Foreign policy ought to represent national interests and not national passion. What our policy toward Cuba represents is national passion, rather than national interests and a desire to get those electoral votes in Florida.

Now, both parties are guilty. I recognize that. That is not the way you ought to make foreign policy.

Mr. DODD. I yield 2 additional minutes to the Senator from Illinois.

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

Mr. SIMON. It does not make sense.

The bill that is before the Senate, among other things, codifies existing sanctions. That means, and I say to my colleague from Georgia and I say to my colleague from Wyoming, if BOB DOLE is elected President of the United States and wants some flexibility in dealing with Cuba, we have taken that away. I think we ought to leave flexibility in the hands of the President of the United States.

Canada's Trade Minister, quoting in the Washington Post:

"If the United States wants to get at Cuba, that's one thing. But what they are doing here is contrary to the relationship we have had with them and it is a violation of NAFTA." That is the Trade Minister of Canada.

I read, and I regret I did not cut out an article by a woman professor who is a Cuban exile who said we are just playing into Castro's hands. What he wants is for the United States to beat up on Castro so he can say, "I am standing up to this big bully."

In the Washington Post, March 3, Louis F. Desloge had an article in which he says, talking about this bill, "They may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba."

This is a Cuban-American exile. This whole thing just does not make sense. The only thing that makes sense is yielding to the national passion and yielding to electoral politics. It is not good foreign policy. I will vote against it.

Mr. DODD. Mr. President, I yield myself such time as I may consume. Let me thank my colleagues, Senator PELL of Rhode Island, Senator BINGAMAN of New Mexico, and my colleague from Illinois, Senator SIMON, for their statements here this morning.

Mr. President, I rise to express my strong opposition to this legislation. This piece of legislation before us is truly just a bad proposal, Mr. President. The unfortunate part of it is that it comes in the wake of a tragedy of significant proportions in the Straits of Florida. That is what makes it so difficult to act sensibly.

Obviously, the authors of the legislation had a difficult time, over a year or so, moving this bill forward for the obvious reasons that the bill is so flawed substantively that many Members were reluctant to sign on to it. However, in the wake of what I call a terrorist act in the straits of Florida by a rogue government attacking innocent pilots and unarmed planes, it is virtually impossible at this point to have an intelligent discussion about the specifics of this bill.

I suspect that today this measure will pass overwhelmingly, and I feel that is a great tragedy. I think it will come back to haunt us terribly. With the provisions of this bill—we are carving out exceptions that will create a nightmare for us in our Federal courts, in our consular offices, in our relations with our friends and allies—I will go through the reasons why here this morning.

I certainly want to begin my remarks, Mr. President, by saying to my colleagues and others, and particularly to the families of these young men who lost their lives at the hands of an armed MiG attacking single-engine planes, Piper-Cubs how much I regret that violent act. To me it does not matter whether they were flying over Havana. It is inexcusable for a heavily armed plane to attack unarmed commercial private planes under any circumstances.

The debate ought not be about whether or not we are all horrified and angry over what happened a week ago Saturday in the straits of Florida. That is not the debate. I think people agree with the President's actions—he spoke out clearly on this issue immediately. I want to applaud Madeleine Albright, our Ambassador at the United Nations, who did a remarkable job. Getting the People's Republic of China to agree to a statement of condemnation was no small feat considering the relationship that exists between Cuba and the PRC. The fact she

was able to do that speaks volumes about her ability as our Ambassador.

I regret we did not build on that particular momentum and seek to expand the support within the United Nations for other joint initiatives which might have had even a greater effect on Cuban behavior. As we all know, every time there has been an issue in the United Nations on the Cuban embargo, we get two or three votes in support of our policy and that is it. We get clobbered on this issue. I suspect as a result of the legislation we are about to adopt here today that will be the case once again. Instead of building on Ambassador Albright's efforts, the Security Council will now squander that particular achievement.

Mr. President, again, I do not take a back seat to anybody when it comes to condemnation of this act. I do not take a back seat to anyone in my desire to see change in Cuba. It is a dictatorship. No other way to describe it. That is what it is. Our hope is that democracy will come to this island as the last nation in this hemisphere to be denied the opportunity of its own people to choose its own leadership.

In the strongest of possible terms, Mr. President, I would say to my colleagues that I carry no brief for the Cuban Government—none whatsoever. Nor do any of my colleagues who join me in opposition to this bill. Our opposition to this legislation is rooted in something that each and every one of us ought to ask ourselves when we consider any bill that comes before the Congress, particularly one involving international relations: Is it good for my country first and foremost? It is not about Cuba, not about Castro, not about others. It is strictly is it good for us? What does it do to my country? I am a U.S. Senator; I am not a Senator for any particular group. I am not a Senator for any particular nation except my own.

So the first, threshold question is: What does this bill do to my people, to my country, to my interests?

I will make the case here this morning that this bill is devastating to my people and to my country. It is foolish. Despite the obvious emotion surrounding what happened last week, we ought to be looking carefully at the contents of this measure. There is a reason why the Senate is a deliberate body—why we follow a process here.

The consideration of this bill has been anything but deliberative. We had no markup of this bill in the Senate Foreign Relations Committee, not a markup of this bill. We held a hearing on a very early version of the bill and no followup hearings once the legislation had been significantly altered. The bill itself came directly to the Senate floor without any vote to report it from the committee of jurisdiction.

Normally, on a bill of this significance, this magnitude, considering what an exception we are creating in law, you would have thought we would have had extensive hearings and a markup in the Senate Foreign Relations Committee. That was not the case. The conference was similarly conducted with the proponents of the bill working behind closed doors to produce yet another version of the bill.

By the way, the bill has been changed at least four times on the Senate side alone. Similarly the final conference agreement is decidedly different than either the House or Senate passed bills I am sure my colleagues have not read all the details of it. I do not expect them to; they are busy. Nonetheless, we are about to vote on something here that is just bad law.

There is a reason why we take our time in the U.S. Senate. It is because we do not want to react to the emotion of the moment. We have seen too many occasions, historically, when this body, because of the emotions of the moment, has passed legislation and looked back only weeks later and wondered what it was doing at the time. If this is a good bill, it will be a good bill a week from now, a month from now, 6 months from now. If it is a bad piece of legislation, it does not change. Taking a few days, which we are not going to have, to analyze the implications of enacting this measure into law, how it will affect our country, is the least we ought to be able to do.

I will make a case here—by the way, for the many people who showed up in the Orange Bowl the other day who may have claims, against the Cuban Government who think that they are going to be able to seek compensation once this bill becomes law. They may not know it, but many of them are excluded from exercising the right of private action included in this bill.

Pay attention, Cuban-Americans, pay attention. The majority of you are probably not going to benefit from this legislation. It is the fat cats who are going to get the money, not you. Pay attention to this bill and pay attention to those who would seek to have this legislation passed and what their interests are.

So, again, I regret we are moving as quickly here as we are, carving out unique and special pieces of legislation that I think will come back to haunt us very, very quickly.

Mr. President, let me take some time here, if I can, just to go over some of the provisions contained in the conference agreement. I probably have had more time than some of my colleagues to follow the changes that have been made in this legislation. In my view, the fundamental premises of this legislation remain fatally flawed; namely, that it will strangle Fidel Castro, causing him to scream "uncle" and step down; that our allies will be bludgeoned—we are going to beat up our allies—into going along with this approach; and that there will be no negative consequences to the United States, to the American people, or to the myriad other outstanding foreign policy concerns that we have in common with our allies around the globe.

It may seem trite to say this, Mr. President, but I believe, as I said a moment ago, that our legislative process as it has evolved with experience exists to protect citizens from bad laws. There is a reason that we normally hold hearings on legislative proposals and conduct markups to examine highly complex issues. There is a reason we seek to take testimony from recognized experts on the implications of a measure, intended or unintended. There is a reason that our Founding Fathers provided for the possibility of extended debate in the U.S. Senate. We all know why. It is to try to at least protect against the passage of bad laws.

In the case of this legislation, we have short-circuited that process, particularly in the U.S. Senate. Most Members of this body, let alone the general public, do not have the vaguest idea what is in this legislation before us. The conference report was only available yesterday—and on a very limited basis, I might point out.

Suffice it to say, the final version of the Helms–Burton bill is worse than the previous versions that passed either body of this Congress last year. I fear many of us are going to be in for a surprise once legal experts and others have an opportunity to review this bill. Unfortunately, that will not happen until it has already become law.

As I said on numerous occasions, the stated purposes of the legislation are laudable. I do not have any debate with what the purposes are: to assist the Cuban people in regaining their freedom and prosperity, to encourage the holding of free and fair elections, and to protect American nationals' property against confiscatory takings by the Castro regime. We all agree on that. That is not what is at issue. Unfortunately, the conferees on this measure adopted legislation that will not make any of this achievable.

We only have a couple of hours to make the case against this bill. I will attempt to do that this morning. I would say that I believe we would all have been better served had outside analysts had an opportunity to review and comment on this measure before we vote. That isn't going to be possible.

Let me begin by highlighting some of the more problematic provisions in the final conference agreement that were in neither the House bill nor the Senate-passed bill as it came out of conference.

First among these is codification in law of all current embargo regulations. Let me point out here, this is unique, what we are about to do here and pass

here. To the best of my knowledge we have never codified in law outstanding regulations and executive orders targeted at Libya, Iran, Iraq, China, Vietnam, North Korea—none of these countries. We are now going to say, with regard to Cuba, that all of the sanctions and regulations are now going to be codified into law. Senator SIMON of Illinois was making this point. Any effort on the part of this President or future Presidents to in any way modify what are normally executive branch decisions when it comes to economic sanctions can occur only once we enact a law to change them until democracy has come to Cuba. We have never taken such a draconian action anyplace else in the world. This is really going far beyond anything we have ever done. As angry as we were about what happened to our hostages in Iran, as angry as we were about what happened in Iraq, as angry as we are about what could happen in North Korea, or as we watch the human rights abuses in China, yet Presidents have had the flexibility to deal with those situations through executive orders and the promulgation of regulations.

In the case of Cuba that isn't tough enough. Read the bill; we codify these sanctions. That is unwise foreign policy. It is unwise. Yet the emotions of the moment are carrying us along here. We are going to be looking back in a matter of days and saying, "My Lord, what did we do here by doing that?"

So that is my first concern. I urge my colleagues to look at section 102(h) of the conference agreement. We have never, in my view, done that before. We have imposed a lot of sanctions and done a lot of things, but codifying them all into law is, I think, very dangerous. With the codification of the embargo regulations we have tied the hands of this and future Presidents, as I said a moment ago, in their efforts to respond flexibly to changes that we hope will occur in Havana. None of us knows for sure if they will. They may not. But if they do, Presidents ought to have the ability to respond to that. Make no mistake about what this codification does. It sidelines, our Government as a participant in facilitating positive change in Cuba for the foreseeable future.

Let me turn to what I believe is the most troublesome provision in this conference report, and that is title III. This title, which was deleted from the Senate-passed version, grants a private right of action to some individuals who have had property expropriated by Fidel Castro. While the sponsors have tinkered with this title continuously in response to criticisms leveled against it, the essence of this title remains fundamentally the same and, therefore, continues to be objectionable.

Instead of the United States utilizing the Foreign Claims Settlement Commission to validate the claims of American citizens and the U.S. Government to then espouse those claims with the foreign government that has taken U.S. citizens' property to obtain compensation—which, by the way, has been the practice for more than 40 years—our Federal court system, the Federal court system, now will be given the role of effecting compensation for expropriated property claims.

By the way, the historic treatment by the United States of expropriated property claims is not unique to our country. It has been international law for 46 years. So, all of a sudden, 46 years of law and practice world wide are going to be overturned for one particular country in one part of the world.

Moreover, this legislation will broaden the universe of those eligible to be compensated to include individuals who were not U.S. citizens at the time their property was taken. For those who follow this expropriation of property without compensation, a fundamental principle for 46 years internationally has been that you must have been a citizen of the country that seeks to espouse your claim at the time the property was taken. That is, you must have been a United States citizen, in this case, at the time your property was expropriated in Cuba. That is the rule internationally.

We are now saying, "No, in this case you do not have to be a U.S. citizen at the time of the expropriation, and you go to the Federal courts." I urge my colleagues, no matter how angry you are about what happened a week ago, consider what we are doing here. We have already rejected over the years similar attempts to change the eligibility requirements for property compensation cases.

So my colleagues on the Foreign Relations Committee will recall it was a difficult case—expropriation of property. They came and said, "Won't you allow Hungarians who were not citizens at the time to be able to be covered in the compensation program?" We said as a body here, "We are deeply sorry. We understand your point. You have a vehicle available to you through your courts. If we carve out an exception for you, then what are we going to say to Polish-Americans, Chinese-Americans, Vietnamese-Americans, and Arab-Americans?" Up until now, we have said "no" to them. Now we are saying "yes" here. Now we are going to have to back other countries, I presume, who are likely to seek similar treatment.

No matter how angry we are, to carve out an exception to one country here and deny others the opportunity is a bad, bad practice.

The principle of international law and practice in the area of expropriation is very well established. Let me quote from the legal brief prepared by Mr. Robert Muse which summarizes very clearly the international law of claims:

> If international law is to apply to a governmental taking of property, a party claiming the loss must occupy at the time of loss the status of an alien with respect to the Government that took the property. The injured person must be a foreign national.

The U.S. courts have stated on numerous occasions that confiscations by a State of the property of its own nationals, no matter how flagrant and regardless of whether other compensation has been provided, do not constitute violations of international law.

This is not the first time, as I said a moment ago, an effort has been made to mandate legislatively that the United States depart from the nationality principle of international claims laws. Fortunately, on those occasions Congress wisely rejected such efforts.

During the 84th Congress the Senate Foreign Relations Committee expressed very clearly why that should not be done in its report dealing with claims programs related to property losses in Hungary, Romania, and Bulgaria.

The committee said:

> The committee has carefully considered the arguments advanced in support of the proposed extension of eligibility which, if adopted, would mark the first time in claims history of the United States that a declaration of intention was equated with citizenship. While sympathetic to the plight of those unfortunate individuals who are not American citizens when they sustained war losses, the committee has to keep utmost in view the interests of those individuals who did possess American nationality at the time of the loss.

That is why I said our first responsibility is to our own citizenry—to American citizens. We are placing them in second-class status. That is why in the 84th Congress we rejected, no matter how laudable, no matter how sympathetic we are to the claims of Hungarians, Rumanians, and Bulgarians, we said, "No. We are sorry. We cannot do that." Today we are about to reverse that. Forget the other countries where individuals may have similar cases to make. They, of course, will not be handled accordingly, although they may come forward and seek similar treatment, I presume, once this legislation has been adopted.

The committee went on to say, "Further, these persons who have a paramount claim [speaking about American citizens] to any funds which may be available to include the not-national-in-origin group will only dilute the funds still further and increase the injustice to American owners."

So here you are going to take an action that is likely to increase the injustice against those American citizens whose property was taken by Castro—1,911 of them. I say that because their chances of being fully compensated for their losses once this bill passes will be worse than beforehand because of the

vastly expanded pool of claimants produced by this bill. In essence we are taking funds that might otherwise be available to them and diluting them by carving out this one exception to our global property claims programs.

So, if you run to pass this bill and sign up for it, remember what you are doing. You are taking American citizens and putting them in second place. U.S. citizens at the time of the expropriation get second-class status when this bill passes because we are caught up in the emotion and the horror of what happened a week ago. Why not slow down and take a few days and think about what we are doing here instead of jamming this through on the emotion of the moment?

Proponents of the Helms–Burton legislation appear to be indifferent, I must say, to the injustice that this legislation will entail to certified American claimants, although these claimants are terribly mindful of it and for that reason continue to oppose title III in this bill.

I ask unanimous consent to have printed in the RECORD a February 29 letter that we received from one of the largest U.S. claimants, Mr. David Wallace, chairman of Lone Star Industries, who states quite clearly his opposition to this change in law and practice.

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

JOINT CORPORATE COMMITTEE
ON CUBAN CLAIMS,
Stamford, CT, February 29, 1996.

Hon. CHRISTOPHER J. DODD,
Ranking Member, Foreign Relations Subcommittee on Western Hemisphere and Peace Corps Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DODD: As Chairman of Lonestar Industries and on behalf of the Joint Corporate Committee on Cuban Claims, I want to express my deep appreciation for your unwavering leadership in standing up for the rights of U.S. certified claimants.

The Joint Corporate Committee deplores the recent actions of the Cuban Government in the strongest possible terms, but as egregious as those actions are, we should not let the passions of the day lead us to uncritically enact legislation that is harmful to the rights of U.S. certified claimants, contrary to international law, and constitutionally suspect.

As I've indicated in my previous communications to you, Title III of the Helms-Burton bill will lead to a flood of litigation in our federal courts. As you know, the Title is so broadly drafted that not only third country foreign investors would be subject to suit in U.S. courts for "trafficking" in confiscated properties, but agencies and instrumentalities of the Government of Cuba also would be subject to suit. As a consequence, we can reasonably expect that tens if not hundreds of thousands of Cuban-Americans will file Title III lawsuits for the property losses they suffered over thirty years ago as Cuban nationals.

Apart from the burden these lawsuits will place on our already clogged federal court system, serious constitutional questions arise that may result in substantial liability to our government. The harm U.S. certified claimants will suffer as a result of the enactment of Title III is indisputable. The U.S. State Department has estimated the total value of Cuban-American claims at $94 billion. U.S. certified claims, by contrast, total $6 billion. Faced with the prospect of tens of billions of dollars in federal court judgments, the Cuban Government will have neither the means nor the incentive to negotiate a settlement of the U.S. certified claims. This effective nullification of the property interests of the U.S. certified claimants is not without consequence. Under the takings clause of the Fifth Amendment, if the U.S. Government elects to advance a foreign policy objective at the expense of the certified claims lawfully held by its citizens, it will be required to pay just compensation to that group of citizens. In other words, by enacting Title III, we may be putting the U.S. taxpayer in the shoes of the Government of Cuba—ironically, the very Government this legislation seeks to punish—to pay the debt these claimants are owed under international law.

Finally, the creation of a lawsuit right that benefits one national origin group, Cuban-Americans, at the exclusion of all others, will not be tolerated under our Constitution. The equal protection clause of the Constitution will require the extension of this lawsuit right to other national origin groups. Consequently, Vietnamese-Americans, for example, will be able to sue U.S. companies that today or in the future are "trafficking" in the properties they once owned as nationals of Vietnam. The same right will be extended to all naturalized citizens who have lost properties in their native countries as a result of governmental actions.

I regret that in its haste to demonstrate our abhorrence of the Castro regime's actions, Congress is prepared to enact ill-conceived legislation that, apart from strengthening sanctions against the Cuban Government, will penalize U.S. certified claimants and create a myriad of undesirable domestic consequences. Your principled opposition to Title III and your resolute support of the claimants is all the more appreciated under these difficult circumstances.

Sincerely,

DAVID W. WALLACE.

Mr. DODD. Mr. President, ironically title III, which has been so fiercely defended by its sponsors, is not going to do much to harm Fidel Castro either. He is not likely to make himself available, as I point out, as a defendant in our courts coming down the road.

Mr. President, this legislation will have serious implications on our Federal court system, on the value of claims of certified U.S. claimants and on our relations with our close trading partners who will feel much of the brunt of these lawsuits. If this new approach to resolving expropriated claims is so good, why do a number of the largest U.S. certified claimants continue to oppose the legislation?

I believe that many of my colleagues in the Senate had come to share my view that title III was not in the interest of the United States and, for that reason, they joined in opposing its inclusion in the Senate-passed version of the bill.

While the events of a week ago Saturday were tragic and senseless, Mr. President, they do not in any way change the fact that title III is contrary to the interests of our country, of the United States, and inconsistent, as I have tried to point out, with international law.

To disregard, without even a markup in our committee, 46 years of international law and practice in the handling of expropriation issues, as this title does clearly, is foolhardy, in my view.

There is also a question of whether title III is constitutional because of the equal protection provisions of law.

But even if on narrow legal grounds this bill stands the constitutional test, on political grounds it is indefensible, Mr. President. As I said earlier, why should not Polish-Americans, Vietnamese-Americans, Arab-Americans—the list of 38 countries where we have claims outstanding—be granted similar access to our United States courts? Will they not come forward tomorrow, or the next day, and demand equal treatment as we are giving in this particular case? Why not? Is this somehow different than the horrors that went on in Poland, or Vietnam, or China? Is anyone going to stand up on this floor and suggest to me that they are somehow different, were not quite as bad as what goes on in Cuba when we lose four citizens in a tragic act of shooting these people down, as horrible as it is?

What about the young people on the Pan Am flight that we now know Libya was involved with? What about claims there? They have a case to make? I do not see them included in this bill.

What happened under the Communist regimes before? Where are they here? They had their property expropriated and taken from them. Why are they not included in this bill? If I were they, I would be angry. This is special-interest legislation carving out extraordinary treatment for a special group.

By the way, in order to exercise the provisions of title III with respect to the right of private action you will have to have a claim worth more than $50,000—I will get to that in a minute—so your average poor Cuban is not included in this. Out of 5,911 U.S. certified claims, only slightly more than 800 will benefit from title III. The rest of them are excluded. Pay attention, Cuban-Americans. Pay attention to what this bill does or doesn't do for most of you. You are not going to get any benefit. It is the fat cats who are going to benefit. The tobacco and the rum interests are going to be the beneficiaries of this. Read carefully how the law is written here.

So, Mr. President, to all of those who say they support title III of this bill, I would say that I hope they have had an opportunity to study the final version and understand the implications. I suspect, for example, that when the more than 85 percent of the 5,911 U.S. certified claimants discover that they are

precluded by provisions in this title from availing themselves of this new private right of action, they are going to be doubly opposed to this bill. Unfortunately, they will not find out until it is passed.

In the final conference report, the sponsors sought to address a significant criticism leveled against this title—that it would cause an avalanche of lawsuits in our courts. They have responded to that by putting a floor on the value of the claims that will be admissible in U.S. court in adjudication. Putting aside my underlying objection to that, the floor in the bill is $50,000. The problem with their efforts to limit lawsuits is that only suits that are really excluded by this floor are those by U.S. certified claimants whose property has already been valued at $50,000 or less.

Can you imagine, in 1959, $50,000 of value of United States citizen property in Cuba? It has to be valued at the time of the taking, by the way. As a result of that, you are seeing here a situation where 85 percent of the 5,911 certified claimants get excluded. They cannot go to court here—just the 800 or so people that have claims in excess of that can. I presume that Cuban/Americans who were ineligible to submit their claims to the Foreign Claims Settlement Commission and who therefore have no particular value associated with their claim will start alleging claims in excess of $50,000 so that they can get access to the courts.

On the other hand, of course, the $50,000 floor is not likely, as I said, to limit filing of lawsuits by Cuban-American claimants. They are obviously going to allege more than $50,000. You can argue $50,001 and you get into court. That is available to them. But our people, U.S. citizens, who have already been certified by the commission as having a property value of $50,000 or less can't try the same thing. These U.S. citizens are out of luck.

Again, let us remind ourselves why we are here, who we represent, to whom is our first obligation. Last time I looked it was to U.S. citizens—U.S. citizens. That is my first obligation, U.S. citizens. They get taken to the cleaners on this; 85 percent of them do not get any advantage under this. And for the bulk of people who have claims of less than $50,000 who were not United States citizens when their property was taken, they will allege more and they get to access to our courts. So U.S. citizens lose. U.S. citizens lose. Clearly, these small claimants would be foolish, as I said earlier, not to avail themselves of this relief by alleging a claim in excess of $50,000.

They can claim that their property falls above the threshold value, file suit and attempt to convince the courts that they qualify for a positive judgment. At the very least, this will put them in a position to perhaps negotiate a side deal with the alleged offending party, clearly permissible under this law, negotiation of a deal.

I predict that even in this latest version there will be a flood of lawsuits in our courts. What is most troubling about putting our courts at the centerpiece of this legislation is that it transforms our judicial system, the principal duty of which is to adjudicate legal disputes, into an instrument of U.S. foreign policy, something we have always tried to avoid in this body, always tried to avoid. Do not turn your courts into an instrument of foreign policy. And yet this provision of this bill not only vaguely requires that; it insists upon it.

So all of a sudden we say to the Federal courts now, with all the complaints we get from our States about the overload of work, here comes another load of work in your lap. When people start complaining about handling criminal cases in the United States and drug cases, consider the fact you are going to be inundated now with a bunch of claims matters, that we have all of a sudden involved you in a foreign policy matter with Cuba.

The inclusion of periodic Presidential waiver authority in this title, in my view, does not change that conclusion at all—this is bad law.

There are also serious problems with other parts of the legislation, Mr. President, provisions that restrict our ability to provide assistance to Russian and other New Independent States countries. As angry as we are at Cuba and what the Cuban authorities have done, why are we going to jeopardize our relationship with Russia and the New Independent States. That is what the bill does. Read it.

I understand the anger. I understand the frustration. But why would we jeopardize the delicate relationship we are trying to build in Russia and the New Independent States and have those relationships hang on legislation here dealing with Cuba? That is not smart. That is dangerous, in my view.

Provisions in this bill also impact on our adherence to provisions of GATT and NAFTA, provisions that seek to micromanage our relationships with future Cuban Governments—post-Castro governments.

Let me predict right now our allies' response to title IV of the bill. Let me spend a minute or so talking about this part of the bill. And people ought to pay attention to this so-called exclusion of certain aliens title of the bill. It is going to make foreign commerce and travel a nightmare, in my view, for our business community.

Title IV calls upon the Secretary of State—listen to this—calls upon the Secretary of State to deny entry into the United States to any alien whose been involved in the confiscation or trafficked in Cuban property formerly owned by a United States national. The actions called for by title IV, require that the Secretary of State and the Attorney General deny entry into the United States by any foreign business person, foreign official and their family members for an activity which is lawful in the country where that person is a citizen and consistent with international law. This action flies in the face of international commitments we have made. We talking about potentially a great many countries being effected here.

I ask unanimous consent that this list be printed in the RECORD.

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

U.S.-CUBA TRADE AND ECONOMIC COUNCIL, INC.

NON-UNITED STATES COMPANIES AND THE REPUBLIC OF CUBA

Corporations and companies cited in the international media as having commercial activities with the Republic of Cuba.

Australia: Western Mining Corp.

Austria: Rogner Group (tourism)

Brazil: Andrade Gutierrez Perforacao (oil), Coco Heavy Equipement Factory (sugar), Petrobras S.A. (oil).

Canada: Advanced Laboratories (manufacturing), Anglers Petroleum International, Bow Valley Industries Ltd. (oil), Canada Northwest Energy Ltd. (oil), Caribgold Resources Inc. (mining), Commonwealth Hospitality Ltd. (tourism), Delta Hotels (tourism), Extel Financial Ltd., Fermount Resources Inc. (oil), Fortuna Petroleum, Fracmaster (oil), Globafon, Havana House Cigar and Tobacco Ltd., Heath and Sherwood (oil), Hola Cuba, Holmer Goldmines, Joutel Resources (mining), LaBatt International Breweries, Marine Atlantic Consultant (shipping), MacDonalds Mines Exploration, Metal Mining, Mill City Gold Mining Corp, Miramar Mining Corp. (Minera Mantua), Pizza Nova (tourism), Realstar Group (tourism), Republic Goldfields, Scintres-Caribe (mining), Sherrit Inc. (mining), Talisman Energy Inc., Teck (mining), Toronto Communications, Val d'Or (mining), Wings of the World (tourism).

Chile: Dolphin Shoes (clothing), Ingelco S.A. (citrus), Latinexim (food/tourism), New World Fruit, Pole S.A. (citrus), Santa Ana (food/tourism), Santa Cruz Real Estate (tourism).

Colombia: SAM (an Avianca Co.) (tourism), Intercontinental Airlines, Representaciones Agudelo (sporting goods).

Ecuador: Caney Corp. (rum).

China: Neuke (manufacturing), Union de Companentes Industriales Cuba-China.

Dominican Republic: Import-Export SA (manufacturing), Meridiano (tourism).

France: Accord (tourism), Alcatel (telecommunications), Babcock (machinery), Bourgoin (oil), Compagnie Europeene des Petroles (oil), Devexport (machinery), Fives Lille (machinery), Geopetrol, Geoservice, Jetalson (construction), Maxims (cigars-owned by Pierre Cardin), OFD (oil), OM (tourism), Pernod Ricard Group (beverages/tourism), Pierre Cardin, Pompes Guinard (machinery), Societe Nationale des Tabacs (Seita) (tobacco), Sucres et Donrees (sugar), Thompson (air transport), Total (oil), Tour Mont Royal (tourism).

Germany: Condor Airlines (charters for Lufthansa), LTU (LTI in Cuba) (tourism).

Greece: Lola Fruits (citrus).

Holland: Curacao Drydock Company (Shipping), Golden Tulips (tourism), ING (banking), Niref (minerals).

Honduras: Facuss Foods.

Hong Kong: Pacific Cigar.

Israel: GBM (citrus), Tropical (manufacturing), World Textile Corp. S.A.

Italy: Benetton (textiles), Fratelli Cosulich (gambling), Going (tourism), Italcable (telecommunications), Italturis (tourism), Viaggo di Ventaglio (tourism).

Jamaica: Caricom Investments Ltd. (construction), Caricom Traders (Int'l mrktg of Cuban products), Intercarib (tourism), Superclubs (tourism).

Japan: Mitsubishi (auto'/tourism), Nissan Motor Corp. (auto), Nissho Iwai Corp. (sugar), Toyota, Sumitomo Trading Corp. (auto), Suzuki Motor Corp. (auto).

Mexico: Aero-Caribe (subsid. of Mexicana de Aviacion), Bufete Industrial, Cemex (construction), Cubacel Enterprises (telecommunications), Del Valle (manufacturing), Domeq (export-rum), DSC Consortium (tourism), Grupo Domos (telecommunications), Grupo Industrial Danta (textiles), Grupo Infra de Gases, Incorporacion International Comercial (beer), Industrias Unidas de Telephonia de Larga, Distancia, La Magdalena Cardboard Co., Mexpetrol (oil), Pemex, Bancomex, Mexican Petroleum Institute, Protexa, Bufete Industrial, Inggineiros Civiles Asociados, Equipos Petroleos Nacionales, Telecomunicacionales de Mexico, Vitro SA (manufacturing).

Panama: Bambi Trading

South Africa: Anglo-American Corp. (mining), Amsa (mining), De Beers Centenary (mining), Minorco (mining), Sanachan (fertilizers).

Spain: Caball de Basto (S.L., Camacho (manufacturing), Consorcio de Fabricantes Expanoles, Cofesa, Corporacion Interinsular Hispana S.A. (tourism), Esfera 2000 (tourism), Gal (manufacturing), Guitart Hotels S.A., Grupo Hotelero Sol, Hialsa Casamadrid Group, Iberia Travel, Iberostar S.A. (tourism), Kawama Caribbean Hotels, K.P. Winter Espanola (tourism), Miesa SA (energy), National Engineering and Technology Inc., Nueva Compania de Indias S.A., P&I Hotels, Raytur Hoteles, Sol Melia (tourism), Tabacalera S.A. (tobbaco), Tintas Gyr SA (ink manufacturer), Tryp (tourism), Tubos Reunidos Bilbao (manufacturing), Vegas de la Reina (wine imports).

Sweden: Foress (paper), Taurus Petroleum.

United Kingdom: Amersham (pharmaceuticals), BETA Funds International, Body Shop International (toiletries), British Borneo PLC (oil), Cable & wireless comm., Castrol (oil), ED&F Man (sugar), Fisions (pharmaceuticals), Glaxo (pharmaceuticals), Goldcorp Premier Ltd., (manufacturing), ICI Export (chemicals), Ninecastle Overseas Ltd., Premier Consolidated Oilfields, Rothschild (investment bank), Simon Petroleum Technology, Tate & Lyle (sugar), Tour World (tourism), Unilever (soap/detergent), Welcomme (pharmaceuticals).

Venezuela: Cervecera Nacional, Covencaucho, Fiveca (paper), Fotosilvestrie, Gibralter Trading (steel), Grupo Corimon, Grupo Quimico, Ibrabal Trading, Interlin, Intesica, Mamploca, Mamusa, Metalnez, MM Internacional, Pequiven, Plimero del Lago, Proagro, Sidor, Venepal, Venoco.

Mr. DODD. On this list are roughly 26 countries and nearly 200 foreign companies doing business in Cuba today. And so under this provision of title IV of the bill, as you go through the list now, we are going to have to go and I guess do a fact finding of some kind or another and determine whether or not—I presume that a lot of this may in some way touch on confiscated property in Cuba. Obviously, we have seen that happen—they were involved in confiscation. All these companies are going to have to go through it. And then, of course, we will have to let our consular service know because any one of the people involved in these companies or family members who seek to come to the United States can be stopped from coming. It is going to put us in a difficult situation in Australia, Austria, Brazil, Canada, Chile, and so on.

Read the language. If you do not think we are going to get reprisals from this nightmare, this quagmire, let us see what happens when an Israeli is denied a visa because some of their people are doing business in Cuba or what happens when Canadians try to come to this country. Do not think we are not going to feel the brunt of it.

Again, I ask my colleagues to read this legislation. This is unwise. This is unwise. Why are we not doing this in China? My Lord, there are human rights problems there. Imagine if you tried to do that here. You would be laughed off the floor if you tried it here, or Vietnam or other places. And yet are they any less guilty in a sense. And so here are 26 countries, most of them allies, where we are now going to have our immigration service at the gates denying entry to members of families of people who are doing business on property that may have been confiscated without compensation in Cuba.

Again, I urge my colleagues just look at what we are doing here; we are about to run through and adopt this legislation probably on an overwhelming vote, without for a moment considering and the consequences of it.

I know in some quarters it is considered good form to say the United States is prepared to renounce our trade agreements. I listened to the Presidential debate going on and certainly there are those who are against NAFTA and against GATT, well, we are about to do it here. You do not have to wait for Buchanan to become President of the United States. We are about to do it.

I do not think those of our citizens who count on the integrity of these agreements to protect the sanctity of their international business transactions find this acceptable. I for one take these national commitments seriously. When I vote on them here, I vote on them seriously because I think they are right and the right direction to go. I think most Americans do, and I think most of our colleagues do.

Overall, this bill is bad for U.S. business. It will undercut efforts by the United States to ensure that U.S. investors face a stable and predictable environment when they do business abroad.

We can hardly insist that our trading partners respect international law in the areas of trade and investment when we ourselves are prepared to violate it. Where is our moral high ground when we give these speeches around the world about the sanctity of the efforts to try and get the world to live by the rules we adopt. Here we are about to go in and just blow that apart on our own, and then presumably give a lecture to the rest of the world about how they ought to live up to these agreements.

I wonder what our response is going to be when other governments whose citizens are adversely affected by this legislation decide to enact some special interest legislation of their own directed at our people, our country, our citizens and their properties abroad. We are hardly going to be in any position to object or to assert some provision of international law in that situation.

This legislation, Mr. President, has a great deal of hortatory language. Much of it I agree with. For example, section 201 sets forth U.S. policy toward a transition and a democratic government in Cuba. It is good language. Among other things, it states that it is the policy of the United States to "support the self-determination of the Cuban people and to recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country."

Exercising their right, the right of the citizens of Cuba which must be exercised free of interference by the Government of any other country in that transition. Who can disagree with that? I could not have written it better myself. I love it. I think it is wonderful. However, the operative provisions of the bill are totally at odds with what we state is our policy in section 201. There are 19 criteria in this bill that the future Cuban government must meet—a future government, not the Castro government in order for the United States to engage in any significant way with that government. Nineteen criteria they have to meet, 19 of them, before we deem it to be in transition to democracy including when it should hold its elections—within 18 months, how and who must not be at the head of State.

Does this really constitute respect for self-determination? Can you imagine if we had these criteria with the New Independent States or in Russia? Do you know how difficult their transition has been, as they have wrestled with trying to form their own notion of democracy. When you want to help that process, nurture it, provide aid and assistance that would be impossible if this legislation governed our relations with those countries. We would be prohibited from doing it in this bill. Similarly even if Castro goes and the Cuban Government is in transition, we cannot do anything meaningful to assist until the requirements of the bill

have been met. That is foolhardy—foolhardy—to do that.

Mr. President, I have said on numerous occasions, when we consider foreign policy legislation of this nature—and I said at the outset—we have to ask ourselves two very basic questions: Is what is being proposed in the best interest of our own country, and is it likely to achieve the stated goals in the country to which it is directed?

Two basic questions: Is it good for my country, and is it likely to achieve the stated goals in the country that may be the target of the legislation?

In the case of the pending legislation, I think the answer to both of these questions is a resounding no.

I regretfully say that I think this is a bad bill, and for that reason, I strongly oppose it. I also realize that I may be in the minority, a small minority, but I could not stand here and watch this go by today and not point out the fundamental flaws in the whole approach.

I will point out again that I think it is dreadful what happened a week ago Saturday—dreadful what happened. There is no excuse for it. But if we rush to legislate a bill that has been around a year or so, and it has been around because, frankly, people had serious problems with it. The problems are not any less because of what happened last Saturday. This bill would have passed a long time ago if it had intelligent provisions in it dealing with how might effectively we deal with Castro.

The only reason it is up today is because of the tragedy a week ago. In fact, I argue the bill is worse today than before. There are a lot of provisions, as part of this conference report, that none of us ever voted on.

I realize this may be a futile effort on my behalf to urge my colleagues in the next few hours to do something, which I guess none of us do with great frequency. And that is to just read this conference report, in particular read title III and read title IV. Consider what we are about to do. I believe if you sit back objectively and look at this and see how we are changing so many things in this bill, carving out unique exceptions that, I think, are going to cause us serious problems, you will come to the same conclusions I have.

This does not diminish our determination to see change occur in Cuba, to see democracy and freedom come to the Cuban people; that Fidel Castro leave or that we find ways in which to effectively make our case that what happened there not only should not happen but must not happen again.

We will not forget what happened in the Straits of Florida, and we will not forget who is responsible. Let us not, in the emotion of the moment in dealing with that particular issue, do damage to ourselves. My sole point is this bill does damage to our country. It does damage to our citizens. It does damage to our ability as the leading superpower in the world today to negotiate and to conduct its foreign policy.

I ask unanimous consent to have printed in the RECORD a number of editorials and articles in opposition to this bill.

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

[From the Los Angeles Times, Mar. 3, 1996]

THE RECIPROCAL OBSESSION OF CASTRO AND WASHINGTON

(By Gaddis Smith)

NEW HAVEN, CT.—Throughout our history, the U.S. government, on the one hand, and whatever regime was in power in Cuba, on the other, have been prone to spasms of reciprocal obsession—marked by wild rhetoric, economic warfare and sometimes armed violence. Cuba's stupidly brutal shooting down of two U.S. civilian airplanes last weekend, and President Bill Clinton's subsequent surrender to Congress on maniacal legislation aimed at the destruction of Fidel Castro's regime, mark the latest spasm.

Today, no U.S. presidential candidate dares challenge the wisdom of escalating intervention against a small, if unpleasant, neighboring government. The angriest voices in Washington and Florida advocate a naval blockade and do not rule out invasion—ignoring international law and the opinion of other governments. This furor has an all-too familiar ring.

Since the early 19th century, Cuba's proximity to the United States, strategic location on the seaways of the Caribbean and economic importance have induced U.S. politicians to assert the right to dictate Cuba's foreign policy and internal arrangements. But the line between legitimate U.S. national-security interests in Cuba and domestic political partisanship has always been blurred.

For example, in 1853, Washington, influenced by the slaveholding states, tried to buy Cuba from Spain to increase the area of slaveholding and suppress a feared insurrection of slaves in Cuba and its spread to the United States. Spain refused to sell. In response, three senior U.S. diplomats—including soon-to-be President James Buchanan—issued the "Ostend Manifesto," which argued that Spain's continued possession of Cuba threatened "our internal peace and the existence of our cherished Union." If we cannot acquire Cuba in any other way, said the diplomats, we should take it through war. Nothing came of this because the United States was hurtling toward civil war—but its tone and its intimate connection to politics in the United States set a pattern.

In the 1870s and again in the 1890s, the Cuban people rose in armed rebellion against the Spanish colonial regime. The Spaniards became alarmed, with good reason, over the support for the rebels coming from the United States, in general, and Cuban Americans, in particular.

Spain suppressed the first insurrection, but not the second, in 1895-98. This time, Cuba was a far hotter issue in U.S. politics—thanks to coverage by mass-circulation newspapers, deeper economic interconnections, the strident lobbying of Cuban Americans and heightened concerns in Washington over the strategic security of the Caribbean. President William McKinley, eager to assure his reelection, joined those who said Spain must be ousted. The sinking, in Havana harbor, of the U.S. battleship Maine as a result of an internal explosion in February 1898, (260 Americans died) inflamed a war spirit—though it is highly unlikely that the Spanish government was responsible. McKinley did not make a serious effort to negotiate. The Spanish government, in turn, preferred war to what it considered dishonorable concessions. And war it was—"the splendid little war" of 1898. Spain lost Cuba—along with Puerto Rico and the Philippines.

The Cuban freedom fighters expected immediate independence. Instead, the United States militarily occupied the island for four years, then imposed, through the Platt Amendment, its right to control Cuba's foreign relations and to intervene, with troops if necessary, in the country's internal affairs. President Franklin D. Roosevelt formally relinquished these rights in 1934—but U.S. influence remained pervasive.

Fast-forward to Jan. 1, 1959. Fulgencio Batista, a corrupt and non-ideological dictator, fled Havana and Castro, leader of a successful rebellion, entered the city and established the regime he heads to this day. Scholars debate whether the regime was communist from the outset or became so within a year or two. They also debate whether an accommodating posture by Washington, instead of an obsession with undermining the regime, could have preserved amicable relations. Or were Castro's obsession with Washington as the source of all Cuba's problems and his welcome of the Soviet Union as protector the real obstacles? There can be no question, however, that a pattern of reciprocal obsession and provocation was evident from the outset. Washington organized an exile force to invade Cuba at the Bay of Pigs in April 1961. It was, as one historian said, "the perfect failure."

More serious, of course, was the 1962 crisis over the placement of Soviet nuclear missiles in Cuba—the most dangerous moment of the Cold War and a genuine threat to U.S. security. Castro was ignored in the negotiated Soviet-U.S. settlement. The Russians removed the missiles and Washington promised not to invade Cuba.

For the next 30 years, Castro poked his finger in Uncle Sam's eye at every opportunity—supporting leftist revolutionaries in Latin America, sending troops to Africa at Moscow's behest—and Washington did everything possible to inflict economic pain and make Cuba a pariah state—only to be thwarted by the subsidies sent to Castro by the Soviet Union.

With the end of the Cold War and disappearance of the Soviet Union, easing tensions, even normalizing relations, might have been expected. But objective security interests and domestic politics are different matters. Castro was too proud—and too convinced of U.S. hostility—to make conciliatory gestures toward Washington. Castro also believed that Mikhail S. Gorbachev lost control of the Soviet Union because he abandoned a repressive political system. Castro says he will not make the same mistake. And in the United States, politicians of both parties competed for the support of the Cuban American community by demonstrating how tough they could be on Castro.

By 1995, Republicans in Congress appeared to have won the tough-posture competition. The Helms-Burton bill—officially the Cuban Liberty and Democratic Solidarity Bill—sets new heights of obsession with Cuba and pretensions for dictating that country's future. And it has gained tremendous momentum since the planes were shot down.

The bill's purpose is unequivocal: Use economic strangulation to eliminate Castro,

then establish, with military help, a transitional government and market economy under U.S. supervision, followed by free elections. These measures are justified both on the idealistic ground that Castro is a violator of human rights—which he is—and on a fanciful description of his regime as a threat to U.S. security and international peace. The bill's arrogant and overblown rhetoric recalls the Ostend Manifesto and its specific provisions are more intrusive than the Platt Amendment of 1903–34.

Helms-Burton assumes that Castro is on the edge of a cliff and the Cuban economy is in shambles. But both assumptions are wrong. Castro is paranoiac about internal criticism, but remains popular. And the island's economy is reviving with expanding trade and considerable new investment from Canada and Europe.

This trade and foreign investment are the real targets of Helms-Burton. If its provisions become law, and are sustained in the courts, they would burn down the house of U.S. foreign policy. Seeking to overthrow the regime of one little country, the law inflicts great injury to the larger fabric of U.S. trade and investment.

The key provisions flow from the assertion that the confiscation and nationalization of private property in Cuba, carried out by the regime sine 1959, violates U.S. and international law. Therefore, any person, corporation or state entity engaging in trade and investment in Cuba is likely to be "trafficking" with stolen property—since, by definition, virtually all economic activity in Cuba is based on confiscated property. Any current U.S. citizen, or any U.S. corporation—like the Bacardi rum company—with a claim to such property can sue these "traffickers" in U.S. courts and be awarded damages.

Furthermore, individual traffickers, or officers or controlling stockholders of trafficking corporations—including their spouses and children—can be excluded from the United States. In theory, the son or daughter of an executive of a Canadian hotel company with Cuban interests attending school in the United States could be deported. The bill's implementation would create a nightmare for U.S. courts and would violate major treaties and international-trade agreements.

Last summer, Secretary of State Warren M. Christopher recommended that Clinton veto the bill when and if it came to his desk. Until Feb. 24, the chances of the bill being passed and signed were slight. But then Castro blundered into the hands of his enemies—by authorizing the destruction of the two civilian planes flown by the Brothers to the Rescue group. The Cuban government is brazenly unapologetic and said it was defending its sovereignty—but even Castro's newest friend, China, has joined in deploring the deed.

By this action, Castro achieved what his most fervent critics in Congress could not: He persuaded Clinton to agree to Helms-Burton. Clinton, like McKinley in 1898, wants a second term. The final details of the legislation remain to be worked out, but the president said he will sign. Reciprocal obsessions have again triumphed.

[From the Washington Post, Feb. 29, 1996]

U.S. POLICY: HELD HOSTAGE IN MIAMI

(By Richard Cohen)

Question: Who sets U.S. policy toward Cuba?

(A) The president.

(B) Congress.

(C) Any Cuban American with an airplane.

The answer, apparently, is "C"—or, if you'd like a name, Jose Basulto. He is the leader of Brothers to the Rescue, the humanitarian group with a political mission, and a survivor of the recent massacre in the skies near (or over) Cuban waters. Four others died when their unarmed Cessnas were downed by Cuban MiGs. They were brave men.

It is important to say, as the American government has, that Cuba was wrong. The downing of the two planes, no matter what their location, was a violation of international law—not to mention common decency. It was as if the police here had caught some burglars red-handed, determined they were unarmed and executed them on the spot. Fidel Castro committed murder—and not for the first time.

Whatever its faults, though, the nature of the Castro regime is well known. It is a museum piece, a relic of the communist era, frozen in ideological amber and, like Pavlov's famous dog, predictable in its reaction to certain stimuli. After years of a U.S. embargo—after the Bay of Pigs and other CIA operations, after Radio Marti and numerous attempts at coups, a farcical facial (the CIA tried to make his beard fall out) and, probably, assassination—it would be just plain insulting to call Castro paranoid. The man has enemies, and they are out to kill him.

One of them, in fact, is Basulto. Not only was he flying the one plane that was not downed, but he announced himself to the Cuban authorities as the guy in the cockpit: "Cordial greetings from Brothers to the Rescue, from its president, Jose Basulto, who is talking."

That greeting, it turned out, was met with a warning: "Sir, be informed that the north zone of Havana is activated." Basulto was then told he was in "danger," and he responded with an acknowledgment: "We are aware that we are in danger each time we cross the area to the south of the 24th [parallel], but we are willing to do it as free Cubans."

Ah, but Basulto is not merely a "free Cuban." He is also a Cuban American. As such he reminds me of those zealous Israeli settlers who, citing the Bible, declare a certain spot divinely zoned for Jewish occupation and promptly establish a settlement there. The Arabs respond with clenched teeth and unsheathed daggers, and the settlers demand that the Israeli army protect them. Which side are you on? they demand to know, ours or the Arabs? The army moves in.

In this case, the Clinton administration is playing the role of the Israeli army: Deep down it has all sorts of reservations about the United States' traditional Cuba policy, but it cannot afford to show good sense lest it be seen as weakness. The boycott of Cuba has done little more than make the Cuban people miserable. Castro remains—resplendent, entrenched and still wearing those silly fatigues. He is no more and no less a communist than the leaders of Vietnam, old foes with whom we now do business.

The influence Cuban Americans have over U.S.-Cuba policy is neither illegitimate nor novel. American Jews have a passionate concern about Israel, and the Irish here are intensely interested in the Irish there. One might even suggest that the recent U.S. occupation of Haiti would not have happened were it not for the political clout of African Americans—an assertion, you might say; a fact, I would insist.

Yet, some Cuban Americans are in a class of their own. Basulto, for one, does more than write his congressman or raise money. He was at the Bay of Pigs and, a year later (1962), was one of 23 men who took two converted PT boats into Cuban waters and shelled a Havana suburb. The Associated Press named him "the man behind the gun." Since then, he has formed Brothers to the Rescue, which, among other things, has dropped anti-Castro leaflets on Havana, testing the dictator's celebrated sense of humor.

Basulto had been warned by both Washington and Havana to watch his step. That does not excuse the subsequent killings, but it does tend to explain them. The same holds for Washington's policy toward Havana. It's easy enough to explain why Washington toughened the embargo in response to the shoot-down (all those votes in Florida), but harder to excuse. It makes little sense. Toughening the embargo causes ordinary Cubans—not Castro—to suffer even more.

The Clinton administration had little choice but to get tougher with Castro. But it has to be firmer, too, with certain Cuban Americans. U.S. policy toward Cuba, inching toward sanity until the recent shootings, cannot become the captive of anyone, no matter how well-intentioned, who literally flies off on his own. More than planes got shot down the other day. So did U.S. policy.

[From the New York Times, Mar. 2, 1996]

A BAD BILL ON CUBA

The Clinton Administration had done many things right and one thing terribly wrong in response to Cuba's shootdown of two unarmed planes flown by Miami-based exiles.

Providing a Coast Guard escort to accompany an exile flotilla to the site of the downing today registers American determination to protect the security of international waters and airspace. Equally important, it minimizes the risk of either the exiles' or Havana's provoking a new incident. The Administration's decision earlier this week to suspend charter flights to Cuba and to impose travel restrictions on Cuban diplomats in this country made clear that Havana had attacked not just anti-Castro activists but international law itself.

However, the Administration is about to make a huge mistake by signing into law a bill, sponsored by Senator Jesse Helms and Representative Dan Burton, that aims to coerce other countries into joining the American embargo of Cuba. By dropping his opposition to the bill, Mr. Clinton junks his own balanced policy for encouraging democracy in Cuba and signs on to an approach that will inevitably slow the opening of Cuban society and pick a pointless quarrel with American allies.

The bill threatens foreign companies with lawsuits and their executives with exclusion from American soil if they use any property in Cuba ever confiscated from anyone who is now a United States citizen. Some of its provisions appear to violate international law and trade treaties, and the Administration had been saying since last summer that it would veto the measure unless these provisions were removed.

The United States is the only country that maintains an economic embargo against Cuba, an outdated policy that has failed in 35 years to topple the Castro Government. Trying to coerce other countries to join the embargo is offensive to American allies and unlikely to succeed.

Backers of the Helms-Burton bill believe the Cuban economy has been so enfeebled by the loss of subsidized Soviet trade that the Castro regime can be brought down with one final shove. But Cuba's economy, though hurting, has already revived from the depths

of the early 1990's. Its recovery has been built on austerity, limited reforms and new trade relationships with the rest of the world. It is unrealistic to think that a reinforced American embargo would bring Mr. Castro down.

What Havana really worries about is the resurgence of opposition in Cuba itself. Opposition groups have been invigorated by Cuba's widened contacts with the outside world. They are also encouraged by a more supportive attitude on the part of Miami-based exile organizations. These used to view all Cubans who remained on the island, even opposition activists, with suspicion. Now groups like Brothers to the Rescue, the organization whose planes were shot down last week, see opposition groups on the island as a key to political change.

The Castro regime is alarmed by this potential link between domestic opponents and outside support groups, heralded by Brothers to the Rescue's previous airborne leafletting of Havana. Indeed, Havana's concern over this prospect may have been a factor in last week's missile attack against the exile's planes. Washington should be doing everything it can to promote opposition within Cuba by encouraging more human interchange between the island and the outside world, not less.

The Helms-Burton Act is not an appropriate response to Cuba's murderous deed. It is a wholesale policy reversal that weakens America's ability to encourage democracy in Cuba. Mr. Clinton should return to his original sound position.

[From the Chicago Tribune, Mar. 1, 1996]

SURRENDERING U.S. POLICY ON CUBA

After more than 30 years of them, it should be clear that trade sanctions against Cuba will not force Fidel Castro to surrender. What a shame, then, that a great power like the United States has surrendered its foreign policy to a tiny population of hard-line anti-Castro Cubans. What an embarrassment.

By agreeing this week to impose new economic penalties against Cuba, President Clinton and the Republican-controlled Congress have proven that, given a choice between sound foreign policy and pandering to the rabid anti-Castro crowd in a critical electoral state, they'll pander.

In no way do we defend Castro's dictatorship or the outrageous disregard for human life represented by Cuba's downing last weekend of two small civilian aircraft. But in that regard, an old American adage is instructive: Don't go looking for trouble, it cautions, cause it'll find you anyway.

Brothers to the Rescue, an exile group, went looking for trouble by violating Cuba's sovereign air space to drop leaflets and by playing hide-and-seek with Cuban jets along its periphery.

By law, private citizens may not make foreign policy. Yet the Cuban exiles invited this "crisis," if they didn't actually manufacture it, and suckered both a Democratic president and a Republican Congress into making policy to suit their purposes.

Ironically, the new sanctions, while aimed at isolating Castro and weakening his power, are certain only to complicate trade relations with key U.S. allies and commercial partners such as Canada, Mexico and France.

Under the sanctions, U.S. visas will be denied to foreign corporate executives—and their stockholders—if these firms are among those that have invested billions of dollars in Cuban property. (The U.S. is the only nation that observes the absurd embargo of Cuba.)

Another provision would allow U.S. citizens to file suit against foreign firms utilizing property that was seized by Castro. But in a cynical provision designed to neuter that very same proposal, the president is granted power to waive the rule every six months to throw out the backlog of anticipated cases.

Like all dictators, Castro shows unwavering patience in allowing his people to suffer. But if America wants to influence Cuba to liberalize, then more ties—not a trade embargo—is the answer.

[From the Washington Times, Sept. 30, 1995]

CUBA EXPROPRIATION BILL COULD END UP COSTING U.S. TAXPAYERS BILLIONS

In his Sept. 25 Op-Ed, Rep. Dan Burton understates an important aspect of his Cuban Liberty and Democratic Solidarity Act of 1995 ("Cuban-American claims . . . and counterclaims").

Mr. Burton says that his proposed legislation will allow U.S. citizens to sue "foreigners" who "buy or use" expropriated properties in Cuba. The litigation provisions of Mr. Burton's bill, like Sen. Jesse Helms' counterpart Cuba bill that is awaiting action in the Senate, are far broader than that.

In fact, the nation of Cuba itself will be the chief defendant in the 300,000 to 430,000 lawsuits that will be filed in the federal courts of Florida by naturalized Cuban Americans if Mr. Burton's bill becomes law.

It is this aspect of the bill that its proponents tend to downplay. The reason such an avalanche of litigation is inevitable is that the bill bestows—in flagrant disregard of international law—a set of retroactive lawsuit rights against their native country upon Cuban Americans who were naturalized in the United States after suffering property losses in Cuba.

Unfortunately, the unprecedented rights that are intended to be conferred on Cuban Americans by the bill are at the expense of U.S. citizens who do have rights under international law with respect to Cuba—that is, the 5,911 holders of $6 billion in claims certified against that nation by the Foreign Claims Settlement Commission in the 1950s. (One such certified corporate claimant is my client, Amstar.)

If the lawsuit provisions of Mr. Burton's bill become law, certified claimants will see their prospects of recovering compensation from an already impoverished Cuba extinguished in a sea of Cuban-American claims that have been estimated by the State Department at approximately $95 billion.

It is ironic that a pair of well-meaning Republican legislators are threatening with their bill (1) to create a litigation explosion in this much-heralded year of tort reform, and (2) to destroy or gravely damage the adjudicated interests of one group of Americans in an era of supposed greater protectiveness of the property rights of U.S. citizens.

The bill raises two further serious questions. First, on what principled basis are the lawsuit rights proposed to be given Cuban-Americans to be denied other national-origin groups (e.g., Vietnamese-Americans, Chinese-Americans, Polish-Americans, Palestinian-Americans, etc.) that have suffered property losses in their former countries?

If history is any guide, the courts will not void the rights proposed to be accorded Cuban-Americans by the Burton bill; rather they will decree, pursuant to the equal protection clause of the Constitution, that such rights be extended to other similarly situated national-origin groups. It is anyone's guess how many additional hundreds of thousands of litigations will then ensue.

The second question posed by the Burton bill is, once a class of hundreds of thousands of Cuban-Americans judgment creditors against Cuba is created, how will relations ever be normalized with that country? The answer is that such normalization will inevitably require the dismissal of the underlying federal court awards because of the running-sore problems of the attachments in the United States—following the lifting of the embargo—of Cuban bank accounts, ships, airplanes, agricultural produce and manufactured items of Cuban origin by hundreds of thousands of Cuban-American judgment holders.

When those judgments are dismissed by the president, the issue of liability of the U.S. government to the Cuban-American holders of extinguished federal court awards inevitably will arise.

It is not alarmist to warn that the U.S. taxpayer may well be made, under the Fifth Amendment "takings clause" of the Constitution, to indemnify hundreds of thousands of Cuban-Americans in the amount of approximately $95 billion.

If anyone doubts that Mr. Burton's bill harbors such consequences for the U.S. Treasury, then he or she might usefully consult the Supreme Court's opinion in Dames & Moore vs. Regan, 453 U.S. 654 (1981). We should hope that the Senate, member by member, will do precisely that before voting on Mr. Helms' bill—Robert L. Muse, Washington.

Mr. DODD. I yield the floor.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from Kansas to speak on behalf of the conference report.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Georgia yielding. I intend to vote in favor of this conference report despite some serious reservations about several of the provisions.

The Senator from Connecticut has just spoken strongly about several of the same reservations that I hold, although I suggest, Mr. President, I think some of the examples he has given about unintended consequences might be a bit exaggerated.

I would like to outline some of my concerns and the reasoning for them.

First, I question whether this bill, on the whole, moves us in the right direction. The laws of nature dictate that Castro cannot remain in power forever, and I am skeptical that the best means at this point of ensuring a peaceful transition is to further tighten the noose around Cuba, despite the outrageous acts of a week ago.

Second, I remain concerned about title III of the legislation, as has been addressed, which allows new lawsuits in Federal court against investors of property that was confiscated in Cuba.

I opposed this provision when the legislation first came before the Senate, and I am disappointed it has been restored in the conference report. I still believe it is unwise for Congress to set up United States Federal courts as tools in the pursuit of foreign policy objectives in Cuba, although I take

some comfort in the new authority provided for the President to weigh this provision.

Third, I also am disappointed that the conference report goes further than the Senate bill in two important areas, which, of course, the Senator from Connecticut also discussed, neither of which has had the benefit of examination in the Senate.

The conference report would deny United States visas to any person who invests in confiscated property in Cuba with only two narrow exceptions. We have allowed no flexibility to accommodate the awkward situations that inevitably will arise. The conference report also codifies in statute all existing sanctions and embargoes against Cuba, stripping this President and future presidents of the flexibility to respond step-by-step to changes in the situation in Cuba.

For these many reasons, I would prefer that we enact something other than this bill. But, Mr. President, that is not an option. Nobody has done more to ensure enactment of this legislation than Fidel Castro himself. By shooting down two American civilian airplanes last week, he demanded that we respond.

I strongly believe we must respond to this latest provocation and that America should speak with one voice on this matter. While this particular legislation would not be my preference, it clearly is the preference of the Republican leadership in both houses of Congress. It now is the preference of the President of the United States. I am one who believes the President should have some discretion to shape U.S. foreign policy.

The situation reminds me of a young cowboy who worked hard each week to earn money so he could ride into town each weekend and play poker. He always lost. After months of watching him lose, a sympathetic bartender pulled him aside one evening and said, "Son, I just want you to know, this game is rigged. The cards are marked. The deck is stacked. And the dealer keeps an ace up his sleeve."

"I know," replied the young cowboy.

The bartender was flabbergasted. "You know?" he exclaimed. "Then why do you keep coming back?"

"That's simple," replied the cowboy. "This is the only game in town."

Mr. President, there is no other option before this body for those of us who believe strongly that the United States must respond to Fidel Castro's latest outrage. Despite its faults, this legislation is the only game in town. For that reason, I will support it.

I yield back any time I may have, Mr. President.

Mr. COVERDELL. Mr. President, I yield 4 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized.

Mrs. HUTCHISON. I thank the Chair and the manager of the bill, Senator COVERDELL.

Mr. President, the premeditated, cold-blooded murder of four American citizens by Cuban war planes last Saturday is an outrage, an outrage against the United States of America, against international law, and against every concept of human decency. Neither the United States nor the world community can allow these murders to go unpunished. The four Americans who were killed were part of Brothers to the Rescue, an organization that has helped to save countless Cuban citizens who risked their lives to flee oppression and poverty in their country. Without the Brothers' heroic, humanitarian efforts, thousands of Cuban families would have died on the open seas.

How did the Cuban Government react to this heroism? How did it reward those who had saved thousands of its own citizens? It carried out the ruthless execution of four of these brave Americans.

The Cuban Government can try to argue that its actions were justified as an act of self defense, but the whole world knows the truth—that Cuban MiG's pursued and shot down the crews of two unarmed Cessna aircraft.

The whole world was watching, Mr. Castro. It was not self-defense. It was cold-blooded murder.

We are shocked by what happened the weekend before last, but nobody should be surprised. Mr. Castro is a brutal dictator with no regard for basic human rights, no respect for international law, and he has an abiding hatred for the United States and everything it stands for.

This is a man responsible for the suffering in Cuba—hunger, forced labor, oppression, and worse. This is the man who has exported military equipment and Cuban soldiers to foment civil war in nations in our hemisphere and around the world. This is the man who tried to put his finger on the launch button of nuclear missiles aimed at the United States.

Mr. President, he is an evil man. A series of American Presidents, Republicans and Democrats, have understood this and have sought to isolate and individually bring down his government, for the good of the Cuban people and the world. Nevertheless, Mr. Castro always has had his apologists in this country. Until Saturday before last, it had become popular in some circles to see him as "older and mellower," a more "moderate" revolutionary Communist. That view of a "kinder, gentler" Fidel Castro was evidenced in the recent relaxation of travel and other restrictions against Cuba. The folly of appeasement and accommodation is now tragically apparent.

Today, we will act to restore United States policy to its previous and proper direction—to isolate the Castro government, and hasten the day that it will fall.

The legislation before us will reinstate and reaffirm United States economic sanctions, it will deny foreign investment and hard currency to sustain this corrupt government, and it will protect the interests of American citizens whose property was seized illegally by the Cuban Government.

Without huge Soviet subsidies that propped it up for decades, the provisions of this legislation will inevitably bring the Castro government to the brink of two alternatives: give up power voluntarily, or have it taken away by the long-suffering Cuban people. The goals of United States policy toward Cuba must be: the end of the Castro regime, and the opportunity for freedom and democracy for the Cuban people.

Mr. President, we must do more than we are even doing today. This is a step in the right direction, and I am pleased that we are going to pass this important legislation. I am also pleased that the President has thought better of his earlier opposition to this legislation. But we must also address another urgent problem, and that is the threat posed by Cuban construction of two nuclear reactors. These reactors are fatally flawed—Chernobyls in the making. In the event of a meltdown, lethal radioactivity would threaten the entire southeastern United States. These two reactors cannot be allowed to go online. This is a matter of direct and vital national security interest to the United States.

Our allies and the Cuban Government must understand that we cannot permit the existence of this threat to our country. So I call on the President today to take the lead in coming to grips with this impending crisis.

I extend my sympathies to the families of the four brave men who lost their lives in the name of freedom. Nothing can replace the husbands and fathers they lost. But it would be a fitting testament to the sacrifices of these American patriots if the tragedy strengthened American resolve and thereby hastens the day that the Castro dictatorship crumbles and freedom is restored to the people of Cuba.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, I yield 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Mr. President, I join others in expressing our profound appreciation to the chairman of the Foreign Relations Committee, the Senator from Georgia, and other colleagues on that committee, for their absolute steadfast determination to bring this measure to the Senate for a vote and eventually for passage and enactment into law. That took real courage. And

it is regrettable that the final impetus to get this legislation passed had to come in a week of absolute tragedy.

I want to deal with that for a minute, Mr. President. This world today is sieged with acts of terrorism. All of our hearts are filled with compassion and sadness for the people of Israel today for the total useless taking of life in those recent terrorist acts. We admire the courage the people of Israel have shown in the face of these attacks.

Just over a week ago, four innocent lives were lost in the Straits of Florida due to the Cuban shoot-down of two unarmed civilian aircraft. These acts, at the explicit direction of Fidel Castro, were first-degree, premeditated murder—offenses which would be punished in the United States upon conviction, and in most instances with the death penalty. I regret the level of reaction by the current administration. But this legislation will go further and bring about, through economic means, an incentive to stop it, because terrorism knows no boundaries, and unless it is thoroughly and unanimously oppressed across the board, it will spring up elsewhere, as we see in this very troubled world today.

Castro's total lack of support for democratic reform, and his lack of willingness to even attempt to provide some economic recovery for his repressed people, brought about, in some measure, this legislation.

The Cuban Liberty and Democratic Solidarity Act—what a fine name that is—contains three primary objectives: To strengthen international sanctions against the Castro regime, to develop a plan for future support for a free and independent Cuba, and provide for the protection of property rights of United States nationals.

I firmly believe that this legislation, if passed and signed into law by the President, will greatly enhance the likelihood that Cuba, some day, will join the other nations in this hemisphere with a democratic form of government and a freedom to which those people are entitled.

Mr. President, as I look through the technical aspects of this legislation, I would like to address a question, for clarification, to the distinguished manager of the bill. It is about a concern I have with respect to the $50,000 limitation in section 302 of title III. It seems to me that a lot of people under the figure of $50,000 are severely injured, as are those above the figure of $50,000. To them, the few dollars they could recover, with a lesser cap, is of equal importance to them and their families—and to try and assure their life in this country to be a better one—than the higher limit. I know it was a difficult decision. But if the distinguished Senator from Georgia could give me some background on that particular issue, I would appreciate it.

Mr. COVERDELL. Mr. President, the $50,000 cap comes from the workings of the Congress itself. The distinguished Senator from Connecticut, in his opposition to the bill, and several others, were worried about a flood of court cases, and so the cap was placed to address that concern. There are some 500,000 claims, or so some opponents claim, that could have come into the court system without the cap. So in response to the concern that the court system could not manage this number of claims, the cap came into play. Secondarily——

Mr. WARNER. To make that fair, Mr. President, in other words, the initiative to put the cap in came from those originally opposed to the legislation?

Mr. COVERDELL. Absolutely. Second, the focus of this bill is to discourage and chill economic joint ventures with Castro. Economic joint ventures do not involve residential housing properties, instead they deal with the broad commercial properties. So there were these two reasons for setting the $50,000 cap. I, myself, more than welcome the opportunity at some later point to lower the cap to zero.

Mr. WARNER. Mr. President, with that assurance, I depart the floor better informed, because if at a later time Congress, looking at how well this act has performed and will serve the goals in here, would begin to consider that perhaps there is a hardship, and could address that.

Mr. COVERDELL. I join the Senator in welcoming that.

Mr. WARNER. I yield the floor.

Mr. COVERDELL. Mr. President, how much time remains on the proponents side?

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Georgia has 16½ minutes.

Mr. COVERDELL. I yield to the Senator from Florida for 10 minutes.

Mr. GRAHAM. Thank you, Mr. President. I appreciate the opportunity to speak today on this very important issue.

Mr. President, as an original cosponsor of the Helms-Burton bill, I urge my colleagues to support this legislation, which has taken on increased importance as the level of repression has escalated both within and outside Cuba.

For 37 years, Fidel Castro has held the Cuban people hostage to his brutal repression and mismanagement. He has brazenly violated their human rights.

Since 1992—a year after the collapse of the Soviet Union and its subsidization of Cuba's economy—United States Cuba policy has been based upon tightening the economic embargo around Castro's neck, while at the same time extending the hand of democracy and human rights to the Cuban people.

The Cuban Democracy Act of 1992 started us down this road. Today's action will accelerate our pace.

Our drive to free Cuba from Castro's grip would benefit from the example of an organization whose bravery, selflessness, and unflagging humanitarian spirit deserves recognition on this historic occasion.

On February 24, four brave members of Hermanos al Rezkate—Brothers to the Rescue—lost their lives at the hands of a dictator and his brutal regime.

They were the victims of a pattern of escalating human rights abuses that previously had been reserved for the citizens of Cuba. This time, Fidel Castro extended his violent reach outside his own airspace.

These men knew, when they embarked on their mission, that it involved significant personal risk. But they also believed that the suffering of the Cuban people demanded courage in the face of risk.

The brave, tireless, humanitarian acts of Brothers to the Rescue must live on despite the deaths of these brave pilots.

Mr. President, their mission must become ours.

CASTRO OPPRESSES, THE BROTHERS RESCUE

While Fidel Castro has terrorized the Cuban people, Brothers to the Rescue has extended the hand of brotherhood to his victims.

Fidel Castro has never hesitated to resort to violence to protect his autocratic rule. Last weekend's incident is a perfect example of that inclination toward violent action.

Brothers to the Rescue deplores violence. Their mission is strictly humanitarian. Its leaders receive training at the Martin Luther King Center for Non-Violence in Atlanta. Its leaders speak and practice Gandhi's precepts of nonviolence.

They use volunteer pilots to search for Cuban rafters and others in need of rescue. They drop bottled water, protective clothing, and other needed supplies to those refugees.

Castro has harassed thousands of Cuban journalists and thousands of nonviolent political dissenters. Recently:

July 11, 1995: Cuban police initiate a widespread crackdown on independent journalists;

February 16–24, 1996: Castro cracks down on the nonviolent Concilio Cubano, a coalition of 131 prodemocracy dissident groups; and

On February 24, Castro murdered four U.S. citizens over international waters.

The Brothers have rescued more than 5,000 men, women, and children refugees from the waters of the Straits of Florida.

First flight: May 15, 1991.

Total flights: Over 1,780.

SOME WILL ACCUSE BROTHERS TO THE RESCUE OF BEING PROVOCATEURS

To be sure, there were instances where the organization's commitment exceeded its charter. On several occasions, they have penetrated Cuban airspace and dropped leaflets.

Two such occasions were:

June 1994—returning from Guantanamo Bay, dropped Brothers to the Rescue bumper stickers on Eastern Cuba; July 13, 1995—dropped leaflets on Havana.

These were leaflets—their impact on Cuban citizens was the power of their ideas.

These actions, however, were taken to provide the Cuban people with information they are badly lacking—information on their basic human rights. Each leaflet reproduced one of the Universal Articles on Human Rights. This is information the Cuban people do not have because the Castro regime refuses to allow a free press, or the free exchange of ideas.

MAKING THE BROTHERS' MISSION OUR OWN

Changes are afoot in Cuba. The best way we can take advantage of those changes and bring democracy, prosperity, and an end of the Castro regime to Cuba is to make the Brothers to the Rescue mission our own.

The Brothers are committed humanitarians, They reach out to all people in need.

Last week, I had the privilege of meeting with some of the family members and friends of the lost pilots. One of them recounted a story about Mario De La Pena, a 24-year-old Miami resident who had flown with Brothers to the Rescue for several years.

Last Christmas Eve, Mario was returning home from a mission when he spotted a man stranded in the water.

The man was not a Cuban rafter, but Mario dropped supplies anyway. Mario flew home to join his family for Christmas Eve, but the thought of this man trapped in the Straits of Florida during Christmas haunted him.

The next morning, he woke up early and flew back to check on the stranded boater.

To his relief, the man was fine. He was soon rescued, and later that day, Mario saw the man on television, jubilant and relieved. Mario's friends tell me that this rescue, and the others he participated in, were among the biggest thrills of his life.

The United States must continue to support people-to-people humanitarian efforts to free Cuba. We must continue our support for those non-governmental organizations working to encourage democracy in Cuba.

The Brothers rescue people in danger.

The determination to rescue Cubans from Castro's enslavement was embodied by Armando Alejandre, who also lost his life on February 24. Armando didn't just look for rafters in the Straits of Florida. He carried food and supplies to Cuban refugees stranded in the Bahamas. And he never passed on an opportunity to criticize the Castro regime for its brutal suppression of rights.

The enslaved people of Cuba are in danger of further abuses by the Castro regime. We must rescue them.

The fallen Brothers pilots were brave men. They took enormous risks to bring hope to the Cuban people.

Another one of last weekend's victims was a young man named Carlos Costa. His sister tells me that he was terrified of the small Cessna he flew for Brothers to the Rescue. The winds in the Straits of Florida violently buffeted his plane and frightened Carlos and his passengers. Yet he volunteered to fly his rescue plane every week. He flew on Christmas and other holidays.

We must also be willing to take risks to hasten Castro's fall from power. We need a tougher, more ambitious Cuba policy.

The Brothers were tireless, searching every mile of the Straits of Florida for Cuban rafters.

Some of the most determined were those pilots who had once been rafters themselves. Pablo Morales was one of those pilots. He fled Cuba on a raft in 1992 and quickly became an active volunteer in Brothers to the Rescue.

He returned to help others on February 24—Castro sentenced Pablo Morales to death in these same Straits of Florida.

We must be as vigilant as Pablo was. We must not rest until we have searched for every possible way to force Castro from power.

SEIZING THE DAY—MORE PRESSURE ON CASTRO

Fidel Castro has once again shown that he is a brutal dictator. We must reiterate our commitment to ending his stranglehold on Cuba.

How? There are three ways:

First, enact Helms-Burton.

This will tighten the economic chokehold on Castro, and sharpen his isolation from his own people.

This will continue the work of the Cuban Democracy Act, which began our effort to sanction and isolate the Castro regime with one hand, and reach out to the Cuban people with the other.

Helms-Burton will help us in our goal of building democratic sentiment among the Cuban people.

Second, work with our allies to bring international pressure to bear on the Castro regime.

Last month, I visited Chile to assess the shape of United States-Chilean relations. And though Chile maintains diplomatic relations with the Castro government, I was pleased to return with a firm commitment that Chile will support the U.N. resolution condemning Castro's human rights abuses.

Third, assess our preparedness for dealing with Castro in the future.

We must maintain a clear understanding of what our objectives are: To support the legitimate aspirations of the Cuban people to replace Fidel Castro with a democratic, human rights-friendly government that brings about the political and economic reconstruction of Cuba.

In the future, we cannot afford to wait 48 hours to issue a response. That is an unacceptable delay. Our Government needs to develop an anticipatory stance. We need contingency plans that can be implemented swiftly and judiciously.

We must be committed to a response which is proportional to the offense.

As the Helms-Burton and other sanctions take hold, we must anticipate the potential for further escalation of attacks against U.S. citizens and U.S. interests. This means making certain that our borders are secure from Castro's terror.

I continue to be concerned about incidents such as that which occurred in 1994, when a Cuban defector landed a Cuban military plane on the United States naval station near Key West, FL. He landed that plane unchallenged. Castro has made repeated threats against a major nuclear power facility in the southern portions of my State.

We must expand our efforts through television and Radio Marti to reach out to the people of Cuba.

Mr. President, this past weekend, the remaining members of Brothers to the Rescue led another mission in the Straits of Florida. This time, their goal was not to rescue but to celebrate the memories and brave acts of those four fallen pilots.

As they have for the past 5 years, the boats and planes dispatched on this mission encountered tremendous obstacles. Mother Nature greeted them with rough seas, black skies, pounding rain, and fierce winds.

But when the flotilla stopped to lay wreaths and hold religious services in memory of their fallen colleagues, the black clouds disappeared. For a moment, the Sun came out and shone down on the boats gathered below, as if to smile upon their mission.

Mr. President, for the last 5 years, Brothers to the Rescue has been a ray of light in the black clouds hovering over the Cuban people. If we are to turn that ray of light into permanent sunshine, the United States must salute their mission by making it our own.

I urge my colleagues to do that by supporting the Helms-Burton Cuba sanctions bill.

Mr. McCAIN. Mr. President, increasingly an anachronism in the affairs of the world, Fidel Castro has burnished his credentials as the Western Hemisphere's most vicious dictator. Unfortunately for the four downed Brothers-to-the-Rescue pilots and their families, and the members of Concilio Cubano, he has again turned to terrorism to assert his control over the Cuban people.

All of the overtures made by the Clinton administration, some Members of Congress and the business community have failed to pacify Fidel Castro. Only weeks ago he arrested more than 50 Cuban citizens in anticipation of a conference by the dissident coalition Concilio Cubano. Apparently, Castro

felt so threatened by a peaceful assembly of free Cubans that he disregarded the concern of the international community. To his relief, the Concilio Cubano conference was canceled.

Determined to maintain control over the information and views to which his countrymen are exposed, Fidel also seeks to limit dissent from abroad. He has always been too weak to directly confront the United States and terminate our efforts to bring freedom to the people of Cuba. But Fidel Castro can no longer even muster the strength to terrorize our friends in Latin America. He has been reduced to lashing out at unarmed Americans guilty only of straying too close to his Marxist paradise.

Fidel Castro cannot have it both ways. He cannot cultivate a new relationship with the United States and U.S. business and still run roughshod over the rights of his people. He is a member of a dwindling circle of friends. Fidel still believes in building a utopian socialist society. A fraudulent nationalist, he believes his people incapable of the exercise in self-government we have witnessed from Haiti to Russia. Fine—he can believe what he wants to. But he should not expect to have his egomaniacal dreams of totalitarianism and socialism subsidized by Americans.

This is why I support the Cuban Liberty and Democratic Solidarity Act. It makes the choice for Cuba clear.

The bill codifies the existing embargo of Cuba. Many of the actions taken in response to Fidel's outrages, including President Clinton's recent response, have been done by Executive order. By including them in this bill, we have ensured that they will not be overturned without a genuine democratic transition in Cuba.

The bill also builds on the current embargo in important ways. It attempts to freeze foreign investment in Cuba by denying United States visas to those who improve on investments in confiscated property; by giving, with the approval of the President, United States citizens the right to sue those who invest in confiscated property; and by barring Cuba from international financial institutions.

The bill also restricts assistance to Russia in proportion to the assistance Russia offers Cuba. This is an especially important provision. It is high time that we make a concerted attempt to enlist the support of our allies and friends in the efforts to end the Castro dictatorship.

The bill provides for a lifting of the embargo in response to democratic change in Cuba.

Castro has a choice. He can continue to isolate his nation, or by allowing his people to exercise their God-given rights, he can bring his nation the benefits of a relationship with the United States.

I do not know how long it will take before the pressure of the tightened embargo has its intended effect. It may still be years away. I do know, however, that one day democracy will come to Cuba, and that in the meantime, Americans should do everything in their power to withhold support from a government that so thoroughly denies its people their basic rights. I believe the bill before us does that.

Ms. SNOWE. Mr. President, I will keep my remarks brief, as I know there are so many of my colleagues who wish to add their voices in support of this conference report. As a member of the Foreign Relations Committee, and as an original cosponsor and conferee on this landmark legislation, I rise in the strongest possible support for the Cuban Liberty and Democratic Solidarity Act.

Before going further, I would like to join so many other Americans in expressing personal outrage at the most recent crimes of the Castro regime. Just 11 days ago, Cuban dictator Fidel Castro ordered the shooting down of two unarmed civilian small planes over international waters, murdering four American citizens. I extend my deepest sympathy to the victims' families. They deserve justice for Castro's murderous, tyrannical act, and this legislation is a first step in process.

For 36 years, Castro has ruled Cuba with an iron, totalitarian hand. But as he steadily impoverished and brutalized the Cuban people, his key source of support came from massive subsidies from the old Soviet Union. But since the 1991 collapse of the Soviet Union, those subsidies have ended, the ideological underpinnings of his tyranny have evaporated, and his regime has come under pressure as never before.

Castro has tried to compensate for the loss of Soviet aid by developing a hard-currency tourist industry. To build that industry, he has sold off at fire-sale prices confiscated American property to foreign companies for development. The purpose of this bill, among other things, is to deter these kind of actions by foreign companies who may be tempted to invest in Castro's Cuba at the expense of uncompensated Americans.

This bill accomplishes that in two ways. In title IV it applies mandatory travel restrictions on top Cuban Government and foreign individuals who participate in trafficking in confiscated American property. Permanent exclusion from the United States is a serious sanction that will give any multinational firm second thoughts about taking possession of stolen U.S. property.

In title III, the bill permits American citizens to bring suit against foreign persons who traffic in their confiscated property in Cuba. To obtain the administration's support for this bill, in conference we granted the President renewable 6-month waiver authority. But this still achieves the main goal of this title by creating an environment of uncertainty that foreign firms will want to avoid.

All would-be foreign traffickers in confiscated United States property in Cuba will be put on notice that if they would always be within 6 months of having legal action taken against them in the United States for their actions. And this presupposes that the President will even initially invoke his waiver authority, which in the current climate is not, I believe, a foregone conclusion.

This bill also:

Calls for an international embargo against Cuba.

Prohibits any United States loans to foreign individuals who purchase United States-owned property confiscated by the Cuban government.

Requires the United States to vote against multilateral bank loans to Cuba until the country has had a democratic election.

Disapproves of Russia's $200 million in loans to Cuba in exchange for continued access to intelligence-gathering facilities in Cuba.

Calls on the President to develop a plan for providing support to Cuba during that country's transition to a democratically elected government.

Also permits during the transition period Eximbank financing, Overseas Private Investment Corporation-supported investment projects, Trade and Development Agency assistance, counter-narcotics assistance, and Peace Corps assistance.

Fully terminates the United States trade embargo upon President's certification of a democratic government in Cuba, and provides for extension of most-favored-nation status.

Mr. President, with Castro's regime facing its gravest crisis ever, it is important to understand that his decision to kill four innocent Americans in cold blood is not an isolated act. This action came on the heels of yet another brutal crackdown on the Cuban people just the week before. From February 15 to 18, Castro ordered arrested 50 leaders of the Concilio Cubano, an pro-democracy umbrella group similar to Poland's Solidarity movement.

The arrest was Castro's answer to their attempt to simply hold a meeting to discuss the future of democracy in Cuba. Many of these pro-democracy leaders have already been convicted by the Castro regime, and have joined the thousands of Cuban political prisoners that today languish in Cuba's gulags.

I would like to recognize the stalwart leadership of the sponsor of this legislation and the distinguished chairman of the Foreign Relations Committee, Chairman HELMS. I also congratulate the leadership of the chairman of our Western Hemisphere Subcommittee, Senator COVERDELL, who is managing this conference report today. Together, they have been unswerving in their

commitment to supporting the efforts of the Cuban people to bring freedom and democracy to that long-troubled island nation.

I would also note that in both the House and Senate this has long been a bipartisan cause, and I hope and expect that this conference report will receive overwhelming support from both sides of the aisle. The bipartisan nature of this bill is further demonstrated from the fact that last week, after Castro's brutal action against innocent Americans, President Clinton himself gave his support to this legislative initiative. Now, we will be able to move forward together to strengthen our Nation's resolve to see an end to 36 years of totalitarian rule just 90 miles from our shores.

Again, Mr. President, I would like to congratulate the efforts of all those who worked on this bill over the past year. I urge my colleagues to join in supporting the conference report we will soon be adopting.

Mr. GRAMS. Mr. President, I am pleased that the conferees on H.R. 927, the "Liberatad bill" were able to reach an agreement with the administration that will offer a tough, united response to the recent destruction of two small planes and four American lives by Cuban MiG's. While I would have preferred a compromise which eliminated titles III and IV of the conference report, the agreement moves us in the right direction.

I believe all of us are united in our desire to see a peaceful transition to democracy in Cuba, Mr. President. The downing of the planes heightened the concerns of many of us that we should take further steps to bring about this transition. There are many differences in how we reach our goal of a democratically elected government in Cuba. While I supported the Senate version of the Helms-Burton legislation, I had some problems with the possible inclusion of titles III and IV of the House bill in a conference agreement. Fortunately, the conferees added waiver authority to enable the President to waive title III, and, in effect title IV, for national security reasons or if necessary to promote a democratic transition.

Because election pressures may make a waiver difficult, I would like to remind my constituents what my concerns with titles III and IV are. In my judgment, these titles will cause more harm to our own country than to serve their intended purpose of limiting foreign investment in Cuba and thereby exacerbating Cuba's economic problems, which would increase pressures for a new government.

To remind my colleagues, there was concern about titles III and IV in the Senate, and neither of these titles was included in the Senate version of the bill. Modified versions of both titles are included in the conference report, along with the waiver authority.

My primary concern with title III is its extraterritorial reach. I have concerns with laws which attempt to impose our own laws and standards on other countries that they face costly lawsuits if they seek to invest in Cuba on properties which ownership 37 years ago may be difficult to verify, is unwise, in my judgment. This kind of U.S. attempt to infringe on the sovereignty of other nations should concern us.

Some of our allies have communicated to us that they do not view their investment in Cuba any differently than our own efforts to invest in Vietnam or China, which also could be on disputed properties. It is possible that one or more of these countries could reciprocate against us in the future, in injuring United States companies and jobs.

While I sympathize with anyone who has had property confiscated in any country, I believe the foreign claims settlement process is the right way to pursue property claims for United States citizens. There are many certified claimants now eligible for claims against the Cuban Government for confiscated properties, which will be pursued once a transition has occurred in Cuba. This bill was designed to help Cuban-Americans, who were not United States citizens at the time of the takeover, receive similar benefits through the courts. Now, those citizens would have the right to pursue their claims in Cuba once a transition occurs, which would be a parallel effort to that of our own certified claimants. Title III would provide a private right of action in Federal courts to all United States citizens, including the Cuban-Americans who were not citizens at the time of confiscation. This is a radical departure to our traditional use of the courts and is contrary to international law. Despite efforts to narrow this right of action, this change will create a precedent in our courts that would allow this right to be extended to naturalized citizens of over 85 countries where we have had similar property disputes. This would result in a flood of lawsuits at a time we are striving for tort reform.

One inconsistency in title III is that only properties valued over $50,000 at the time of confiscation can be involved in the lawsuits. I am not sure how this would accomplish the bill's authors' goal of limiting foreign investment in Cuba. And again, despite this attempt to limit the right of action, I still believe a court precedent is created for an expanded right of action in the future.

The language which would terminate the right of action for new cases once a democratically elected government is in power combined with the President's current authority under the International Emergency Economic Powers Act to nullify any claims and judgments against the Cuban Government after a transition also concerns me. This sounds attractive, but many legal experts have concluded that these citizens would have private property rights under the takings clause of the fifth amendment. So what will happen is that Cuba won't have to pay any judgments—the United States taxpayers will pay. They will pay treble damages for property confiscated from people who weren't citizens at the time. United States citizens who were certified claimants for years will be only partially reimbursed from funds negotiated from the new Cuban Government.

Title IV forces the President to restrict visas for any foreigner who traffics in any property under dispute. Fortunately, this language was made prospective, for new investments. Further, it would not kick in if title III is waived. It is further limited since visas are not currently required for residents of all countries which may be subject to this restriction in the future. However, this title could affect multinationals with thousands of employees globally in the future, most of whom would have had nothing to do with decisions to invest in Cuba. In a global economy it could be counterproductive to limit this type of access.

Mr. President, I support this conference report but hope that the President will exercise his authority to waive title III.

Mr. CRAIG. Mr. President, I am pleased to speak today in support of the Cuban Libertad Act.

We were all troubled by the announcements that two civilian aircraft belonging to the Brothers to the Rescue, Organization had been shot down by a Cuban MiG–29. However, this event, described by the President and other world leaders as "abominable" and "abhorrent," was not an isolated incident. Rather, it was the most recent act of aggression perpetrated by Castro's tyrannical regime.

In the last few years, the Castro government has taken a hard-line position and has continued to tighten the crackdown on dissent, arrested human rights activists, and staged demonstrations against their regime's critics.

Mr. President, the harassment, intimidation, and beatings of activists was well documented.

Dissidents and political prisoners were routinely subjected to a variety of actions. For example, sleep deprivation in prisons was used to coerce statements from inmates. In addition, prison conditions were characterized by habitual beatings, severe overcrowding and a lack of food, and medical care.

Arbitrary arrests, detention, and exile are routine methods of discouraging dissidents from speaking out against the Government. Freedom of expression is severely restricted. One person was arrested for wearing a t-

shirt which said, "Abaja Fidel," which means "Down With Fidel." This individual was taken to a police station, beaten and held incommunicado for 8 days. He was finally tried and sentenced to prison for 6 months.

Mr. President, 1994 was also a period of tyranny on the high seas. In April and July of that year, the Cuban Government was implicated in the sinking of two vessels which resulted in the deaths of a number of people, including children.

President Clinton has referred to the attack in the press as, "An appalling reminder of the nature of the Cuban regime: repressive, violent, scornful of international law."

I couldn't agree with him more. It is another action taken by Castro that shows nothing but disregard for human life, let alone international law, norms, and values.

This action requires more than just a rhetorical response. Therefore, I am pleased that we will be voting today on the conference report to the Cuban Libertad Act, or Helms-Burton Act, as it has been referred to in press accounts.

President Clinton announced a series of actions he proposed in response to this unwarranted attack. These included; ensuring that the families of the pilots are compensated; imposing restrictions on Cuban nationals traveling in the United States; suspending United States charter flights into Cuba; and, passing the Helms-Burton Act.

This bill includes a number of provisions which would: strengthen international sanctions against the Castro Government in Cuba; develop a plan to support a transition government leading to a democratically elected government in Cuba; and enact provisions addressing the unauthorized use of United States-citizen-owned property confiscated by the Castro government.

Mr. President, I am pleased that President Clinton has committed to support and sign this legislation.

Mr. President, some Senators and Members have concerns about the ramifications of this legislation. I respect those concerns and am pleased that the sponsors of the legislation have done such an excellent job of working on addressing some of those concerns. Certainly, some concerns that I had with respect to certified claimants under title III have been addressed. I appreciate the efforts of Chairman Helms, and his staff.

In closing, I would just reiterate that this bill is a response to far more than the recent attack on civilian aircraft. It is a response to the continued aggression of Castro's regime.

Mr. HATCH. Mr. President, today we are again debating U.S. foreign policy toward the Communist regime of Fidel Castro. We are here to strengthen the policy that the majority of both parties have supported for over 30 years.

And, we are here to show that as long as Mr. Castro and his brutal regime remain, he shall see no easing of that policy.

That policy has been one of economic containment and diplomatic isolation. That policy has worked. It has isolated a brutal regime and restrained its ability to undermine stability around the world.

Unfortunately, this policy has not forced Castro from power, nor eliminated his ability to cause mayhem about the world. Castro was still able to send his forces to Angola, prolonging that war as a payback to Castro's Soviet masters. Our containment policy did not prevent Castro's henchmen from conspiring with Latin American drug bosses to smuggle cocaine poison into our country. And, our policy did not prevent Castro from shooting down two unarmed airplanes in international airspace last week, killing four American citizens.

But, Castro's behavior should never surprise us. His regime is built on oppression; his currency is flagrant disrespect for basic human rights.

Now that Fidel Castro's tab at the Moscow cafe has been closed, we see how desperately his regime is to survive. Without rubles and oil, the dictator of Havana stands without the slightest shred of a functionary economy. Without his Soviet sponsors, Emperor Castro has no clothes. Our embargo has ensured that the United States has not in any way participated in granting a figleaf of legitimacy to the aging strongman.

I say let us strengthen our embargo. If Castro wishes to use foreign investment to replace the rubles from his Communist masters, let us at least ensure that the firms that would succor the Castro regime do not do so with property stolen from U.S. citizens. Foreign investors are free to take the place of the Kremlin powerbrokers, but they cannot trade in stolen property without consequence.

In recent years, the debate over U.S. policy toward the autocratic Castro regime and, in particular, the debate over maintaining the embargo have included the introduction of two arguments.

One argument suggests that, now that we are in a post-cold-war world, we need not maintain a cold war policy toward Cuba.

A second argument we have heard suggests that if we can engage authoritarian states like China and Vietnam, we should be able to engage in the Cuban regime.

Regarding the first argument, we are constantly reminded that we now live in the post-cold-war world. In this new world, we are told, we need to revisit so many of the crises and flashpoints that we saw through the bipolar lens of cold war competition.

Derivative of this approach is the notion that we must learn to give up our neuralgic distaste for the few remaining Communist regimes, and we must recognize that the basic security and political notions of the cold war no longer provide the touchstones for U.S. policy. A specific point of this rationale is that our Cuba policy must no longer be containment.

The problem with this argument is simple: The cold war may be over, but Fidel Castro still rules. While I admit that the Cuban regime is a cold war anachronism, which certainly belongs on the scrap heap of history, the harsh political reality is that Castro and his secret police remain as the dictatorship of Cuba.

With the conclusion of the cold war, we saw the end of our global competition with Communist states and the collapse of totalitarian regimes before the popular will of newly freed peoples.

Throughout Central Europe, the withdrawal of Soviet support combined with the decay of Communist client governments. Faced with the uprisings of the people demanding freedom, the dictators fled and freedom won the day. The result was the transformation of a part of Europe that had been frozen in time and oppression for nearly 50 years.

The United States welcomed these nations to the democratic fold, for we were no longer threatened by their hostile diplomatic postures, their support for terrorists, and their dedication to undermining democracies around the world.

But the end of the cold war brought no popular revolution to Cuba. Castro denounced the last Soviet leaders as having failed the Communist catechism. The evaporation of Soviet subsidies brought more misery for the Cuban people, and Castro, no doubt thinking more of Ceausescu than of Havel, clamped down even more. Human rights have not improved in Cuba.

No talk about looking at Cuba from a post-cold-war perspective will change this dismal fact. The Cuban people are not free. They are not free to choose their own government; they do not have an independent judiciary; they cannot work in a free economy. They are never free from their political jailers. Those brave ones who dare attempt political discourse continue to be harassed and jailed by Castro's police, as we saw 2 weeks ago when dozens of members of Concillio Cubano were arrested, interrogated, and jailed.

The second argument suggests that if we can engage China and Vietnam, under the hope of moderating and influencing their policies, we can do the same for Cuba.

I am not sympathetic to the analogy with Vietnam, mostly because I am not sympathetic to opening relations with Vietnam.

I believe that Vietnam had much more to gain from recognition by the

United States than we did, and that, as a result, we should have been able to extract more concessions before we granted the valuable diplomatic asset of recognition. For recognition from Washington, we should have gained from Hanoi more openness on the POW-MIA issue, and more concessions on human rights.

It's clear the authorities in Hanoi recognized that they were getting away with a lot: Less than a month after recognition, they jailed a handful of elderly Buddhist monks. We recognized their dictatorship, and the jailers kept jailing. In all the debate over Vietnam, I never heard adequate reasoning for why we should, at this time, open our Embassy there. So, from my perspective, Vietnam hardly justifies as a reason to adjust our Cuba policy.

Mr. President, I don't believe we can compare countries. Cuba is not China, which has the world's largest population, a booming economy, a predominant position in Asia, and a nuclear arsenal. Global foreign policy for this country must take into account this Asian giant, and United States national security must account for the role of China.

Cuba has 11 million people, a supine economy, and has become largely irrelevant in Latin America. With no Communist sponsors, it no longer provides a major security threat.

While I don't believe it can threaten stability in the region—unless Castro unleashes another wage of refugees—we have seen that the regime is a threat to international civility. When MiG's are dispatched to shoot down Cessnas, you know that the regime is showing its true colors, and those are not the colors of a civilized nation.

Mr. President, containing the Castro regime has worked. We must remain vigilant rather than provide sustenance. We must tighten the embargo, rather than engage in the "Lax Americana" policies of President Clinton.

Mr. President, this bill addresses the role the United States will play during the transition from the Castro dictatorship. In this manner, this legislation provides some forward thinking that I believe was lacking in some of our policies conducted during the cold war. This bill looks to a post-Castro regime, and outlines our responsibility to prepare for the inevitable.

It is one of the many paradoxes of a current historical myopia that many view the cold war from simply a security perspective. The result is that we hear the reasoning that says, "now that we defeated the Soviet Union, we need not concern ourselves with an island run by a bunch of ragged and increasingly isolated Communists."

But, the cold war was not just fought for security reasons alone. It was fought over ideals: the ideals of humankind's right to liberty, to democratic government and to freedom from oppression. These are the fruits that many of the formerly captive nations of Central Europe now enjoy; these are the fruits denied to captive citizens of Castro.

But, in Castro's Cuba, the instruments of oppression remain. And, this is why this body now debates the merits of the bill presented by the distinguished chairman of the Foreign Relations Committee, which stands for continuing a firm and resolute policy toward the dictator Castro.

And, this is why, today, I believe that we should declare that we stand for a policy that recognizes that the Cuban dictatorship remains in place, and that this brutal reality demands of us that we remain vigilant in our opposition to the Castro regime, determined to outlast it, and dedicated to help the Cuban people when the dictatorship falls.

Because fall it will, as so many of those rusted and despised statues dedicated to Communists ideals fell all over Central Europe and the newly independent states when the victors of the cold war were finally freed.

I urge my colleagues to support the Libertad bill.

Mrs. BOXER. Mr. President, we consider this conference report less than 2 weeks after a tragic day for the cause of democracy in Cuba. On February 24, Fidel Castro's brutal regime shot down two unarmed American aircraft belonging to Brothers to the Rescue who were flying over international waters.

This unprovoked ambush was a gross violation of international law and an affront to standards of human decency. It was a cowardly attack, demonstrating clearly that Fidel Castro will resort to any means—no matter how vile and repugnant—to hold on to power.

I was appalled by this despicable incident and I would gladly vote for legislation that directly addresses this attack as well as legislation that would foster the democratization of Cuba. Unfortunately, the bill before us today will not carry out those objectives.

The conference report would deny a United States travel visa to anyone with a stake in certain companies that do business in Cuba. This provision threatens to seriously damage relations with many of our closest allies, including Canada, whose citizens could be denied entry into the United States.

The measure creates a new cause of action in U.S. courts allowing citizens to sue any foreign national who traffics in confiscated Cuban property. This alone could result in a huge logjam in our Federal courts. But by establishing an arbitrary $50,000 claim threshold, the legislation denies legal recourse to many Americans whose homes or shops were confiscated by the Castro regime. There is no logical justification for this discriminatory treatment. It winds up helping the wealthiest and hurting middle-class Americans. It makes sense to adopt measures to punish Fidel Castro and his thugs for their reprehensible action. It makes no sense, however, to do so in a way that will hurt many Americans and punish our best allies.

Mr. KERREY. Mr. President, I come to the floor of the Senate today to express my opposition to the legislation currently under consideration. While the Helms-Burton legislation seeks to hasten the end of the Castro regime in Cuba—a goal that is shared by every Member of this body—I am concerned that it will in fact do more to damage our larger foreign policy goals than bring about a democratically elected government in Cuba.

The shootdown by the Cuban military of two unarmed United States civilian aircraft engaged in humanitarian activities in international airspace is reprehensible. This clear violation of international law required a strong U.S. response—a response which was delivered by the Clinton administration immediately following the attack. Charter flights between the United States and Cuba were suspended, steps were taken to compensate the victims' families from Cuban assets frozen in the United States, and the United States led a successful campaign in the U.N. Security Council to strongly deplore the unprovoked attack on these unarmed aircraft.

Mr. President, there is now great pressure for those of us in the Senate to voice our distaste for the Castro regime by passing the Helms-Burton legislation. I will vote against this bill, not because I am opposed to trying to tighten sanctions on Castro's Government, but because I believe that provisions of the Helms-Burton bill would have a detrimental effect on relations with our closest allies.

Last fall, I voted in favor of the Senate version of this bill which, in my opinion, represented a bipartisan approach to strengthening economic sanctions on Cuba. The Senate bill included provisions which sought to include the international community in our efforts to ratchet down the pressure on the Castro regime while holding out the promise of United States assistance to a post-Castro Cuban Government striving to achieve democratic, free-market reforms in Cuba. I still support this approach, and believe our policy should continue to move in this direction. However, the bill that we have before us today includes provisions not in the version that passed the Senate. Titles III and IV of Helms-Burton will open the floodgates to new lawsuits in U.S. courts and will put us in an adversarial position in our relations with our allies throughout the world.

Provisions of title III and IV which give United States citizens the right to sue foreign companies that operate in

Cuba are viewed by our allies as an attempt by the United States to act unilaterally to dictate to them a Cuba policy. This will undoubtedly lead to resentment and resistance to future United States policy efforts in connection with Cuba. Rather than alienating our allies, our policies toward Cuba should seek to be inclusive.

It is far too easy to vote in favor of Helms-Burton as an emotional response to Castro's unlawful shootdown of United States civilian aircraft, but to do so would ignore the negative impact this legislation will have on our foreign policy objectives both in Cuba and in a larger sense. Mr. President, it is my hope that we will be able to separate our current anger at the Castro Government from these proceedings. I say this not to minimize the gravity of Cuba's actions, nor would I necessarily rule out further action against Castro, but rather because I believe that the legislation before us will hurt our ability to exact change in Cuba. By straining our relations with our closest allies, it is my fear that we will further isolate ourselves from the international community on this issue, and that in the future we will be unable to work on a multilateral basis to bring about a democratic Cuba.

I conclude, Mr. President, by urging my colleagues to fully consider their vote today in the larger context of how this legislation will affect U.S. foreign policy.

Mr. FEINGOLD. Mr. President, on February 24, the Cuban regime shot down and killed four men, American citizens, apparently flying over international waters, off the coast of Cuba. No matter how one judges the intent of these four Brothers to the Rescue—and some have pointed out that in the past Brothers to the Rescue violated Cuban airspace and went so far as to overfly Havana and drop anti-Castro leaflets over the Cuban capital—the fact is that they were flying in small, unarmed civilian aircraft. They certainly did not represent a real, physical threat to Cuban security. But the Castro government—no respecter of human rights, of international law, or of common decency—had its MiG fighters shoot down those two defenseless Cessnas. I join my colleagues, the U.S. Government, and the international community in deploring this act of brutality.

As appalling as this act was, Mr. President, it should not surprise us. Castro is a dictator who, for 37 years, has ruthlessly trampled on the rights of the Cuban people. The State Department and all reputable human rights organizations point to the routine use of torture, beatings, economic coercion, and suppression of legitimate protest by the Castro regime.

Only 2 weeks ago, a small pro-democracy group, the Concilio Cubano, was prevented from holding a meeting and two of its members were summarily thrown into prison after kangaroo court proceedings. That Castro would have his military lash out callously and viciously at a perceived threat, then, is pretty much what we could expect.

What surprises me, Mr. President, is how a small, poor island like Cuba continues to elicit the most knee-jerk response from Washington. Certainly, the administration did the right thing in seeking an international condemnation of these intentional murders. I also support President Clinton's order requiring restitution by the Cuban Government—drawing on frozen Cuban assets—for the families of the victims, and the increased use of Radio Marti—and notably not that proven failure, TV Marti—to bring uncensored news and information to the Cuban people. The rush to punish, however, must stop at that point where ill-considered policies undermine U.S. national interest, or lead to a misguided and ineffective policy altogether. That's what this bill did before the shootdown, and what it's going to do regardless of the shootdown.

In seeking to pound the final nail in Castro's coffin, H.R. 927 misses its target, causing pain for all but Castro. Very briefly, allow me to enumerate the most obvious flaws:

Title I instructs the President to seek a mandatory international embargo against Cuba. This is untenable: The United States is regularly outvoted at the United Nations by margins along the lines of 140 to 2 when we seek to defend our unilateral trade embargo. It is all the less likely to pass given that our closest allies object vociferously to the other provisions of this bill.

Title I also requires the President to make it clear to the Cuban Government that:

> The completion and operation of any nuclear power facility, or b) further political manipulation of the desire of Cubans to escape that results in mass migration to the United States, will be considered an act of aggression which will be met with an appropriate response. . . .

What does this mean? Are we threatening, in fact, to bomb or disable a nuclear energy facility in Cuba? I should hope not, and suggesting it as a policy undermines U.S. credibility.

Another fault of the bill is section 102, which codifies the trade embargo as law. By this provision, Congress deprives the executive branch of the right to modify, ease or even strengthen the embargo. It would restrict the President's ability to react quickly to events within Cuba or on the international scene as related to Cuba. Mr. President, I am a strong supporter of the Congress' constitutional prerogative to advise and consult closely with the White House on matters of foreign policy. But I do not support leaving Congress alone to legislate United States foreign policy, and in fact fear that we do a disservice to the country if we try.

With title III, Mr. President, the bill steps beyond domestic politics and into offending accepted norms of international law. This section, which grants to persons, including those not U.S. citizens at the time of the alleged taking, a cause of action in U.S. Federal court against individuals and foreign entities trafficking in expropriated Cuban properties. This procedure not only threatens to clog U.S. courts, but also defies logic. Their cause of action is rightfully in some, future, Cuban court, not the United States judiciary.

Furthermore, contrary to the assertions of supporters of this bill, an international claims settlement procedure already provides an effective mechanism for asserting claims, which is why most certified claimants oppose this bill. Moreover, this provision will not benefit the little guy who lost property in Cuba, since there is a threshold level of $50,000 in controversy, a tremendous amount in 1959 Cuba. Further, to mollify critics, a filing fee of perhaps $4,500 will be imposed. Of course, very few beyond corporate interests can afford to pursue such a costly litigation.

If that was not bad enough, title IV of this conference report takes the extraordinary step of mandating the exclusion from the United States of third-party nationals who traffic in such property. Canadian and European business executives, and their governments, are understandably upset at the prospect of their citizens being kept out of the United States because they do business with Cuba. There is an international consensus that countries such as Iran pose a threat to global stability, and therefore travel by its officials should be limited. But people doing business in Cuba are not threats to our security, and accordingly should not categorically be denied access to the United States. Of course, most of our allies don't need visas and will enter anyway, undermining the force of the statute. But it looks tough —and is more or less pointless.

Mr. President, this bill's myopic focus on Cuba is one that I find particularly disturbing. Cuba is not significant on the world scene; whatever geostrategic threat it may have posed disappeared 5 years ago, a fact our own military acknowledges.

In China, by comparison, we find a country bordering on superpower status. The Chinese Government regularly takes steps which threaten international security in fact: Nuclear equipment sales to Pakistan; saber-rattling across the Taiwan strait; human rights violations on a very brutal scale. China's policies on intellectual property even violate major United States financial interests. Why are we not imposing sanctions on China? Sadly, I

know that a bill proposing the same sanctions on China that we are today imposing against Cuba would fail—indicating that to the United States Congress fossilized cold war fantasies are more powerful than the real national security goals of 1996.

Mr. President, Cuba is a pariah. Certainly we as a nation have the right to limit our relations, economic and otherwise. Although some might note that after 35 years of embargo, Castro remains entrenched and that the policy needs careful review, I am not advocating a loosening of the embargo. That cannot take place absent an improvement in the atrocious human rights situation in Cuba. But I think we should be consistent in our foreign policy. If we sanction Cuba, then why not those current and former Communists—including those which are actual threats to international security, such as China, or with whom we met in battle at the cost of 55,000 United States soldiers, such as Vietnam? If we choose, instead, to engage such countries in dialog and with economic relations to effect change, then why not Cuba?

Instead, we shoot ourselves in the foot. This bill will not topple Castro; it will only give him cause to tighten his grip in the face of the Yanqui threat. It increases our isolation internationally and hobbles our ability to influence events in Cuba in a positive manner. It is an expensive resolution which will bring United States-Cuba politics into our courts. Helms-Burton damages the United States national interest and hurts innocent Cubans and I will vote against it.

Mr. BOND. Mr. President, as we consider instituting the provisions of title III of the Cuban Sanctions Act, I am troubled that in a rush to exact retribution for the heinous act of shooting down United States unarmed civil light aircraft by Cuban MiG fighters, we will accomplish nothing more than antagonizing our worldwide trading partners.

First, monetary restrictions and filing procedures currently in the language, prevent compensation to by the vast majority of Cuban exiles and benefit only large business concerns which look to use the offices of the U.S. Government to practice international tort law through legislation. This course of action can only lead to the muddying of the legal trade policies and agreements which we have long supported.

Second, though we are unarguably the leader in free trade throughout the world, this action will isolate us from our loyal and historic trading partners. Even as we contemplate this drastic course of action, our trading partners have vociferously objected to its long-term ramifications. Some of our closest allies are considering equally harmful measures in response and you know that once we start down this type of road, it will be extremely difficult to halt until an economic disaster occurs.

Third, the further starving of the Cuban people in an attempt to force a change in their government is not the way to promote a democratic movement. In order to win the hearts and minds of a subjugated people one doesn't beat them even more. We want to see them change their government from within and view us as a benefactor and not as a martinet.

I too, want the Cuban Government to change. I too, want the Cuban Government to bear full responsibility and consequence for their totally unwarranted and illegal actions. I don't believe that unilaterally attacking world wide trading policies and harming our relationships with our allies and partners is the way to do it.

Mr. JEFFORDS. Mr. President, I must strongly condemn the Cuban Government for its gross violation of international law in shooting down two small, unarmed civilian aircraft last Saturday, resulting in the presumed loss of four American lives. This was a cowardly, cold-blooded act by Cuban authorities. There is no excuse for this violent act and no explanation that Cuba can offer which justifies such blatant disregard for international norms.

I must note that Cuba's action on Saturday came on the very date that the Cuban Council, an alliance of human rights and dissident groups, had asked to hold a first-ever conference of such groups in Cuba. Beginning on February 15, the Cuban Government responded to the council's request, a request made in accordance with Cuba's Constitution, by retaining and arresting more than 50 people active in the council. I must also strongly condemn the Cuban Government of Fidel Castro for this crackdown.

By these actions, the Cuban Government has once again demonstrated its fundamental disregard for internationally recognized humanitarian norms. These actions also sadden me because they have extinguished summarily the pin-pricks of light which were beginning to show, for the first time in many, many years, in our relations with Cuba. Recently, there had been an increased number of exchanges and visits, activities which I continue to believe are crucial to creating space for a democratic change in Cuba.

The legislation before the Senate today, however, is not an appropriate, or even a relevant, response. As I noted during our consideration of this bill last October, instead of promoting democratic change in Cuba, this legislation, namely title III, creates a potential windfall for a small group of people at the expense of the greater interests of the United States. This bill alienates major allies and trading partners, such as Canada, Mexico, and France, with its clear extra-territorial application. Further, the effects of this legislation risk destabilizing Cuba to the point where we could face another exodus of boat people. We must ask ourselves: Are we ready to deal with such a crisis anew in order to serve the interests of a deep-pocketed few? I say we are not. The Presidential waiver provision for title III is not enough to overcome my deep reservations. This bill also carries with it a high human cost and I should note that the Cuban-American community is far from monolithic in its support for this bill.

I am also deeply concerned by this bill's codification of the Executive orders and regulations that implement the existing embargo. In spite of Cuba's recent actions, codifying the embargo takes us in the wrong direction, making our eventual and necessary rapprochement all the more difficult. I also believe that a mandatory visa ban on officers and majority shareholders companies which are trafficking in such properties is an unnecessarily petty provision. I will vote against this legislation.

DRACONIAN HELMS-BURTON CUBA SANCTIONS BILL GOES TOO FAR

Mr. WELLSTONE. Mr. President, today we will be voting on legislation to codify permanently some of the most far-reaching, harshest economic and political sanctions the United States has ever imposed by law upon another country. While I support the goal of pressing Cuba toward democratic rule, this bill is not the way to get there.

Let me be clear: Cuba's recent shocking attack against unarmed civilian aircraft, apparently in international waters, was an outrageous breach of international law, even considering the unwise acts of the Cuban-American pilots who had been consistently warned of the dangers. This action, and Cuba's detention of members of the Cuban Council—journalists, human rights activists, and others—has been met with widespread condemnation, both here and abroad. Cuba must respect international aviation law, internationally recognized human rights, and democratic freedoms if it is to reenter the community of nations.

The President has responded with a series of firm economic and political steps, unilaterally and multilaterally. This bill simply piles on, in a way that I don't believe is in U.S. long-term interests. I know that in the wake of the air tragedy, it will pass by overwhelming margins in both Houses, and will be signed by President Clinton, despite his earlier strenuous opposition. While there are elements of the bill which I support, including its authorization of assistance to democratic organizations, human rights groups, and international observers, as a whole it embodies a fundamentally flawed policy.

It's true that the people of Cuba have for too long been denied basic political rights, including the right to speak freely, to criticize their Government, and to associate with one another as

they wish. And for too long, Cubans have been unable to improve their standard of living through much-needed economic reforms. I would of course support and vote for legislation if I thought it would achieve that goal.

But unfortunately that's not the case. Instead we have before us the so-called Helms-Burton legislation, and we have to decide if it is likely to move us toward the twin goals of greater economic opportunity and greater political freedom in Cuba. Unfortunately, the answer, I believe, is no. So while I share the goal of my colleagues who support this bill—a peaceful transition to democracy in Cuba—I do not believe this bill will get us to that goal. There are several major areas of concern that I want to focus on.

First, as I observed, I fear that the burden of harsh sanctions often falls on innocent Cubans, not on the Government or on elites. Its provisions to enact into law prohibitions on families in the United States sending any significant funds to their own family members in Cuba, to all but cut off travel between the United States and Cuba so family members can at least visit one another, and to prohibit investments in open telephone communication between the United States and Cuba are especially unfair and counterproductive.

Its provision to place in law a prohibition on sales of food and medicines to Cuba—even to nongovernmental organizations, like churches or relief groups—is wrong, and likely to do further real harm to those whom proponents claim most to want to help. As is so often the case when ideology presses all other considerations into the background, the reality of people's lives—those innocent Cubans who will be most directly affected, and who struggle to maintain their families under Cuba's repressive government—is dismissed as inconsequential.

Second, I do not believe it is in our national political or economic interest to codify into law, and then tighten, this already harsh U.S. embargo. I will offer a few examples later of the reasons why, including my concerns, as one who represents a State which borders Canada, about its impact on United States-Canada relations, on Minnesota firms which do business with our Canadian neighbors.

Third, even if it were judged to be in our interest, I don't believe it will have the desired effect on Fidel Castro's government that its proponents intend. In fact, it could backfire on us, prompting Castro to become more repressive, and worsening social and political tensions there which could in turn lead to violence, and another major outflow of refugees to the United States. It was not long ago we had thousands of Cubans coming across the Florida Straits in leaky boats, who were stopped and then held at Guantanamo Naval Base for many months, at a cost of millions of dollars. Is that what Americans want to see again? I don't think so. But that very well could happen.

Ultimately, additional harsh sanctions could undermine, not bolster, opposition-backed hopes for political and economic liberalization there by enabling Fidel Castro to play the nationalist card, using the U.S. sanctions as a rationale for tightening his grip on power. We have seen in Russia, Vietnam, Eastern Europe, and to some degree even in China that the process of political and economic reform in these places has been accelerated by a more open exchange of ideas, people, information, technology, and other goods and services—not by increasing the isolation of these people from the outside world.

North Korea is a good example of what happens when we isolate Communist states; a disaster for United States policy. In Cuba, as elsewhere, ensuring an open flow of Western, democratic ideas, information, and technology could be critical to helping to transform those societies. This bill flies in the face of almost all of our recent positive experience in helping to transform collapsing Communist states around the world.

The bill could also prompt our allies and trading partners to retaliate, putting limits on U.S. firms which trade abroad, and eliminating the good-paying U.S. jobs that depend on such trade. Many are already voicing loud complaint, and some have threatened such retaliation. Over 50 countries now have substantial business interests in Cuba. Should we refuse visas to businesspeople—and their families—from Britain, France, Germany, Japan, or other of our trading partners who want to do business and create jobs within the United States, if they hold an interest in a Cuban business? Under this bill, in many cases we would have to do just that.

Americans expect a tough, firm response to Cuba's recent actions. But they also expect common sense, something which has been in short supply in America's policy approach to Cuba for a long time. Usually, if a policy doesn't work, you try something else. United States-Cuba policy, like the shop-worn Communist policies of the Cuban Government itself, has been frozen in ideological amber for too long, driven as much by domestic political concerns as by responsible foreign policy.

Let me offer a few examples that I think highlight why this bill is not in our own national interest. Russia is now moving toward elections that could determine the fate of the reform movement there for years to come. United States aid has played a key role in helping the Russians to dismantle their nuclear arsenals, open up their economy, and become a more open and democratic society. But this bill would require substantial reductions in United States aid to any country, like Russia, that provides assistance to Cuba. The way I read it, we couldn't provide key assistance, including that designed to bolster Russia's ability to buy United States products, if they provide aid, however unrelated, to the Cubans. This is true not only of Russia, but of any of our allies or trading partners whose firms have long been doing business in Cuba.

The tight and inflexible strictures this bill places on assistance to a transitional government there would also not be in our political interest. When the transition to a post-Castro, more democratic Cuba begins, we must be ready to move quickly to help to ensure its success, as we did in Haiti. The new rules proposed by this bill could leave us on the sidelines in a rapidly-moving transition—a dangerous place to be during such an unstable period.

As in Haiti, the United States needs the flexibility to respond to changing circumstances, sometimes even to overnight changes. But it takes months for Congress to act on simple bills declaring National Auto Safety Week, or National Ice Cream Day. It's unrealistic to think we would move quickly to provide aid to a new government. We should be there with resources, ideas, and the diplomatic flexibility to react just as the transition begins—not panting up to the finish line once it's over.

Nor is this bill in our economic interest. Its provisions to effectively impose a boycott on third-party countries and businesses who are not the primary target of Cuba sanctions are especially unwise. For example, should Minnesota farmers who sell grain to Russian joint Venture partners be penalized because Russia trades with Cuba?

Should Minnesota businesses who may be working in partnership with Canadian firms be subject to multimillion dollar lawsuits simply because their Canadian partner happens to sell computers, or medical equipment, or anything else, to a Cuban humanitarian organization? I don't think so. But this bill would do that, exposing firms in my State to huge potential liabilities for something they have little or no control over. That's not common sense, and it would endanger jobs and trade for Minnesotans.

There are other objections that have been raised about the legal implications of this bill. As Senators DODD, PELL and others have observed, the bill would open U.S. courts to potentially thousands of new property claims. This provision was dropped from the original Senate bill. Current law provides for a means of addressing property claims, through a Claims Settlement Commission. This bill would give special rights under United States law to a particular class of people, Cuban citizens who can make a claim that their

properties were nationalized in the late 1950's by the Cuban Government, and who later became U.S. citizens by means of very generous United States immigration laws—more generous than for virtually any other group. Why are we giving these special rights to Cubans who became citizens? Why not give the same rights to Bulgarians, Russians, Poles, Vietnamese, Chinese, Hmong, Lao, too, who may have had unresolved property claims when they were citizens of their own countries? Providing access to U.S. courts for claims filed on behalf of those who weren't even U.S. citizens, and thus not entitled to U.S. court review when the claims originally arose, sets a precedent which I am sure we will regret, and which will likely be very expensive. Who pays to give this special treatment to this special group? U.S. taxpayers pay. Of course, this disparate treatment not only raises legal questions. It also raises constitutional questions, especially about equal protection of the law, which its proponents have brushed aside.

Don't let anyone confuse the issue by leaving the impression that this bill is designed to protect small Cuban landholders who lost their homes and offices when Cuba overthrew the brutal Batista regime. These regular folks get left out. As is so often the case, the big corporate interests who reportedly helped to draft the bill, like the rum manufacturers and sugar processors, many of whom supported the brutal and corrupt Batista regime in the 1950's, and the big families that composed Cuba's elites for decades, are the ones who would most benefit from the new legal rights accorded by this bill. But they cloak themselves in the rhetoric of protecting the little guy who lost his shack on the beach in Havana, in order to persuade Congress, and other Americans, to protect their economic interests.

Mr. President, it's clear that we must send a strong message to the Cuban Government, and that we must do all we can to help accelerate a democratic transition there. But this bill would harm innocent Cubans far more than it would serve to pressure the Cuban Government. It could undercut the very efforts at political and economic reform that its proponents support, escalating social tensions, and prompting another outflow of refugees to U.S. shores.

Given the new frictions it will cause with our allies, and the other problems I've discussed, I do not believe it is in America's long-term interests. I know it will pass today. But I would be less than honest if I took the politically expedient route and voted with many of my colleagues who want to simply send a strong signal, whatever the vehicle, whatever the potential costs and unintended consequences, whatever the troubling legal precedents it sets. This bill does not meet the Minnesota common sense test. It does not meet the fairness test. It will not, in my view, have the effect its proponents hope. I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I gather there has been an agreement between the forces supporting and opposing this measure. Pursuant to that agreement, I ask unanimous consent to speak for up to 6 minutes from time that had been allotted to the opponents of this bill.

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

Mr. LIEBERMAN. Mr. President, I rise in support of the Cuban Liberty and Democratic Solidarity Act. I am pleased and proud to say I am an original sponsor of this legislation which passed the Senate, passed the House, and languished in a conference committee because of a dispute over certain provisions of the bill. But, as so often happens, dictators like Castro, if given the time, will show their true inclination and will, by their acts, provide the best evidence and the best support for action by great and free nations like ours against them. So it was, painfully, tragically, in the case of Cuba and Castro, over the last few weeks.

This is in the context of attempts by many in our country, well-intentioned attempts, to open some lines of communication with Castro to see if that might tame this beast, if that might make this tiger into a pussy cat. Just a few weeks ago, a distinguished group of visiting Americans had pictures taken with Castro, all looking very friendly. But what is happening on the ground at the same time in Cuba? In response to the deterioration of the economy and the continued suppression of the human rights of Cubans, I gather for the first time in three decades, the disparate opposition groups, that is groups opposed to Castro—and it is not easy, as we all know, to be opposed to Castro in Cuba—come together, form this group, Concilio Cubano, and begin to discuss peaceful, nonviolent ways to oppose the dictatorial regime of Castro.

What is the response of that government, of Castro's government, to this group? He arrests its leaders, the leaders of the opposition, and puts them in jail. Think about the contrast. A distinguished group of Americans visiting, holding peaceful discussions, and at the same time the courageous domestic opposition to Castro—finally beginning to come together against the force of this state—gets locked up; all that in the week or so before this next tragic incident.

They were four Americans. Sometimes we are too sensitive about things said in the media, but it struck me at the outset, when these planes were shot down, they were described as being piloted by representatives of the Cuban exile community. There is a Cuban-American community that has left Cuba. But these are not Cuban exiles in the sense that the term suggests, that they are somehow the other. They are us. These are Cuban-Americans who have attained citizenship and are proud of their extraordinarily productive community in Florida.

So, four Americans in these unarmed planes were shot down, without appropriate warning under international law: an outrageous act; an act of murder—let us call it that, plain and simple. An act of murder of civilians by a military government has now dislodged this bill from the conference committee and brought it to the floor, and I am grateful for the support that has been given to the bill.

The act of cowardice represented by that military attack demonstrates—as clearly as we could ask for it, much more clearly than any of us could argue on this floor or had argued before on behalf of this bill—that the Cuban Government's opposition to freedom is as strong as ever. The Castro regime remains hostile to the United States and the people of Cuba. This crackdown on the opposition, the shootdown of these planes, the litany of outrageous dictatorial acts that my friend and colleague from Florida has stated, show us once again that Castro is not redeemable. Forget it. Do not have idealistic dreams that this man, who comes out of the Stalinist era of communism, can suddenly become a freedom fighter.

In supporting the Cuban Liberty and Democratic Solidarity Act, we are acting in the best traditions of America's foreign policy because we are acting in the interests of human rights. We are acting in the interests of human rights. We are acting on behalf of the suppressed people who have lived too long under Castro's domination in Cuba. They have no less a right to live in freedom than the other peoples of the world toward whom we have extended ourselves, or against whom we have imposed economic sanctions to try to raise the liberty of the people who live within those countries.

There are those who say that Castro denies human rights. That is true. And it is in the tradition of America, the best tradition of our foreign policy, to stand for human rights.

Mr. President, pursuant to the previous agreement, I wonder if I might ask for 3 more minutes from the time of the opponents to the legislation?

Mr. COVERDELL. I would like to yield to the Senator from Connecticut 2 minutes, if I might.

Mr. LIEBERMAN. The Senator from Connecticut gratefully accepts.

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

Mr. LIEBERMAN. Mr. President, the point is this. The opponents of the bill

and others may say, "Yes, Castro denies human rights, but he does not represent a threat to the United States." He does not, in a fundamental sense of our existence and security. But so long as there is a hostile government in Cuba, the fact is that enemies of the United States will find a partner. So long as there is a hostile government in Cuba 90 miles from our shore, those who wish us ill will find an ally. For that reason of our own national security, as well as the faithful support of the best principles of our country, human rights, I think the Cuban Liberty and Democratic Solidarity Act is a strong step in the right direction.

Keep the pressure on. Bring Castro down. Let us move together on a bipartisan basis. The President strongly supports this legislation. Great majorities of both parties in this Congress support the legislation. Let us pass it and send the strongest possible message of hope to those who live under tyranny in Cuba and, hopefully, the strongest possible message that will bring fear to that individual who has tyrannized this proud people and that great island for much too long.

I thank the Chair and I yield the floor.

Mr. COVERDELL. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter from President Bill Clinton to Majority Leader BOB DOLE in support of the conference report be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, March 5, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter of endorsement of the conference report by the U.S. Cuba Business Council be printed in the RECORD.

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

U.S.-CUBA BUSINESS COUNCIL,
Washington, DC, September 20, 1995.

DEAR COUNCIL MEMBER: As you know, the U.S.-Cuba Business Council has closely monitored congressional and Executive Branch action on the Cuban Liberty and Democratic Solidarity Act of 1995 [H.R. 1868], known as the LIBERTAD Act or the Helms-Burton bill. The LIBERTAD Act has undergone significant change since the bill was originally introduced. Council members have inquired as to how the Council views the potential impact of this bill on the U.S. business community.

The measure, in its current form, addresses many of the concerns expressed by the Executive Branch, the business community and legal scholars. As modified, we believe that the LIBERTAD Act is fundamentally consistent with the goal of current U.S. policy on Cuba designed to foster a democratic change with guarantees of freedom and human rights under the rule of law. Congressional action on the bill may take place as early as this week.

Chapter I of the bill includes measures to strengthen the embargo against Cuba. Questions have been raised about the "extraterritoriality" of these provisions. As currently drafted, LIBERTAD Act is consistent with U.S. obligations under the North American Free Trade Agreement and the General Agreement on Tariffs and Trade and does not involve secondary boycotts.

Chapter II establishes a framework for trade with, and economic assistance to, a transitional or democratic government in Cuba. Some U.S. certified claimants have expressed concerns that Section 737 of the bill may diminish the pool of available assets for American property claimants by conditioning U.S. assistance to Cuba on resolution of claims held by those who were not U.S. citizens at the time of confiscation. Section 737 of the LIBERTAD Act has been significantly modified to address such concerns. As amended, this section protects the rights of certified U.S. claimants by conditioning assistance to a transitional government in Cuba on U.S. Presidential certification that the Cuban government is taking appropriate steps to resolve property claims involving U.S. claimants as described in Section 620(a)(2) of the Foreign Assistance Act of 1961.

A key element of the LIBERTAD Act involves measures under Chapter III to defend U.S. property rights and discourage foreign investors from trafficking in confiscated U.S. properties. Under these provisions, foreign firms trafficking in stolen U.S. property in Cuba would risk action by U.S. claimants against their U.S.-based assets [(Chapter III) Sections 741–744] and invite U.S. action to revoke entry visas of foreign corporate executives trafficking in confiscated U.S. properties.

We believe these measures will enhance the leverage of U.S. claimants seeking to discourage prospective foreign investors from trafficking in their confiscated properties in Cuba, facilitate the rapid and effective resolution of claims disputes, and level the playing field for U.S. firms preparing to participate in the economic development of a democratic Cuba.

Some U.S. claimants have expressed concerns about allowing Cuban American claimants to file suits against traffickers or to obtain default judgements against the Cuban government. Sections 742 and 744 of the LIBERTAD Act have also been modified to clarify that the bill does not authorize the President to espouse the claims of naturalized U.S. citizens in any settlement with Cuba and will not dilute the pool of assets available to U.S. claimants. As modified, the LIBERTAD Act significantly narrows and limits the filing of suits to effectively target foreign firms trafficking in confiscated U.S.-owned property.

In the new version of LIBERTAD, it is not possible to obtain a default judgement against the current government of Cuba. Moreover, the right of action to sue a trafficker in stolen U.S. assets applies almost exclusively to commercial property. Claimants must provide suspected traffickers with 180 days notice before filing legal action and the case must involve property worth more than $50,000. The Cuban government claims a total of 212 joint ventures on the island. Few of those enterprises are likely to have U.S.-based subsidiaries or other assets. Thus, only a handful of cases against foreign firms in the U.S. would qualify for consideration in U.S. courts. Accordingly, the Congressional Budget Office estimated that the cost of enforcement of the LIBERTAD Act would be less than $7 million. Furthermore, under current law the President could halt such suits through his authority under the International Emergency Economic Powers Act once a transition regime is in power in Cuba.

On balance, the Council considers the LIBERTAD Act, in its current form, to be consistent with the Council's mission statement and beneficial for the U.S. business community, protection of U.S. property rights, and the economic development of a free market, democratic Cuba.

Please contact me or USCBC Executive Director Tom Cox in our Washington office (202) 293–4995 if you need further information on issues relating to this measure. I look forward to hearing from you.

Best regards.

Sincerely yours,

OTTO J. REICH.

Mr. COVERDELL. Mr. President, I want to remind all listening to this debate that we are not talking about normal business transactions. We are talking about a dictator, a murderer, a violator of human rights, and an evil force in our hemisphere. That is the basis of this conference report.

It was suggested that we have not had appropriate time to deal with this legislation. It has been before the Senate for 13 months. There have been two subcommittee hearings on the measure and, of course, extensive negotiations between the White House and the committee itself.

It has been suggested that it violates NAFTA. The administration has confirmed our finding that this document does not violate NAFTA.

It has been suggested that we have a $50,000 cap denying the residential owners with smaller claims the opportunity to be benefited by the act. That

is a result of the opponents' complaint that the number of claims under the original bill would crowd the court system. So we have acceded to their demand to limit the number of cases. We are perfectly willing to open these legal remedies to those with claims valued at less than $50,000 and welcome legislation to lower this cap.

It had been suggested that it is a violation of 40 years of international law, that no nationalized citizens have ever had rights under an international claims settlement. I would suggest the opposition read the 1992 annual report of the Foreign Claims Settlement Commission of the United States. You will find the precedents for our efforts to provide compensation to naturalized citizens.

It has been suggested that we are going to chill the business community, that this just deals with business transactions. I want to remind all listening, and the opposition, that the bill is directed at people who engage in the business of exploiting stolen—I repeat stolen—property confiscated by Fidel Castro and his regime.

Mr. President, until the Soviet aid was cut off, joint ventures were not the key issue that they have become. In 1981, there was one transaction of this type. But by 1993, there were 60; and in 1994, there were 74. Yet, just the introduction of the Helms-Burton legislation has cut the number of new joint ventures in half.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart titled "Cuban Economic Association with Foreign Capital Participation", showing joint ventures in Cuba by country and year.

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

CUBAN ECONOMIC ASSOCIATIONS WITH FOREIGN CAPITAL PARTICIPATION

[By country and year]

Country	1988	1990	1991	1992	1993	1994	1995	Total
Spain	1		3	9	10	14	10	47
Mexico			2	3	3	4	1	13
Canada				2	8	16		26
Italy				1	5	4	7	17
France		1		3	5	2	2	13
Holland				1	2	3	3	9
Offshore		1	3	10	5	12		31
Latin America			2	3	11	9	4	29
Other			1	1	11	10	4	27
Total	1	2	11	33	60	74	31	212

Source: Cuba, Inversiones y Negocios 1995–96, CONAS, Havana, 1995, p. 18.

Mr. COVERDELL. Mr. President, it has been stated that our allies, some 58 countries, are going to be intimidated. I hope they are chilled by this. I hope they are. We are saying "quit dealing and assisting this dictator by giving him hard currency in exchange for the use of our stolen property."

Mr. President, let me say that I think the argument that international law, which protects these types of transactions, has a higher standing than our country's interest in defending our property owners is flawed. I think the pursuit of perfecting international law to protect our citizens from a rogue regime is legitimate and good sound public policy.

I yield the floor.

Mr. President, how much time is remaining total?

The PRESIDING OFFICER. Five minutes and fifty-one seconds.

Mr. COVERDELL. It is my understanding that no one chooses to speak on the measure. So I will make a closing comment and then yield back time.

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

Mr. COVERDELL. Mr. President, first, I think we owe the authors, Senator HELMS and Congressman BURTON, the cosponsors, and the White House—all who participated extensively to perfect this conference report that I believe will soon become law—a great deal of support. They need to be complimented extensively for the vast work they have done to perfect this legislation over the last 2 years.

Mr. President, I believe that this legislation will send a signal worldwide about this rogue regime, that it is not in the interest of business, or individuals, to be predators over confiscated and stolen property. I think the effects that I just alluded to moments ago are very positive, and I hope that all will take note and that there will be no more transactions in stolen property.

I hope that we give comfort to those who have had their lifelong possessions confiscated by the Cuban Government, that we will begin to signal hope to them, that there may be light at the end of the tunnel, and that they will be compensated for that which was lost.

I hope to the Cuban people we will be saying that the United States stands here ready to be an ally and ready to be an assistant to the transition to democracy and to the transition to a democratic government.

Mr. President, I see the author of the bill has arrived on the floor. I yield whatever time is remaining to the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Senator from Georgia.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Thank you for recognizing me, Mr. President.

Mr. President, let me first say with the friendliest of intent to our neighbors to the north, Canada, who have overspoken themselves in criticism of the United States—and particularly of this bill—declaring that they think it is all right for them and others to continue to deal with Castro. Let me remind them that Castro has had a murderous regime from the very beginning. More Cuban citizens have been killed, murdered, locked up, imprisoned, robbed—you name it—than anybody can imagine.

They advocate making a deal with Castro.

That is precisely what Neville Chamberlain advocated about dealing with Hitler. Mr. Chamberlain went to Munich, was wined and dined by Hitler. When he came back, he declared, "We can do business with Hitler. We can make a deal. We can have peace in our time." Well, Neville Chamberlain was wrong; one man, Winston Churchill, rebuked Chamberlain and declared that he was wrong. Winston Churchill was right.

Furthermore, I will say to our critical friends in Canada that some of us in the United States are a bit weary about Canada's flagrant transshipment of Cuban sugar and other things which are brought into Canada and then unlawfully shipped into the United States.

So, if the Canadians want to discuss what's right, what's moral, they should bear in mind that all of us become a part of what we condone. And by their advocacy in this matter, by their opposition to this bill, the Canadians are condoning Fidel Castro. Shame on them.

Mr. President, about a year ago, on February 9, 1995, I introduced legislation to hasten the day when Fidel Castro no longer can inflict terror and hardship upon the people of Cuba. Today, the Cuban people have reason to hope that Castro's days are indeed numbered: The Cuban Liberty and Democratic Solidarity Act is on its way to the White House for the President's promised signature.

So, we are today one step away from seeing the long-awaited legislation signed into law. This conference report has broad bipartisan support, and the President has endorsed the bill and is urging all Members of Congress to support it.

The Libertad Act may very well persuade Fidel Castro to withdraw his stranglehold on the Cuban people. It is difficult to see how Castro can sensibly continue to hope that his dictatorship can survive the tough provisions of this legislation, for example, the strengthening of all international sanctions by putting into law all the scores of Cuban embargo Executive orders and regulations enacted and imposed since President Kennedy. Simply stated, the embargo cannot and will not be lifted until Castro has departed and a democratic transition is underway in Cuba.

In short, it is time for Mr. Castro to wake up and smell the coffee.

Most importantly, the Libertad Act forces foreign investors to make a decision, a choice: They can trade with the United States or they can trade with Cuba, but not with both without paying a serious price. This legislation specifically creates a right of action for American citizens to sue those who

traffic in property stolen from them by the Castro regime. The bill also makes it mandatory that the Secretary of State deny entry into the United States to individuals who are enriching themselves with confiscated American properties.

Mr. President, it may be hard to believe but there are still a few voices calling for the United States to lift the embargo. In the past 2 weeks, those arguments have been completely, totally, and utterly discredited. For during these past 2 weeks, the Castro regime deliberately, intentionally, and in violation of international law, blew two unarmed civilian planes out of the sky. Castro has launched the most brutal crackdown on dissidents in more than a decade. There have been wholesale arrests in the middle of the night, followed by show trials; there have been illegal searches that have shown what Fidel Castro is—a brutal dictator.

These atrocities have not surprised the Cuban people who, for three decades now, have witnessed brutal atrocities every day of their lives under Castro's tyrannical regime.

Fidel Castro has also launched a crackdown on members of the independent news media in Cuba. Since early 1995, Castro and his agents have arrested and jailed journalists who made the mistake of trying to make objective reports regarding Cuban Government activities.

They arrested Olance Nogueras Roce for trying to protect the health and well-being of his fellow Cubans by detailing the perilous violations of safety regulations and the faulty construction of the Cuban nuclear powerplant.

Perhaps the most despicable attacks made by Castro, Mr. President, were against Cuba's blossoming religious community. After years of persecution and open hostility by the Castro regime, the Cuban people, especially the young people, are flocking to the church in record numbers. But, fearful that the church will tell the truth about Fidel Castro, his security agents have closed churches, arrested clergy, and harassed church-goers. Freedom to worship is nonexistent in Castro's dictatorship.

So, Mr. President, this conference report recommending that the Libertad Act become law is more desperately needed by the people of Cuba than ever before. The enactment of the Libertad Act will give these beleaguered Cuban people hope.

This is the light at the end of the tunnel for which the Cuban people have prayed—those poor souls locked in Castro's gulags, those desperate people who attempt to cross the dangerous straits to Florida, the journalists and clergy who have sought the freedom to shed light on Castro's lies, and the average Cuban citizen struggling to survive under Castro's tyranny. Now that they are about to have this new law on their side, surely it will be only a matter of time before the Cuban people enjoy the freedoms that too many Americans take for granted.

Mr. President, earlier I mentioned that President Clinton supports the Libertad Act. I ask unanimous consent that the President's letter to the distinguished majority leader be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, March 5, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

Mr. HELMS. I thank the distinguished manager of the bill, Mr. COVERDELL, of Georgia.

I yield the floor. I yield such time as I may have.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I ask that all time be yielded and the debate be concluded.

The PRESIDING OFFICER. All time is yielded.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report to accompany H.R. 2546, the District of Columbia appropriations bill.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, there are 15 minutes allotted to each side.

Who yields time?

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, my remarks will be very brief. This afternoon—after the vote on the Cuba resolution—the Senate is scheduled to vote on a third motion to invoke cloture on the D.C. appropriations bill. The first motion was rejected by a vote of 54 to 44. Last Thursday, the Senate rejected a second cloture motion by a vote of 52 to 42. Today, I urge my colleagues to reject this motion as well.

The time has arrived for the Senate to move beyond single issue politics to address the urgent needs of our Nation's Capital. It is clear that there is a significant—and unresolvable—difference of opinion on the scholarship program proposed in the conference report.

Repeated attempts to move this report have failed, and I am certain that the question of vouchers will not be settled on this particular legislative vehicle. I believe it is time now to move forward with the many other reforms that will begin to put the District on a sound fiscal and operational footing. As Chairman JEFFORDS and others have indicated, the District is about to experience a serious cash shortage. If the remainder of the Federal payment is not released within the next 2 weeks, the city will be unable to pay its bills or to provide essential services. The debate over the scholarship program has been a robust and informative one but it is time to move on. So I urge my colleagues to vote against the cloture motion.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I honestly hope this is the last time that we are called upon to debate the D.C. appropriations conference report. It is time to get beyond our differences and come to agreement. This conference agreement represents the best consensus that can now be achieved. To those who believe that by delaying or defeating this conference report they can somehow ensure a better deal, I can tell you that this is highly unlikely. I do not know what the House reaction is

going to be, but I do know that we negotiated long and hard on this conference report which essentially gave total local control on the question of vouchers and, to my mind, brought it out of the specter of being a national test on your feelings on this issue.

Mr. President, the Federal Government still owes the District government more than $254 million, of which $219 million is the remaining portion of the Federal payment. There are real human consequences to this delay. District vendors are carrying the city's debt. The city owes more than $300 million to its vendors. Partially as a result of not receiving the Federal payment, the city has taken steps to conserve cash including delaying payments to vendors. Many of these individuals are small businessmen who depend upon prompt payment to meet their own payroll and business expenses. When one of their customers is late, it causes a hardship. Some have gone out of business. Some have had to lay off employees, and some, like snowplow operators, refuse to do further business with the city. And let us hope we do not get another snowstorm. But it is still too early to be sure of that.

Mr. President, each year we make an appropriation of $52 million to the District's retirement fund for police, firefighters, teachers, and judges, who were formerly Federal employees when the District government was a Federal agency. As a result of the delay in enacting this bill, the Federal Government has not paid $35 million of this amount for those pensioners. These funds are invested for the future benefit of retirees. Through the end of January, the retirement fund estimates that it has lost over $2 million in interest proceeds as a result of not having these funds to invest. That is not fair.

I do not know what more can be said to convince Senators that this is the best deal possible under the circumstances and that the District desperately needs the money. Last week, the Chairman of the D.C. Control Board, Dr. Andrew Brimmer, visited me and gave me a letter concerning the effect of delay in enacting the D.C. bill. He stated that without the remainder of the Federal payment, the District could run out of cash this spring. He also noted that without the bill being enacted, the District cannot spend $42 million in new Federal grants identified after the 1996 budget was prepared. That authority is contained in the conference agreement.

In closing, Dr. Brimmer states:

> The Authority has begun to make significant progress toward the goal of restoring financial stability to the District without sacrificing core public services or adversely impacting our disadvantaged citizens. . . All this is jeopardized by failure to enact the D.C. budget. I plead with you and your colleagues to adopt the District's FY 1996 appropriation bill without further delay.

The White House has issued a statement which threatens that the President's senior advisers would recommend he veto this bill in its present form. The Mayor has written a letter to the President in which he appeals to the President's good sense and judgment as he weighs the advice of those senior advisers. The Mayor makes the case very well when he states, "This appropriations bill is not a vouchers bill. It is a bill that only gives local officials the option to do so if they choose."

Mr. President, we have come to another vote on this conference report. I hope my colleagues will heed the words of the mayor and the chairman of the control board and invoke cloture so that we do not have to wait for some other legislation to enact this bill. Time and the District's need for cash are of urgent concern. I ask my colleagues to support the conference agreement so that we may discharge our obligations to the city.

Mr. President, I yield the floor and yield 4 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the issue before us is not just the city government of Washington, DC, because that general issue is not what is holding up this legislation. The issue is whether or not the children of the District of Columbia ought to have a better education and a better educational system. And if that educational system does not evolve, then that the poor of the District of Columbia would have the same opportunity as the rich of the District of Columbia to make sure their children have an equal educational opportunity. And that revolves around whether or not school vouchers ought to be available to the poor of Washington, DC, so that they can have then the same educational opportunities as the rich of this city who choose to send their children to private schools.

Now, I have not historically promoted the wholesale move to school vouchers because I have in the past only supported a limited demonstration program that would provide school vouchers to poor families that reside in troubled school districts.

Obviously, the District of Columbia falls into that category. But it is certainly an idea, the idea of school vouchers, that deserves a chance. And more importantly, it may give many poor children in the District of Columbia a chance for a better education.

How ironic. We have been told that the President's advisers may suggest a veto. How ironic that this very same President, when he was Governor of Arkansas, supported a voucher program. Thank goodness for a candid story in the Post explaining why the President of the United States now has a different view. The Washington Post last Sunday showed why President Clinton flip-flopped on school vouchers and why the other side of the aisle is in lockstep behind him in opposition to this bill. You see, it is the special interests. Now, in Iowa, special interest when it comes to education means children or, if it is not education, it means the elderly or the disabled veterans, but here in Washington the special interests are fellows waving big checkbooks. The special interest in this case is the National Education Association which provided $4.4 million to Federal office seekers, virtually all of them Democrats, according to the Washington Post story.

So I do not want to hear from the other side of the aisle how they are voting to save education when they vote against cloture. They are not voting for the children's interest of the District. They are voting for the special interests of the District.

Incredibly, many people in the White House and in Congress who oppose this small effort to give children of working families a chance send their own children to the most expensive private schools in the city. I hope as they drive their sons and daughters to their elite academies that they can roll up the tinted windows of their cars and, thus, will not have to look at the children who have no chance, and they can shut out the noises of those children asking for a chance.

The Post story recounts that President Clinton told the NEA after he was elected that he would not "forget who brought me to the White House."

No, President Clinton has not forgotten his big special interest friends. Unfortunately, it is the children of the poor struggling to get a good education who have been forgotten by this White House if they, in fact, veto this bill.

I hope my colleagues will do the right thing for the children of the District and vote for this bill and give them a chance for a better education tomorrow and a better future as a result thereof.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to thank the Senator from Iowa for some very explicit and appropriate comments on the situation that we are in. I hope that my colleagues will heed his words.

I yield the floor, seeing there are speakers on the other side, I believe, ready to go.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes, 6 seconds remaining.

Mr. KENNEDY. I yield myself 6 minutes.

Mr. President, just to sum up where we are in the U.S. Senate, and really speaking to the people who live in the District, we are seeing a third vote on

an issue in which I believe our good Republican friends are basically playing politics with the children of the District of Columbia.

It is an interesting fact that 2 years ago, the majority cut $28 million out of funding for education in the District. This last year, they cut some $14 million out, and then $8.5 million out of title I.

So that is the background, and now what they are doing is asking $42 million over the period of the next 5 years for a very narrow program, which has been rejected 8 to 1 by the District of Columbia, and that is the voucher system that is not going to give the choice to the individual, it is going to give the choice to the school.

That is something that our Republican friends do not seem to understand. Only 2 percent of the children in the District would be able to qualify for this particular program. Who is going to make the judgment? Do you think the parents are? Of course, they are not. It is going to be the schools that are making the judgment about which children they are going to take.

So, on the one hand, we have seen the commitment to try and enhance the academic achievement and accomplishment for all of the children 2 years ago, and that was cut back, and then you see the commitment to enhance opportunities for all of the children, and that is cut back.

Now we are faced with a conference proposal that effectively undermines the first elected school board for the District of Columbia by not funding them. Do you hear that, Mr. President? I hope all of our Republican colleagues understand, local control. How often we hear, "Let's have local control over school planning, local control over the allocations of resources." That is not this bill.

The officials elected by the District of Columbia selected their school board, and that program is defunded. We have basically a Federal oversight that is going to say to the District of Columbia, "Use this money our way or you're not going to get it." That is real choice. That is real choice. That is real choice for the citizens here.

So we ought to understand, this is the third time that we are being asked to vote on this, Mr. President, along with the other provisions of the legislation that provide an assault on the incomes of working families here, unlike any other part of the country, where the changes in the worker protection under Davis-Bacon have been included, and the position of the Congress on the issues of funding for abortions. We are making a judgment which the Supreme Court has recognized ought to be a State or a local judgment, but, oh, no, we are saying we know best, we know what is really best for the education of the students, and we know what is in the best interest of the poor and needy women in the District, and we know what is in the best interest of workers in the District.

We will hear, as we have over the period of these past months, that we in this body do not always know what is best for the people around this country. How often we have heard that speech. Now you have the chance to say no to that judgment by rejecting this conference report and saying yes to workers, yes to needy women, yes to the parents and to the enhanced quality of education for the people of the District.

So, Mr. President, I hope for these reasons and the excellent reasons that have been outlined by Senator KOHL earlier today and during the last debates and my friend and colleague from Illinois, Senator SIMON, that this conference report will not be considered; that we will send a very clear message.

As Senator KOHL has pointed out, and it has not been controverted, if you eliminated these kinds of restrictions that have no business whatsoever being on this bill, this funding would be available this afternoon. But, no, we have voted on it. People understand where those votes are, and we are being asked to go through this routine and what I think is basically blackmailing the children and families of the District of Columbia to achieve some purpose for the majority that the majority might be able to explain to us. But we are asked to do that, Mr. President.

I want to make it very, very clear to all the members of the District of Columbia, we stand strong to make sure that the District of Columbia is going to get its funding. It could get it this afternoon if they drop these three proposals off the conference report. They could work that conference report. All of us have been around this institution to know the conferees would be able to get back together. Drop those three, and they could get it this afternoon.

We have had the two votes, and still they want to have the third one. But we will do everything we possibly can to work with our friend and colleague, the Senator from Vermont, who we admire both his commitment to the quality of education nationwide and also in the District of Columbia. We will work with him and the other Members of the House to make sure the District of Columbia gets its payment, but on this proposal we should say no.

Mr. President, I see my friend and colleague. I yield 4 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I simply want to underscore what Senator KENNEDY has had to say. The Presiding Officer, as a new Member of this body, may not be aware of this, but in addition to everything that Senator KENNEDY had to say, one of the things that is happening in our world that is really dramatic is the spread of democracy. It is in Russia, it is in Poland, it is in many countries of Africa now.

It is interesting, Mr. President, that in all of the democracies of the world, there is only one democracy where we deny the people in the capital city the right to be represented in a democracy, in their parliament. That democracy, I regret to say, is the United States of America.

The District of Columbia has their own elected school board, and we make all these speeches about local control, but we say to only one school board—and it is not insignificant, it is a school board that does not have a vote in terms of having a U.S. Senator—we say to one school board, "You have to do this or you don't get this money." That just does not make sense. I add one other point, Mr. President. I have been around here now 22 years and, generally, we try and work out compromises between the House and the Senate. These are provisions that were not favored by a single Member of the Senate side. Democrats and Republicans capitulated to the House. I understand capitulating because you have to do that sometimes. But the body does not need to do that. The precedent is simply wrong.

So I hope that our vote on cloture will be the same. There is no reason for anyone to change his or her mind. This is not good policy, and I hope we will continue to resist the cloture motion.

I yield the remainder of my time back to Senator KENNEDY.

Mr. JEFFORDS. Mr. President, first, I thank my colleagues for their kind words about our relationship, which I cherish. I thank them for very eloquently making my arguments, because they have pinned it all on the fact that we are shoving something at a city that has no opportunity with their elected officials to say no.

That is not the case. I wish they would read the bill. What it says is simply that we set up the operation, and there is a nonprofit corporation set up to handle private funds and public funds. Then there will be two voucher plans. One voucher plan nobody disagrees with. One is that every child that has problems with their education will have an opportunity to seek a voucher to go after school—or to go someplace to get the kind of remedial attention they need. Nobody disagrees with that. The bill further states that, however, the corporation can recommend that money would go for tuition vouchers. However, there must be agreement upon how much to spend on tuition vouchers, down to zero, and that is up to the elected city officials, the District Council. They can say no money.

When we reached this agreement, I was fully aware there had been a referendum that said, 8 to 1, "We do not want any vouchers." That simply means that I knew, and I am sure others that have agreed to this know, that

many people in the District are against it. To make the presumption that the city council does not remember this vote, that was on the ballot, which said that the city voters do not want vouchers, 8 to 1, and they are going to say forget about that, forget about how you feel now—of course, they are not. So I appreciate Senators on the other side making the argument strongly that we should not have anything that is locally controlled. This conference agreement gives the city local control.

So how can you say you are against it because it does not have local control when the whole thing is based upon local control?

The other issues, we have argued before, with respect to Davis-Bacon may not be a problem. If it is, we will correct it. The abortion issue is a compromise between the language adopted in 1995, and which was adopted by the Senate this year and the more restrictive language of the House bill. The conference agreement states that no funds, either from the local government or the Federal Government, can be used to perform an abortion unless it is to save the life of the mother or in cases of rape or incest. That was the best we could do.

Let us concentrate on the educational provisions now. Mr. President, we have done everything in this agreement we can to protect the people of this city from a mandatory Federal program which would violate local control. That is the case in this agreement.

In addition, we must remember that there are many other important education reforms in this bill besides that one provision. We run the risk, as I mentioned earlier, of ending up with nothing here, and all the catastrophes that can come from that, including losing the funding for the reforms.

I want to say briefly that I know there are several Members—enough to pass this bill—that are tortured by this vote right now, who want to support the cloture motion, but they know that the problem has been an agreement by the unions to hold the line. The White House is putting pressure on and saying they will veto it if it is presented in its present form. I urge those Members to look at the facts and get the grit to be able to do what you know you should do to help the city and to, most of all, help the kids get the education they need in this city.

I reserve the remainder of my time.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, I appreciate the explanation of the Senator from Vermont. But I do not think that that ought to be very satisfying to the parents of the school district in the District of Columbia. Effectively, what the Republican Congress has done is this: They have cut $52 million in the last 2 years on the one hand, and they are giving $42 million back on the other, if it is used as explained by the Senator from Vermont, and that is whether it is vouchers or after-school vouchers. But if they do not spend it for the vouchers, they lose it. They lose it. They do not get the money.

You have had these draconian cuts that we have seen in the last 2 years, and they are dangling the money in front of the District now and saying the only way you can use this money is if you use it for the programs of after-school vouchers and the other vouchers.

What do you say to the school that says they would like just a few more hundred thousand dollars for the literacy program, or they would like to have an in-school after-school program? It would not be just the kids that get the vouchers, but all the children. You are saying no to that group of parents that want to have an after-school program and use some of the money. We otherwise would have gotten another $42 million for the after-school program. What if the teachers and parents say we would like to have more technology, computers? Oh, no, we have to permit 2 percent of the school children to go to some other schools. We cannot say that in your school you might be able to get some additional resources for technology.

Those are the things that are out there, parents, and under this proposal, you are denying it. You have had significant cuts in the last 2 years. You are offering them a lot of money this way, but it has to be used not the way the District of Columbia wants to use it, which has rejected vouchers in recent years by 8 to 1—if they had wanted vouchers, they would have had it before this year. They never have. So you are saying we know best, and you are going to use the money this way, or you are going to lose it.

That is unacceptable. We say that the schools know best and the parents, who may want to be able to develop after-school programs. Schools and parents want to have literacy and technology, and schools and parents want to have enhancement of math and science. But we are saying, no, you cannot do that. You have to use it our way, or you lose the money. That is the issue.

That is unacceptable, Mr. President. I hope that we will defeat the cloture motion and move toward providing the funding to the District of Columbia.

Mr. JEFFORDS. How much time remains?

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. JEFFORDS. I point out that we have never cut the school budgets of the city. The city has recommended reductions, some of which were accepted. We have never imposed cuts. So, again, let us get the facts straight.

In addition to that, this $5 million is the only thing at risk here. All of that can be used if the city council and the scholarship corporation agree. It can all be used for the kind of vouchers that no one opposes, for remedial instruction. Local control is total here.

Mr. WARNER. Mr. President, as the Senate today again attempts to limit debate on H.R. 2546, the fiscal year 1996 District of Columbia appropriations bill, I would like to address what seems to be the principal roadblock to Senate approval. That issue is the proposed discretionary educational voucher program.

The conference report on H.R. 2546 would authorize school vouchers for as many as 1,500 low-income children at up to $3,000 each. These vouchers could be used for one of two purposes: Either for supplemental educational services such as remedial training after school, or as tuition scholarships to assist with the costs of private education.

As proposed, the voucher demonstration is not mandated. It is authorized first as a choice for the District of Columbia Council. No voucher program could go forward until it was approved by the District government.

Furthermore, should the District decide to implement the voucher demonstration, the D.C. Council could specify the type of vouchers which would be available. For instance, all of the demonstration funds could be targeted to supplemental educational services with no tuition assistance alternative.

Mr. President, this legislation respects home rule by giving the D.C. government the discretion to choose the type of program it may wish to provide, or reject the program outright. It would also give up to 1,500 D.C. families the ability to make important choices to improve their children's education.

I strongly support the bill, and I strongly support the discretionary school voucher demonstration. This is consistent with my support of a similar voucher demonstration proposal during the 1994 debate on the Goals 2000 legislation.

The American education system should provide an environment which fosters innovation and experimentation. Here is an opportunity to test that environment in the Nation's Capital. I urge my colleagues to join in voting in favor of educational choice for the District of Columbia.

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

RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, as I understand, the vote is set for 2:15.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, the Senate is taking a historic step today. We will soon vote on the conference report on the Cuban Liberty and Democratic Solidarity Act of 1996. It is a tragedy it took the brutal attack on unarmed American citizens in international airspace to overcome resistance to tightening the economic noose around Castro. Many of us believed legislation should have been enacted much sooner. Fifty-nine Senators voted for cloture on this bill last October. Though we were forced to delete a critical section to overcome the filibuster last year, that section has been restored in the conference report pending in the Senate.

Castro still has a few supporters in the United States. The tired rhetoric defending his dictatorship is the last stand of the old left. But their voices are irrelevant. Their voices are drowned out by the overwhelming and uncontestable evidence of Castro's true nature. Castro is clearly determined to cling to power at all costs, but his days are numbered. Enactment of the Libertad bill will weaken, and eventually end, Castro's desperate dictatorship.

There has been much said in the debate this morning about this bill. The key provisions deserve special mention. First, the Helms-Dole-Burton Libertad bill codifies all regulations implementing the embargo on Cuba. This will ensure no more mixed signals will be sent from the United States—the Cuban embargo stays in place until a transition government is in place.

Second, the Libertad bill requires entry to the United States be denied to all individuals who traffic in stolen property in Cuba. Entry into the United States is a privilege, not a right. Enactment of this bill will guarantee that the privilege of entry to the United States is not extended to those who profit from property stolen from American citizens.

Third, effective August 1, 1996, the Helms-Dole-Burton bill creates legal recourse in American courts against firms and individuals who profit from property confiscated from Americans. Limited authority to suspend this provision is included in the conference report, but only for 6-month periods, only with advance notice to Congress, and only if the President certifies that such a suspension will expedite democratic change in Cuba.

There are many other important provisions in the bill: Authorization to support democratic and human rights groups in Cuba, tough conditions on aid to the former Soviet states if they provide aid to Cuba, mandatory reductions in United States assistance and credits to any country which support completion of the nuclear reactors in Cuba, and tough requirements for United States Government action on American fugitives in Cuba.

The Libertad bill is a comprehensive package which will cutoff Castro's foreign economic lifeline. The Libertad conference report will speed up democratic change in Cuba. It sends a clear message: The time of Fidel Castro has come and gone. It has been a long, hard road to get to the point of final Senate action. I wish we could have been here much sooner. I wish we could have acted without facing veto threats and filibusters.

But today, these differences are behind us. President Clinton has endorsed the Helms-Burton bill—in its toughened form. President Clinton has asked all Members of Congress to support this legislation. In a letter to me this morning, he wrote:

> The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba. I urge Congress to pass the Libertad bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

There can be no doubt that the signal from the United States is stronger when the Democratic White House and Republican Congress speak with the same voice. There can be no doubt that the signal from the United States is unmistakable: Democracy yes, dictatorship no.

Now that the White House is on board with a tougher approach to the Castro regime, I hope they will enact unilateral steps to increase pressure on Castro—steps they could take today. The Clinton administration should beef up enforcement of the embargo, including opening a Treasury Department office in Miami. The Clinton administration should also instruct the FBI to crack down on Cuban agents in the United States including tougher restrictions on so-called diplomats and stronger steps to counter Cuban spies in Miami. The administration should also require strict compliance with the Foreign Agents Registration Act to ensure all of Castro's lobbyists are publicly disclosed. Measures like these will help demonstrate a genuine change of heart by the White House.

Let there be no mistake: Castro's dictatorship will end. From Poland and Prague, from Moscow to Managua, from Kiev to Kazakhstan, Communist tyrants have fallen to the will of people. Castro stands alone as the last dictator in the hemisphere. When the history of the fall of Castro is written, today's action will have a central place. The atrocity over the Florida Straits—the murder of martyrs of February 24—has galvanized opposition to Castro. And it has overcome obstacles to passing their Libertad bill before us today.

There is a long list of people who worked hard on the legislation before us. Senator HELMS made enactment of this legislation a priority when he assumed the chairmanship of the Foreign Relations Committee. Senator MACK of Florida was critical in mobilizing Senate support for the bill.

In the House, Congressman BURTON played a critical role in shepherding the legislation to the overwhelming vote last September. Congressman DIAZ-BALART and Congresswoman ROS-LEHTINEN were tireless in their work for the bill—in the House and in the Senate. Congressman MENENDEZ of New Jersey was central in getting the Clinton administration to see the light on the legislation last week. All of these Members deserve credit for the Libertad conference report. Without their efforts, we would not be where we are today. Enactment of this legislation will end the debate over how to foster democratic change in Cuba. Enactment of this legislation will send a signal to our allies and our adversaries that the United States is united in opposing Fidel Castro. And enactment of this legislation will bring the end of Fidel Castro's reign of terror much closer. I urge my colleagues to support the Libertad bill to send the strongest possible message to the hemisphere's last dictator.

The signals are clear. It is now nonpartisan, bipartisan, call it what you will. I hope with an overwhelming vote that Castro will finally get the message. And I think the administration has finally gotten the message. After cozying up to Castro in 1994 and 1995, they now see the error of their ways. And I am happy that they are now on board.

I particularly want to thank the distinguished chairman of the committee, Senator HELMS, for his tireless efforts throughout the past several months.

MIDDLE EAST TERRORISM

Mr. DOLE. Mr. President, apparently the White House press secretary made some statements this morning that I think probably he should not have made. I am not certain it helps the cause of counterterrorism to talk publicly about the type of equipment we are sending to help our allies. I support, and I am certain all of my colleagues support, United States efforts to support Israel's fight against the

killers of Hamas. I have pointed out that continued United States aid to the Palestinian authority is difficult to justify unless Arafat takes concrete action against terrorists who threaten the peace process. Congress has had many contentious delays in extending the Middle East Facilitation Act in the past. We could have a continuing resolution in the Chamber maybe next week or maybe even this week, sometime very soon, and unless and until Arafat does more to crack down on terrorism, I would assume—I am not suggesting I am going to plead it, but I assume there might be an effort by some to cut off aid to the Palestinian authority, and that is the point I made. It seems to me it is up to Mr. Arafat to take some decisive action. It is not enough to say that he regrets it and it is intolerable. I think we need action not only from Arafat but some action from Syria which has been a safe haven for terrorists the last decade or so.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The question is now on agreeing to the conference report to accompany H.R. 927. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The result was announced—yeas 74, nays 22, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—74

Abraham	Faircloth	Mack
Ashcroft	Feinstein	McCain
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Murkowski
Bradley	Gorton	Nickles
Breaux	Graham	Pressler
Brown	Gramm	Pryor
Bryan	Grams	Reid
Burns	Grassley	Robb
Byrd	Gregg	Rockefeller
Campbell	Hatch	Santorum
Coats	Heflin	Sarbanes
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
Conrad	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Johnston	Specter
D'Amato	Kassebaum	Stevens
Daschle	Kempthorne	Thomas
DeWine	Kohl	Thompson
Dole	Kyl	Thurmond
Domenici	Lautenberg	Warner
Dorgan	Lieberman	Wyden
Exon	Lott	

NAYS—22

Akaka	Boxer	Dodd
Bingaman	Bumpers	Feingold
Bond	Chafee	Harkin
Hatfield	Leahy	Pell
Jeffords	Levin	Simon
Kennedy	Moseley-Braun	Wellstone
Kerrey	Moynihan	
Kerry	Murray	

NOT VOTING—4

Inouye	Nunn
Lugar	Roth

So the conference report was agreed to.

Mr. COVERDELL. Mr. President, as manager of the conference report on H.R. 927 just adopted by the Senate, I ask unanimous consent to address the Senate for 1 minute.

The PRESIDING OFFICER. Without objection, the Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I wish to thank Senator HELMS, the chairman of the Foreign Relations Committee, and the majority leader, Senator DOLE, for their leadership on this issue.

I also wish to thank my fellow Senate conferees—Senators THOMPSON, SNOWE, and ROBB—for their relentless effort and willingness to work long hours to pass the conference report. Further, I wish to thank Senator DODD for his knowledgeable input and management of the conference report on the floor, and for his willingness to bring this to closure even though he does not support the measure.

In addition, I want to add my thanks to the staff involved in this conference report, especially Steve Schrage of my office, and Dan Fisk and Gina Marie Lichacz of the Senate Foreign Relations Committee who worked diligently throughout the process to keep me fully briefed and prepared. I also wish to express my gratitude to Randy Scheunemann of the leader's office for his invaluable expertise, and to Janice O'Connell of Senator DODD's staff for graciously working with us during floor consideration of this conference report. Finally, I wish to acknowledge all the other Senators and staff who made passage of the Libertad Act a reality.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture on the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the District of Columbia appropriations bill:

Trent Lott, Jim Jeffords, Dan Coats, Larry E. Craig, Paul D. Coverdell, Conrad Burns, Pete V. Domenici, Jon Kyl, John Ashcroft, Slade Gorton, Spencer Abraham, Craig Thomas, Mark O. Hatfield, C.S. Bond, P. Gramm, Don Nickles.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate be brought to a close?

The yeas and nays are ordered under rule XXII.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—53

Abraham	Domenici	Lott
Ashcroft	Faircloth	Mack
Bennett	Frist	McCain
Bond	Gorton	McConnell
Bradley	Gramm	Murkowski
Breaux	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Santorum
Byrd	Hatch	Shelby
Campbell	Hatfield	Simpson
Coats	Helms	Smith
Cochran	Hutchison	Snowe
Cohen	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kassebaum	Thompson
D'Amato	Kempthorne	Thurmond
DeWine	Kyl	Warner
Dole	Lieberman	

NAYS—43

Akaka	Ford	Moseley-Braun
Baucus	Glenn	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Pell
Boxer	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Johnston	Robb
Chafee	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Mikulski	

NOT VOTING—4

Inouye	Nunn
Lugar	Roth

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, once again the Senate has expressed its will on the conference report for the District of Columbia appropriations bill.

Clearly there are provisions in the conference agreement that are not acceptable to a significant minority of the Senate, which makes it impossible at this time to pass the bill in its present form.

I will work with my colleagues here in the Senate and in the other body to find a common ground. I want to assure the District officials I will seek every legislative vehicle to ensure that the remainder of the Federal payment to the city is provided as quickly as possible. I will discuss with the distinguished chairman of the Committee on Appropriations the possibility of including the District in any omnibus bill or continuing resolution in the Senate, which we may consider, hopefully this week.

I intend to get the money available for education reform so it is not lost to the city, and to secure as much education reform as possible. It is imperative for the kids—and that is why we are here, is for those kids—and essential to the District's ability to attract business and people.

I thank the Senators who have supported us, the majority, in attempting to bring an end to this debate and encourage those who did not to keep an open mind and consider the larger issue of the needs of the Capital as we attempt to resolve this issue, and especially consider the children so badly in need of education reform. Mr. President, I am concerned about where we have gone. I still have hopes we will be able to resolve this. I will keep doing that until such time as we have reached the kind of solution that we need for this city.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, are we still on this bill? What is the issue before the Senate at this time?

The PRESIDING OFFICER. The conference report is still pending.

Mr. GORTON. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for not to exceed 5 minutes.

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

Mr. LOTT. Mr. President, certainly I will not object, but will the Senator withhold so I can make some important points at this point?

Mr. GORTON. I would indeed withhold, and also for the Senator from Vermont, if he wished to speak to the conference report.

Mr. LEAHY. Mr. President, I just ask I be recognized after the distinguished Senator from Washington.

I understand the Senator from Mississippi has some housekeeping matters to take care of first, but after that is done and after the distinguished Senator from the State of Washington, I ask I might be recognized as in morning business. That is a unanimous-consent request.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, I do just have a couple of items we need to do right away.

MORNING BUSINESS

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

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

INTERNATIONAL VOLUNTARY FAMILY PLANNING

Mr. HATFIELD. Mr. President, I have recently expressed my concern for the harm done through the 85-percent cut in international voluntary family planning programs which is now law for this fiscal year.

I wish to submit for the record a body of statistics which describe what is likely to happen in the aftermath of a 35-percent cut in voluntary family planning programs. Again, the cut in this fiscal year is 85 percent.

These statistics represent the most conservative estimates of what a 35-percent cut would mean. In sum, we can expect nearly 2 million more abortions, and a minimum of 8,000 more women dying in pregnancy and childbirth. One need not be a professional demographer to calculate what this year's 85-percent cut will mean for families across the globe.

Mr. President, I ask unanimous consent that these estimates be printed in the RECORD.

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

METHODOLOGICAL SUMMARY

(Prepared by the Alan Guttmacher Institute)

The potential effect of a 35% cut in U.S. funding for family planning is estimated by gathering and sometimes reconciling information from a wide variety of sources, ranging from national censuses and population estimates to country-specific surveys of women of reproductive age to special studies of contraceptive use and of pregnancy outcomes. Detailed references and calculations are available on request. The following outline describes the basic steps in the estimation.

Estimation of the impact of the funding cut starts by determining how many of the couples who depend on U.S funded family planning programs will lose their access to contraceptives.

Population censuses and estimates indicate an estimated 829 million women of reproductive age are living today in developing countries other than China (which receives no U.S. family planning program support).

Surveys of women in developing countries show that roughly 247.5 million of these women and their partners use modern methods of contraception to lengthen the time between the births of their children or to avoid having more children than they already have.

Because of their poverty, 190.5 million, or 77%, of the couples in developing countries outside of China who are using modern contraceptive methods rely on public-sector family planning programs for their contraceptive method.

The United States contributes about 17% of all public funds spent on family planning in developing countries other than China, accounting for 32.4 million couples using modern contraceptive methods. [Of these couples, 12.6 million are estimated to be protected by contraceptive sterilization or long-lasting methods including hormonal implants (such as Norplant) and intra-uterine devices (IUDs).]

On an annual basis, 19.8 million couples depend on U.S. supported programs to obtain contraceptive supplies, such as pills, condoms or injectables, or to start use of a long-term method, such as voluntary sterilization, hormonal implants or IUDs.

A cut in program resources of 35% means that 12.9 rather than 19.8 million couples will be able to be served in a year's time, leaving 7.0 million couples without access to contraceptive supplies or services.

The second step is estimating what effect losing U.S. supported family planning services will have on the couples who were depending on them for contraceptive care.

There are few other contraceptive choices in developing countries for women who lack access to modern contraceptives. A conservative estimate is that of the 7.0 million women losing services because of U.S. funding cuts 2.8 million will turn to traditional methods and 4.2 million will use no contraceptive.

Because pregnancy rates are so much higher among couples relying on no method or on a traditional method than if they use a modern contraceptive, 4.0 million more unwanted pregnancies are expected in developing countries due to the drop in family planning program resources.

About 40% of these unintended pregnancies are likely to end in induced abortion, even though it is often not legal and performed in unsafe conditions—accounting for 1.6 million abortions among the expected additional unwarranted pregnancies.

Some 47% of these unintended pregnancies are likely to end in unwanted births with the remaining 13% resulting in spontaneous abortions or miscarriages—accounting for 1.9 million unwanted births among the expected additional unwanted pregnancies.

Maternal mortality rates in developing countries are high, about 4.1 deaths per 1,000 women giving birth, leading to an estimated 8,000 additional deaths due to pregnancy among the women facing additional unintentional pregnancies.

In summary, it is estimated that, in a year's time as a result of a 35% cut in AID funding, there will be:

7.0 million couples in developing countries who would have used modern contraceptive methods will be left without access to these methods.

As a result, there will be 4.0 million more women experiencing unintended pregnancies, leading in turn to:

1.9 million more unplanned births, and

1.6 million more abortions (the remainder of the unintended pregnancies ending in miscarriages); and

8,000 more women dying in pregnancy and childbirth.

Estimate of number of additional abortions resulting from a 35-percent cut in USAID funding for family planning services for all developing countries excluding China

1. WRA	829,000,000
2. Percent in union	
3. MWRA	
4. Percent MWRA using modern methods	
5. Percent WRA using modern methods	
6. Modern method users	247,473,000
7. Percent FP supplied by public sector	74
8. Percent of private sector subsidized	10
9. Modern method users relying on public sources	190,455,221
10. Percent of USAID share of total funding	17
11. Users protected by USAID	32,377,388
12. Percent users using long term methods	43
13. New sterilization acceptors as percent of ster. users	10
14. USAID-funded users needing current protection	19,847,339
15. Percent of USAID budget cut	35
16. Current users left unprotected	6,946,568
17. Proportion adopting traditional methods in percent	40
18. New users of traditional methods	2,778,627
19. Percent of failure rate for traditional methods	30
20. Unwanted pregnancies from traditional use	833,588
21. Percent of pregnancy rate for those unprotected	75
22. Unwanted pregnancies from those unprotected	3,125,956
23. Total unwanted pregnancies from budget cuts	3,959,544
24. Percent resorting to abortion	40
25. Additional abortions	1,583,818
26. Percent of pregnancies resulting in live births	47
27. Additional unwanted births	1,860,986
28. Maternal mortality rate	410
29. Additional maternal deaths	7,630

ESTIMATE OF NUMBER OF ADDITIONAL ABORTIONS AND MATERNAL DEATHS RESULTING FROM A 35-PERCENT CUT IN USAID FUNDING FOR FAMILY PLANNING

Date of DHS	Developing countries minus China	Bangladesh 1993/94	Ghana 1993	Philippines 1993	Peru 1991/92
1. Women of reproductive age (WRA)	829,000,000	29,100,183	3,970,368	17,019,483	6,143,800
2. Percent in union		79			
3. Married women of reproductive age (MWRA)		23,076,445			
4. Percent MWRA using modern methods		36			
5. Percent WRA using modern methods			9	15	20
6. Modern method users	247,473,000	8,353,673	369,244	2,569,942	1,222,616
7. Percent FP supplied by public sector	74.4	79	43	70	48
8. Percent of private sector subsidized	10	10	10	10	10
9. Modern method users relying on public sources	190,455,221	6,774,829	179,822	1,876,058	650,432
10 Percent of USAID share of total funding	17	24	40	65	57
11. Users protected by USAID	32,377,388	1,625,959	71,929	1,219,437	370,746
12. Percent of users using long term methods	43	31	16	61	37
13. New sterilization acceptors as percent of ster. users	10	6	13	7	9
14. USAID-funded users needing current protection	19,847,339	1,153,415	61,859	525,171	246,041
15. Percent of USAID budget cut	35	35	35	35	35
16. Current users left unprotected	6,946,568	403,695	21,651	183,810	86,114
17. Proportion adopting traditional methods in percent	40	40	40	40	40
18. New users of traditional methods	2,778,627	161,478	8,660	73,524	34,446
19. Percent of additional pregnancy rate with traditional methods	30	30	30	30	30
20. Unwanted pregnancies from traditional use	833,588	48,443	2,598	22,057	10,334
21. Percent of additional pregnancy rate for those unprotected	75	75	75	75	75
22. Unwanted pregnancies from those unprotected	3,125,956	181,663	9,743	82,714	38,751
23. Total unwanted pregnancies from budget cuts	3,959,544	230,106	12,341	104,772	49,085
24. Percent resorting to abortion	40	38	40	52	43
25. Additional abortions	1,583,818	87,440	4,936	54,481	21,107
26. Percent of pregnancies resulting in live births	47	49	46	36	43
27. Additional unwanted births	1,860,986	112,752	5,800	37,718	21,107
28. Maternal mortality rate	410	600	1000	100	300
29. Additional maternal deaths	7,630	677	58	38	63

SOURCES AND NOTES

1. Population Division, 1995, *World Population Prospects: The 1994 Revision*. New York: Department for Economic and Social Affairs, United Nations. ST/ESA/SER.A/145. All figures are for 1995.

2. DHS country reports.

3. *WRA [1] percent in unions [2].*

4. DHS country reports.

5. DHS country reports.

6. For specific countries modern method users are calculated by: *WRA [1] percent WRA using modern methods [5]* if data are available, otherwise *MWRA [3] percent MWRA using modern methods [4].*

For all developing countries, the number of modern method users is derived from: W. Parker Mauldin and Vincent C. Miller, 1994. *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005. Technical Report Number 18.* New York; United National Population Fund, p. 17. This source gives the total number of modern method users in the developing world in 1995 as 460,673,000. Modern method users in China (213.2 million) were subtracted to estimate users in the rest of the developing world. The estimate for China is based on contraceptive prevalence of 83 percent of MWRA (*World Contraceptive Use 1994*, United Nations Department of Economic and Social Information and Policy Analysis, Population Division, New York.) The number of MWRA in China is estimated to be 256.9 million, based on a 1990 estimate in *World Contraceptive Use 1994* of 222.7 million and an annual growth rate of WRA of 2.9 percent (*World Population Prospects*).

7. For individual countries figures are from DHS reports for users of reversible methods.

For the developing world excluding China the figure is based on an estimate of users supplied by government sources for all developing countries of 86.3% from *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 30. Assuming that all users in China are supplied by the public sector, the estimate for all developing countries excluding China becomes 74.4%: (460.6 million users 86.3% public—213.2 Chinese users)/247.5 million users in LDC-China.)

8. According to *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 30, 4.4% of all private sector services are provided by NGOs. Other private sector services, such as social marketing, are also subsidized. We have estimated that 10% of all private sector services are subsidized by the public sector.

9. *Modern users relying on public sources=Modern method users [6] percent public [7] + modern method users [6] percent private percent of private sector subsidized [8]. Percent private=1-percent public [7].*

10. Estimates for individual countries are from Population Action International (unpublished tabulations).

For the developing world excluding China estimates are based on three different approaches.

The first approach is based on the following assumptions and calculations by Population Action International: total family planning expenditure in the developing world is $4–5 billion, expenditure in China is $1 billion, USAID expenditure in FY 1995 was $547 million, thus USAID expenditure is 14–18% of all expenditure outside China.

The second approach is based on commodities distributed. In FY 1995 USAID provided 608 million condoms, 3.1 million IUDs, 52.5 million cycles of oral contraceptives, 14.8 million vaginal foaming tablets, 82 thousand units of Norplant and 2.9 million units of Depo-Provera. (NEWVERN Information System, special tabulation provided by JSI). This translates in 19.6 million couple-years of protection for these methods alone. According to *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 24, total couple-years of protection for all methods except sterilization is 212.4 million. Chinese users account for 46 percent of all modern method users (213.2/460.7), so the remaining countries have 54 percent of these couple-years of protection, or 115 million. The USAID figure of 19.6 million is 17 percent of 115 million.

The third approach assumes that official development assistance accounted for 25% of total funds spent on family planning; private payments by users accounted for another 25% and governments of developing countries funded the remaining 50% (R. Bulatao, 1993. *Effective Family Planning Programs*, Washington, DC: World Bank). Thus, 75% of funds are from public sources. USAID contributes

about 50% of all foreign assistance family planning dollars. Thus it contributes 17% of public funding for family planning: 50%×25%/75%=16.7%.

11. *Modern method users relying on public sources [9]USAID share of funding [10].* This estimate coincides well with an estimate based on commodities distributed. USAID provided 19.6 million couple-years of protection based on all methods other than sterilization (see 10 above). In the developing world, 56 percent of users rely on these methods, the other 44 percent use sterilization (*Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 20). If the same ratio applies to USAID-supported users, then total USAID-supported users would be 19.6 million/0.56 or 35 million.

12. Figures for individual countries are from DHS. They refer to sterilization users. In countries with significant reliance on the IUD, 70 percent of IUD users have also been included as long-term use (based on an average duration of use of about 3.5 years). For all developing countries the estimate is calculated as the weighted average for the 18 countries with the largest USAID programs (weighted by the number of USAID-supported users).

13. Calculated as 1/(45—mean age at sterilization). Estimates of mean age are from DHS and/or AVSC. Average for all developing countries is from John Stover, *et al., Empirically Based Conversion Factors for Calculating Couple-Years of Protection*, The EVALUATION Project, 1996, draft.

14. *Users protected by USAID [11] × (1-percent using long term methods [12] + percent using long term methods [12] * New ster acceptors as % of users [13]).*

15. Assumed to be 35 percent.

16. *Users needing current protection [16] × percent of budget cut [17].*

17. This is an estimate of the percent people who lose their family planning services due to USAID budget cuts that would adopt traditional methods as an alternative. Since the people losing their services are committed users, many would adopt traditional methods. However, traditional methods require the active participation of both partners, so many would probably not adopt these methods. One approach to estimating this figure has been developed by The Alan Guttmacher Institute. This approach uses DHS data to determine traditional method use as a proportion of all women either using a traditional method or having an unmet need for family planning. The average of 36 developing countries for which data are available shows that 20 percent of these women use traditional methods (Alan Guttmacher Institute, 1995. *Hopes and Realities; Closing the Gap Between Women's Reproductive Aspirations and their Reproductive Experiences*, AGI, New York, Appendix Table 7). This is likely to be an under-estimate since there are many reasons other than lack of access for women to have an unmet need (lack of knowledge, religious objections to family planning, spouse opposes family planning, fear of side effects). Therefore, to be conservative, we have doubled this figure to 40 percent.

18. *Users left unprotected [18] × percent adopting traditional methods [19].*

19. Failure rates for withdrawal and periodic abstinence in developed countries are reported to be around 20% (*Contraceptive Technology, 16th Revised Edition*, Robert A. Hatcher, *et al.*, New York: Irvington Publishers, Inc. 1994, p. 652). For developing countries there is very little information. One study used DHS data to calculate that 16% of users of withdrawal had a birth in the first years of use (Lorenzo Moreno and Noreen Goldman, 1991. "Contraceptive Failure Rates in Developing Counties: Evidence from Demographic and Health Surveys." *International Family Planning Perspectives*, 17(2), June 1991, pp. 44-49.) The number of pregnancies (rather than births) due to traditional method failure would be even higher (Elise F. Jones, "Contraceptive Failure and Abortion." *International Family Planning Perspectives*, 17(4), December 1991, p. 150) Also, this study was based on respondent recall. There is a tendency, especially with traditional method users, to forget or not report use immediately before a pregnancy. Therefore, we assume that the annual pregnancy rate among traditional method users is about 40%. For users of modern methods the pregnancy rate is about 10%. (It is estimated to be about 14% in the U.S. among users of reversible methods. [Elise F. Jones and J.D. Forrest, 1992. "Contraceptive failure rates based on the 1988 NSFG," *Family Planning Perspectives*, 24:12-19.] but this number is high because there is little use of the IUD. For USAID-supported users, the IUD accounts for about half of all couple-years of protection provided by reversible methods.) Therefore, the additional pregnancy rate due to users switching from modern methods to traditional methods is 30% (40%–10%).

20. *New traditional method users [20] × failure rate [21].*

21. The annual pregnancy rate for those couples using no method is 85% (*Contraceptive Technology, 16th Revised Edition*, Robert A. Hatcher, *et al.*, New York: Irvington Publishers, Inc. 1994, p. 652). Subtracting the 10% pregnancy rate for couples using modern methods (note 19) leaves an additional pregnancy rate of 75%.

22. *(Users unprotected [18]—new traditional method users [20] × pregnancy rate [23].*

23. *Unwanted pregnancies from traditional method failure [22] + unwanted pregnancies from users left unprotected [24].*

24. Estimated to be 40%. Estimates are based on the following information:

The number of unintended pregnancies is the sum of abortions, unintended births and unintended pregnancies that end as spontaneous abortions (estimated as 10% of abortions + 20% of unintended births).

The main source of data on abortions is World Health Organization, 1994. *Abortion: A tabulation of available data on the frequency of unsafe abortion*, Geneva: WHO. These figures are also supported by S.K. Henshaw, 1990. "Induced abortion: A world review", *Family Planning Perspectives*, 22, 76–89 and The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: AGI.

The number of unintended births is obtained by applying regional average proportions of all births that are unintended, to UN estimates of the total number of births in each region. Estimates of the total number of births that are unintended are obtained from DHS surveys done in the late 1980s/early 1990s. The weighted average for countries that have surveys, in a given region, is assumed to apply to the region as a whole. These proportions are based in women's reports of the wantedness status of each birth in the five years prior to the survey. Regional distributions of all pregnancies by planning status were published in chart form in *Hopes and Realities: Closing the Gap Between Women's Reproductive Aspirations and their Reproductive Experiences*, p. 25). These data were used to recalculate the distribution of unintended pregnancies by pregnancy outcome (that is, excluding wanted births and that proportion of wanted pregnancies that end as spontaneous abortions).

Country or region specific numbers were used for the individual countries. For Peru estimates are from: The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: The Alan Guttmacher Institute. Other country estimates are based on regional data (The Alan Guttmacher Institute, unpublished tabulations).

25. *Unwanted pregnancies [25] × percent resorting to abortion [26].*

26. Estimated as 47% for all developing countries. (Alan Guttmacher Institute, unpublished tabulation.) For Peru estimates are from: The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: The Alan Guttmacher Institute. Other country estimates are based on regional data (the Alan Guttmacher Institute, unpublished tabulations).

27. *Unwanted pregnancies [25] × percent resulting in live births [28].*

28. The Progress of Nations: 1995, UNICEF, pp. 52–53.

29. *Additional live births [25] × maternal mortality rate [26] / 100,000.*

WAKE UP: TRADE MATTERS

Mr. HOLLINGS. Mr. President, I would like to draw my colleagues' attention to a short interview that appeared this morning in USA Today. In it, textile businessman Roger Milliken outlines the inaccuracies in the present-day argument that only free trade can improve our Nation's economy. With a plethora of hard facts, Mr. Milliken debunks this myth by focusing on the real problem: America does not have real trade troubles with nations that accept and sell products from America. America's trade problems are with countries like Japan and China that won't let American products into their markets.

Across the Nation, columnist and now Presidential candidate Pat Buchanan has opened up the wound of disinvestment in America. Unlike the Washington pundits and experts, people across America know that trade matters. Hard-working people have a tremendous disaffection with our trade policies and that unsettledness is bound to grow.

Mr. President, Roger Milliken hit the nail on the head of trade in this interview. I ask unanimous consent that it be printed in the RECORD.

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

[From USA Today, Mar. 5, 1996]

TEXTILE MAGNATE CRITIQUES RECENT TRADE DEALS

Roger Milliken, the South Carolina textile magnate, is a leading advocate of protectionist trade policies and a major contributor to GOP presidential candidate Patrick Buchanan and other conservative politicians and causes. In a rare interview, Milliken tells USA Today's Beth Belton why he thinks recent trade deals have been a mistake.

Q: You're against free trade, right?

A: Stop right there. We do believe in free trade. We have plants offshore. We have one in Japan and 11 in Europe. But the products we make are all sold in those countries. We don't take advantage of low labor costs to bring products back and destroy U.S. jobs.

Q: But you are against the North American Free Trade Agreement. Do you have plants in Canada or Mexico?

A: No. And we wouldn't consider either country because I've studied history, and I've found that no country has ever remained a major economic factor in the world that has lost its own manufacturing. . . . We have a manufactured goods trade deficit of $174 billion, and if you use Clinton administration figures that every $1 billion of exports supports 20,000 jobs, it's not far-fetched to say that if we didn't have a deficit, we would have 3.4 million more manufacturing jobs in the U.S. than we have.

Q: The USA has been losing manufacturing jobs for decades, and many economists say technology, not trade is the reason. You disagree?

A: Technology companies in this country pay lower wages than textile companies. The biggest piece—$52 billion—of our $174 billion goods trade deficit is in autos and auto parts. The second is textiles and apparel—$37 billion. We're talking about year-round, full-time jobs. Most of the U.S. jobs created now are in the tourist trade or part-time fast-food jobs. These jobs don't pay benefits. They don't hold the family together. The turnover rate in the fast-food business is 250%. There's nothing steady or stabilizing to the economy about that.

Q: But don't statistics from your home state, South Carolina, show trade is helping create manufacturing jobs?

A: I take total exception to that. Four weeks ago in Spartanburg County, where I live, five textile plants closed down permanently. That's 800 jobs. Sure, the state gained 6,000 jobs last year because foreign companies invested in South Carolina. That's absolutely terrific. But if we put in more protectionist laws, more of those jobs would be coming here. Foreign companies would have to locate here to get U.S. business.

Q: Has NAFTA increased export demand for cloth and other products?

A: It's not true, and it's worse than that because what everybody isn't told is that the textile industry today is operating six days a week instead of seven, or five days instead of six. Most of them have cut off the third shift or are closing one day a month because imports are hurting demands here.

Q: What's the solution?

A: I'd like to see us withdraw from the World Trade Organization. The U.S. has one vote. Cuba can cancel our vote. Or St. Kitts, an island in the (Caribean). . . . We also want higher tariffs. Our opponents say that would prompt retalization. I don't know how anybody retaliates against their best customer. I would love to retaliate against some of my best customers who treat us badly.

Q: Why are you speaking out now?

A: We're a private company and we like to stay private, but we're fighting for our industry. We have 14,000 employees in the U.S., and one of my jobs is to fight for preservation of those jobs.

Q: Didn't some in the textile industry support passage of NAFTA?

A: It was a split vote in the industry. There were some who believed the industry might benefit. They believed no textile plants would go to Mexico. But already we see plants setting up there, where all-in costs are $2 an hour compared to $12 an hour in the U.S.

Q: Have you had to downsize?

A: No, but I have to tell you we're running on curtailed schedules and the industry has had to close 12 plants in an economy that's growing all over. We ought to be a growing industry. We ought to be creating jobs.

Q: What about plans to expand?

A: We plan to continue expanding. Last year, we bought a company in Japan that makes fabric for auto interiors. When you deal with international auto companies, one of their requirements is that you be located in parts of the world where they can exchange products.

Q: You don't often give interviews. Why?

A: The media emphasize the growth in exports and the jobs created by exports. There are figures collected by the government that are put together very skillfully. But there is no way to look at government figures to find out how many jobs have been lost to imports. I hear a lot of talk about the growth of exports but hardly anyone talks about the growth of imports, which in percentage terms are slightly less. But in absolute numbers, the U.S. imports three times as much as it exports.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

In that report of February 27, 1992, the Federal debt stood at $3,825,891,293,066.80, as of close of business the previous day. The point is, the Federal debt has escalated by $1,190,704,977,476.86 since February 26, 1992.

As of the close of business yesterday, Monday, March 4, 1996, the Federal debt stood at exactly $5,016,596,270,543.66. On a per capita basis, every man, woman, and child in America owes $19,041.42 as his or her share of the Federal debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO CUBA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 125

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 1, 1996, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of The United States:

Pursuant to section 1 of title II of Public Law 65–24, ch. 30, 50 U.S.C. 191 and sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, United States Code, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba.

In the proclamation (copy attached), I have authorized and directed the Secretary of Transportation to make and issue such rules and regulations that the Secretary may find appropriate to prevent authorized U.S. vessels from entering Cuban territorial waters.

I have authorized these rules and regulations as a result of the Government of Cuba's demonstrated willingness to use reckless force, including deadly force, in the ostensible enforcement of its sovereignty. I have determined that the unauthorized departure of vessels intending to enter Cuban territorial waters could jeopardize the safety of certain U.S. citizens and other persons residing in the United States and threaten a disturbance of international relations. I have, accordingly, declared a national emergency in response to these threats.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 1996.*

REPORT CONCERNING THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 126

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4701(b)), I transmit herewith the Sixth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1994, to January 31, 1996).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996.*

REPORT CONCERNING REVISED DEFERRAL OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 127

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report;

which was, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $91 million, and two proposed rescissions of budgetary resources, totaling $15 million.

The deferral affects the Department of State U.S. emergency refugee and migration assistance fund. The rescission proposals affect the Department of Agriculture and the General Services Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 4, 1996, during the adjournment of the Senate, announcing that the House insists upon its amendment to the bill (S. 1004) to authorize appropriations for the U.S. Guard, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the Senate and the House amendment, and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr COBLE, Mrs. FOWLER, Mr. BAKER of California, Mr. OBERSTAR, Mr. CLEMENT, and Mr. POSHARD.

From the Committee on the Judiciary, for consideration of section 901 of the Senate bill, and section 430 of the House amendment, and modifications committed to the conference: Mr. HYDE, Mr. MCCOLLUM, and Mr. CONYERS.

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–1909. A communication from the Secretary of Housing and Urban Development, transmitting pursuant to law, the semi-annual reports for the period April 1 through September 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1910. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Ghana; to the Committee on Banking, Housing, and Urban Affairs.

EC–1911. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1912. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–1913. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of salary ranges for graded employees for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1914. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the semi-annual report of the Office of the Inspector General for the period October 1 through December 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 782. A bill to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 219. A resolution designating March 25, 1996 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

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. AKAKA:

S. 1585. A bill to authorize award of a medal to civilians who participated in the defense of Pearl Harbor and other military installations in Hawaii against attack by the Japanese on December 7, 1941; to the Committee on Armed Services.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1586. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BURNS, Mr. DOLE, Mr. PRESSLER, and Mrs. MURRAY):

S. 1587. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary escrowed systems, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso;* to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1589. A bill to provide for a rotating schedule for regional primaries for Presidential elections, and for other purposes; to the Committee on Rules and Administration.

By Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, and Mrs. FEINSTEIN):

S. 1590. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S.J. Res. 50. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BURNS, Mr. DOLE, Mr. PRESSLER, and Mrs. MURRAY):

S. 1587. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary escrowed systems, and for other purposes; to the Committee on the Judiciary.

THE ENCRYPTED COMMUNICATIONS PRIVACY ACT OF 1996

Mr. LEAHY. Mr. President, I am joined today by Senators BURNS, DOLE, PRESSLER, and MURRAY in introducing a bill that is pro-business, pro-jobs and pro-privacy.

The Encrypted Communications Privacy Act of 1996 would enhance the global competitiveness of our high-technology industries, protect the high-paying good jobs in those industries and maximize the choices in encryption technology available for businesses and individuals to protect the privacy, confidentiality and security of their computer, telephone, and other wire and electronic communications.

The guiding principle for this bill can be summed up in one sentence: Encryption is good for American business and good business for Americans.

FBI Director Louis Freeh testified last week at a hearing on economic espionage and quoted Secretary of State Warren Christopher as saying that "Our national security is inseparable from our economic security." I could not agree more. Yet, American businesses are suffering a double blow from our current encryption policies. First, American firms lose billions of dollars each year due to the theft of proprietary economic information, which could be better protected if strong encryption were more widely used. Second, government export restrictions tie the hands of American high-technology businesses by barring the export of strong encryption technology. The size of these combined losses makes encryption one of the critical issues facing American businesses today.

Moreover, the increasing use of and dependency on networked computers

by Americans to obtain critical medical services, to conduct research, to be entertained, to go shopping and to communicate with friends and business associates, raises special concerns about the privacy and confidentiality of their computer transmissions. I have long been concerned about these issues, and have worked over the past decade to create a legal structure to foster privacy and security for our wire and electronic communications. Encryption technology provides an effective way to ensure that only the people we choose can read our communications.

A leading encryption expert, Matt Blaze, told me in a recent letter that our current regulations governing the use and export of encryption are having a "deleterious effect on our country's ability to develop a reliable and trustworthy information infrastructure." It is time for Congress to take steps to put our national encryption policy on the right course.

The Encrypted Communications Privacy Act would accomplish three goals:

First, the bill encourages the use of encryption by legislatively confirming that Americans have the freedom to use and sell here in the United States any encryption technology that they feel is most appropriate to meet their privacy and security needs. The bill bars any government-mandated use of any particular encryption system, such as a key escrow encryption system.

Second, for those Americans who choose to use a key escrow encryption method, the bill establishes privacy standards for key holders and stringent procedures for how law enforcement can obtain access to decoding keys and decryption assistance. These standards would subject key holders to criminal and civil liability if they released the keys or divulged the identity and information about the user of the encryption system, without legal authorization. Commenting on these provisions, Bruce Schneir, who has literally written the textbook on encryption, said in a recent letter to me that the bill "recognizes the special obligations of keyholders to be vigilant in safeguarding the information entrusted to them, without imposing hurtles on the use of cryptography."

Finally, the bill loosens export restrictions on encryption products. Under the bill, it would be lawful for American companies to export high-technology products with encryption capabilities when comparable encryption capabilities are available from foreign suppliers, and generally available encryption software, including mass market products and encryption that is in the public domain. According to Mr. Schneir, the bill "removes the strangle-hold that has encumbered the development of mass-market security solutions" which are so vital to the development of our information infrastructure.

Senator MURRAY took a leading role in the last Congress on reforming our export restrictions on encryption, and I commend her for continuing to give this important issue her committed attention again in this Congress.

Current export restrictions allow the export of primarily weak encryption software programs. So weak, in fact, that a January 1996 report by an ad hoc group of world-renowned cryptographers and computer scientists estimated that it would take a pedestrian hacker a matter of hours to break and a foreign intelligence agency a matter of nanoseconds to break. No wonder that foreign buyers of encryption products are increasingly looking elsewhere for strong security. This hurts the competitiveness of our high-technology industry.

A recent report by the Computer Systems Policy Project, which is a group of major American computer companies estimated that U.S. companies stand to lose between $30 and $60 billion in revenues and over 200,000 of high-technology jobs by the year 2000 because U.S. companies are handicapped in the global market by outdated export restrictions.

Even the Commerce Department reported in January that U.S. export controls may have a "negative effect on U.S. competitiveness" and "may discourage" the use of strong encryption domestically since manufacturers want to make only one product for export and for use here.

Although American companies account for almost 75 percent of the global market for prepackaged software, the rest of the world is competing strongly in the market for encryption software. Shortsighted government policy is holding back American business. Almost 2 years ago, I chaired a hearing of the Judiciary Subcommittee on Technology and the Law on the administration's Clipper Chip key escrow encryption program. I heard testimony about 340 foreign encryption products that were available worldwide, 155 of them employing encryption in a strength that American firms were prohibited from exporting.

In 2 short years, those numbers have increased. According to a survey of cryptographic products conducted by Trusted Information System, as of December 1995, 497 foreign products from 28 countries were available with encryption security. Almost 200 of these foreign products used strong encryption that American companies are barred from selling abroad. This study draws the obvious conclusion that "As a result, U.S. Government restrictions may be succeeding only in crippling a vital American industry's exporting ability."

At the Clipper Chip hearing I chaired in 1994, I heard a number of reports about American companies losing business opportunities due to U.S. export restrictions. One data security company reported that despite its superior system, it had been unable to respond to requests from NATO and foreign telecommunications companies because it cannot export the encryption they demanded. This cost this single American company millions in foregone business. Another major computer company lost two sales in Western Europe in a single year totaling about $80 million because the file and data encryption in the integrated system they offered was not exportable.

Our current export restrictions on encryption technology are fencing off the global marketplace and hurting the competitiveness of this part of our high-technology industries. While national and domestic security concerns must weigh heavily, we need to do a better job of balancing these concerns with American business' need for encryption and the economic opportunities for our high-technology industries that encryption technology provides.

American businesses are not only suffering lost sales because of our current export restrictions, but are also suffering staggering losses due to economic espionage. FBI Director Freeh testified that the White House Office of Science and Technology Policy puts the amount of that loss at $100 billion per year. At a hearing last week on economic espionage, we heard from one witness who had to close down his software company, with a loss of 25 jobs, after China bribed an employee to steal the source code for the company's software.

We have bills pending before Congress to enact new criminal laws to punish people who steal trade secrets or other proprietary information and who break into computers to steal sensitive information. But new criminal laws are not the whole answer. Criminal laws often only come into play too late, after the theft has occurred or the injury inflicted.

We must encourage American firms to take preventive measures to protect their vital economic information. That is where encryption comes in. Just as we have security systems to lock up our offices and file drawers, we need strong encryption systems to protect the security and confidentiality of business information.

The Computer Systems Policy Project estimates that, without strong encryption, financial losses by the year 2000 from breaches of computer security systems to be from $40 to $80 billion. Unfortunately, some of these losses are already occurring. One U.S.-based manufacturer is quoted in the Project's report, saying:

> We had a multi-year, multi-billion dollar contract stolen off our P.C. (while bidding in a foreign country). Had it been encrypted, [the foreign competitor] could not have used it in the bidding time frame.

New technologies present enormous opportunities for Americans, but we must strive to safeguard our privacy if these technologies are to prosper in this information age. Otherwise, in the service of law enforcement and intelligence needs, we will dampen any enthusiasm Americans may have for taking advantage of the new technologies.

I look forward to working with my colleagues on this important matter, and ask unanimous consent that the bill, a summary of the bill, and three letters of support from Matt Blaze, Bruce Schneir, and Business Software Alliance, be included in the RECORD.

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

S. 1587

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 "Encrypted Communications Privacy Act of 1996".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to ensure that Americans are able to have the maximum possible choice in encryption methods to protect the security, confidentiality, and privacy of their lawful wire or electronic communications; and

(2) to establish privacy standards for key holders who are voluntarily entrusted with the means to decrypt such communications, and procedures by which investigative or law enforcement officers may obtain assistance in decrypting such communications.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the digitization of information and the explosion in the growth of computing and electronic networking offers tremendous potential benefits to the way Americans live, work, and are entertained, but also raises new threats to the privacy of American citizens and the competitiveness of American businesses;

(2) a secure, private, and trusted national and global information infrastructure is essential to promote economic growth, protect citizens' privacy, and meet the needs of American citizens and businesses;

(3) the rights of Americans to the privacy and security of their communications and in conducting their personal and business affairs should be preserved and protected;

(4) the authority and ability of investigative and law enforcement officers to access and decipher, in a timely manner and as provided by law, wire and electronic communications necessary to provide for public safety and national security should also be preserved;

(5) individuals will not entrust their sensitive personal, medical, financial, and other information to computers and computer networks unless the security and privacy of that information is assured;

(6) business will not entrust their proprietary and sensitive corporate information, including information about products, processes, customers, finances, and employees, to computers and computer networks unless the security and privacy of that information is assured;

(7) encryption technology can enhance the privacy, security, confidentiality, integrity, and authenticity of wire and electronic communications and stored electronic information;

(8) encryption techniques, technology, programs, and products are widely available worldwide;

(9) Americans should be free lawfully to use whatever particular encryption techniques, technologies, programs, or products developed in the marketplace they desire in order to interact electronically worldwide in a secure, private, and confidential manner;

(10) American companies should be free to compete and to sell encryption technology, programs, and products;

(11) there is a need to develop a national encryption policy that advances the development of the national and global information infrastructure, and preserves Americans' right to privacy and the Nation's public safety and national security;

(12) there is a need to clarify the legal rights and responsibilities of key holders who are voluntarily entrusted with the means to decrypt wire or electronic communications;

(13) the Congress and the American people have recognized the need to balance the right to privacy and the protection of the public safety and national security;

(14) the Congress has permitted lawful electronic surveillance by investigative or law enforcement officers only upon compliance with stringent statutory standards and procedures; and

(15) there is a need to clarify the standards and procedures by which investigative or law enforcement officers obtain assistance from key holders who are voluntarily entrusted with the means to decrypt wire or electronic communications, including such communications in electronic storage.

SEC. 4. FREEDOM TO USE ENCRYPTION.

(a) LAWFUL USE OF ENCRYPTION.—It shall be lawful for any person within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, and by United States persons in a foreign country to use any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used except as provided in this Act and the amendments made by this Act or in any other law.

(b) GENERAL CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to—

(1) require the use by any person of any form of encryption;

(2) limit or affect the ability of any person to use encryption without a key escrow function; or

(3) limit or affect the ability of any person who chooses to use encryption with a key escrow function not to use a key holder.

SEC. 5. ENCRYPTED WIRE AND ELECTRONIC COMMUNICATIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

"CHAPTER 122—ENCRYPTED WIRE AND ELECTRONIC COMMUNICATIONS

"2801. Definitions.
"2802. Prohibited acts by key holders.
"2803. Reporting requirements.
"2804. Unlawful use of encryption to obstruct justice.
"2805. Freedom to sell encryption products.

"§ 2801. Definitions

"As used in this chapter—

"(1) the terms 'person', 'State', 'wire communication', 'electronic communication', 'investigative or law enforcement officer', 'judge of competent jurisdiction', and 'electronic storage' have the same meanings given such terms in section 2510 of this title;

"(2) the term 'encryption' means the scrambling of wire or electronic communications using mathematical formulas or algorithms in order to preserve the confidentiality, integrity or authenticity and prevent unauthorized recipients from accessing or altering such communications;

"(3) the term 'key holder' means a person located within the United States (which may, but is not required to, be a Federal agency) who is voluntarily entrusted by another independent person with the means to decrypt that person's wire or electronic communications for the purpose of subsequent decryption of such communications;

"(4) the term 'decryption key' means the variable information used in a mathematical formula, code, or algorithm, or any component thereof, used to decrypt wire or electronic communications that have been encrypted; and

"(5) the term 'decryption assistance' means providing access, to the extent possible, to the plain text of encrypted wire or electronic communications.

"§ 2802. Prohibited acts by key holders

"(a) UNAUTHORIZED RELEASE OF KEY.—Except as provided in subsection (b), any key holder who releases a decryption key or provides decryption assistance shall be subject to the criminal penalties provided in subsection (e) and to civil liability as provided in subsection (f).

"(b) AUTHORIZED RELEASE OF KEY.—A key holder shall only release a decryption key in its possession or control or provide decryption assistance—

"(1) with the lawful consent of the person whose key is being held or managed by the key holder;

"(2) as may be necessarily incident to the holding or management of the key by the key holder; or

"(3) to investigative or law enforcement officers authorized by law to intercept wire or electronic communications under chapter 119, to obtain access to stored wire and electronic communications and transactional records under chapter 121, or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), upon compliance with subsection (c) of this section.

"(c) REQUIREMENTS FOR RELEASE OF DECRYPTION KEY OR PROVISION OF DECRYPTION ASSISTANCE TO INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—

"(1) CONTENTS OF WIRE AND ELECTRONIC COMMUNICATIONS.—A key holder is authorized to release a decryption key or provide decryption assistance to an investigative or law enforcement officer authorized by law to conduct electronic surveillance under chapter 119, only if—

"(A) the key holder is given—

"(i) a court order signed by a judge of competent jurisdiction directing such release or assistance; or

"(ii) a certification in writing by a person specified in section 2518(7) or the Attorney General stating that—

"(I) no warrant or court order is required by law;

"(II) all requirements under section 2518(7) have been met; and

"(III) the specified release or assistance is required;

"(B) the order or certification under paragraph (A)—

"(i) specifies the decryption key or decryption assistance which is being sought; and

"(ii) identifies the termination date of the period for which release or assistance has been authorized; and

"(C) in compliance with an order or certification under subparagraph (A), the key holder shall provide only such key release or decryption assistance as is necessary for access to communications covered by subparagraph (B).

"(2) STORED WIRE AND ELECTRONIC COMMUNICATIONS.—(A) A key holder is authorized to release a decryption key or provide decryption assistance to an investigative or law enforcement officer authorized by law to obtain access to stored wire and electronic communications and transactional records under chapter 121, only if the key holder is directed to give such assistance pursuant to the same lawful process (court warrant, order, subpoena, or certification) used to obtain access to the stored wire and electronic communications and transactional records.

"(B) The notification required under section 2703(b) shall, in the event that encrypted wire or electronic communications were obtained from electronic storage, include notice of the fact that a key to such communications was or was not released or decryption assistance was or was not provided by a key holder.

"(C) In compliance with the lawful process under subparagraph (A), the key holder shall provide only such key release or decryption assistance as is necessary for access to the communications covered by such lawful process.

"(3) USE OF KEY.—(A) An investigative or law enforcement officer to whom a key has been released under this subsection may use the key only in the manner and for the purpose and duration that is expressly provided for in the court order or other provision of law authorizing such release and use, not to exceed the duration of the electronic surveillance for which the key was released.

"(B) On or before completion of the authorized release period, the investigative or law enforcement officer to whom a key has been released shall destroy and not retain the released key.

"(C) The inventory required to be served pursuant to section 2518(8)(d) on persons named in the order or the application under section 2518(7)(b), and such other parties to intercepted communications as the judge may determine, in the interest of justice, shall, in the event that encrypted wire or electronic communications were intercepted, include notice of the fact that during the period of the order or extensions thereof a key to, or decryption assistance for, any encrypted wire or electronic communications of the person or party intercepted was or was not provided by a key holder.

"(4) NONDISCLOSURE OF RELEASE.—No key holder, officer, employee, or agent thereof shall disclose the key release or provision of decryption assistance pursuant to subsection (b), except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate.

"(d) RECORDS OR OTHER INFORMATION HELD BY KEY HOLDERS.—A key holder, shall not disclose a record or other information (not including the key) pertaining to any person whose key is being held or managed by the key holder, except—

"(1) with the lawful consent of the person whose key is being held or managed by the key holder; or

"(2) to an investigative or law enforcement officer pursuant to a subpoena authorized under Federal or State law, court order, or lawful process.

An investigative or law enforcement officer receiving a record or information under paragraph (2) is not required to provide notice to the person to whom the record or information pertains. Any disclosure in violation of this subsection shall render the person committing the violation liable for the civil damages provided for in subsection (f).

"(e) CRIMINAL PENALTIES.—The punishment for an offense under subsection (a) of this section is—

"(1) if the offense is committed for a tortious, malicious, or illegal purpose, or for purposes of direct or indirect commercial advantage or private commercial gain—

"(A) a fine under this title or imprisonment for not more than 1 year, or both, in the case of a first offense under this subparagraph; or

"(B) a fine under this title or imprisonment for not more than 2 years, or both, for any second or subsequent offense; and

"(2) in any other case where the offense is committed recklessly or intentionally, a fine of not more than $5,000 or imprisonment for not more than 6 months, or both.

"(f) CIVIL DAMAGES.—

"(1) IN GENERAL.—Any person aggrieved by any act of a person in violation of subsections (a) or (d) may in a civil action recover from such person appropriate relief.

"(2) RELIEF.—In an action under this subsection, appropriate relief includes—

"(A) such preliminary and other equitable or declaratory relief as may be appropriate;

"(B) damages under paragraph (3) and punitive damages in appropriate cases; and

"(C) a reasonable attorney's fee and other litigation costs reasonably incurred.

"(3) COMPUTATION OF DAMAGES.—The court may assess as damages whichever is the greater of—

"(A) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

"(B) statutory damages in the amount of $5,000.

"(4) LIMITATION.—A civil action under this subsection shall not be commenced later than 2 years after the date upon which the plaintiff first knew or should have known of the violation.

"(g) DEFENSE.—It shall be a complete defense against any civil or criminal action brought under this chapter that the defendant acted in good faith reliance upon a court warrant or order, grand jury or trial subpoena, or statutory authorization.

"§ 2803. Reporting requirements

"(a) IN GENERAL.—In reporting to the Administrative Office of the United States Courts as required under section 2519(2) of this title, the Attorney General, an Assistant Attorney General specially designated by the Attorney General, the principal prosecuting attorney of a State, or the principal prosecuting attorney of any political subdivision of a State, shall report on the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance.

"(b) REQUIREMENTS.—The Director of the Administrative Office of the United States Courts shall include as part of the report transmitted to the Congress under section 2519(3) of this title, the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance and the offenses for which the orders were obtained.

"§ 2804. Unlawful use of encryption to obstruct justice

"Whoever willfully endeavors by means of encryption to obstruct, impede, or prevent the communication of information in furtherance of a felony which may be prosecuted in a court of the United States, to an investigative or law enforcement officer shall—

"(1) in the case of a first conviction, be sentenced to imprisonment for not more than 5 years, fined under this title, or both; or

"(2) in the case of a second or subsequent conviction, be sentenced to imprisonment for not more than 10 years, fined under this title, or both.

"§ 2805. Freedom to sell encryption products

"(a) IN GENERAL.—It shall be lawful for any person within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, to sell in interstate commerce any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

"(b) CONTROL OF EXPORTS BY SECRETARY OF COMMERCE.—

"(1) GENERAL RULE.—Notwithstanding any other law, subject to paragraphs (2), (3), and (4), the Secretary of Commerce shall have exclusive authority to control exports of all computer hardware, software, and technology for information security (including encryption), except computer hardware, software, and technology that is specifically designed or modified for military use, including command, control, and intelligence applications.

"(2) ITEMS NOT REQUIRING LICENSES.—No validated license may be required, except pursuant to the Trading With The Enemy Act or the International Emergency Economic Powers Act (IEEPA) (but only to the extent that the authority of the IEEPA is not exercised to extend controls imposed under the Export Administration Act of 1979), for the export or reexport of—

"(A) any software, including software with encryption capabilities, that is—

"(i) generally available, as is, and designed for installation by the purchaser; or

"(ii) in the public domain or publicly available because it is generally accessible to the interested public in any form; or

"(B) any computing device solely because it incorporates or employs in any form software (including software with encryption capabilities) exempted from any requirement for a validated license under subparagraph (A).

"(3) SOFTWARE WITH ENCRYPTION CAPABILITIES.—The Secretary of Commerce shall authorize the export or reexport of software with encryption capabilities for nonmilitary end-uses in any country to which exports of software of similar capability are permitted for use by financial institutions not controlled in fact by United States persons, unless there is substantial evidence that such software will be—

"(A) diverted to a military end-use or an end-use supporting international terrorism;

"(B) modified for military or terrorist end-use; or

"(C) reexported without requisite United States authorization.

"(4) HARDWARE WITH ENCRYPTION CAPABILITIES.—The Secretary shall authorize the export or reexport of computer hardware with encryption capabilities if the Secretary determines that a product offering comparable security is commercially available from a foreign supplier without effective restrictions outside the United States.

"(5) DEFINITIONS.—As used in this subsection—

"(A) the term 'generally available' means, in the case of software (including software with encryption capabilities), software that is widely offered for sale, license, or transfer including, but not limited to, over-the-counter retail sales, mail order transactions, phone order transactions, electronic distribution, or sale on approval;

"(B) the term 'as is' means, in the case of software (including software with encryption capabilities), a software program that is not designed, developed, or tailored by the software company for specific purchasers, except that such purchasers may supply certain installation parameters needed by the software program to function properly with the purchaser's system and may customize the software program by choosing among options contained in the software program;

"(C) the term 'is designed for installation by the purchaser' means, in the case of software (including software with encryption capabilities)—

"(i) the software company intends for the purchaser (including any licensee or transferee), who may not be the actual program user, to install the software program on a computing device and has supplied the necessary instructions to do so, except that the company may also provide telephone helpline services for software installation, electronic transmission, or basic operations; and

"(ii) that the software program is designed for installation by the purchaser without further substantial support by the supplier;

"(D) the term 'computing device' means a device which incorporates one or more microprocessor-based central processing units that can accept, store, process, or provide output of data; and

"(E) the term 'computer hardware', when used in conjunction with information security, includes, but is not limited to, computer systems, equipment, application-specific assemblies, modules, and integrated circuits.".

(b) TECHNICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 33, the following new item:

"122. Encrypted wire and electronic communications ..... 2801".

SEC. 6. INTELLIGENCE ACTIVITIES.

(a) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act constitutes authority for the conduct of any intelligence activity.

(b) CERTAIN CONDUCT.—Nothing in this Act or the amendments made by this Act shall affect the conduct, by officers or employees of the United States Government in accordance with other applicable Federal law, under procedures approved by the Attorney General, or activities intended to—

(1) intercept encrypted or other official communications of United States executive branch entities or United States Government contractors for communications security purposes;

(2) intercept radio communications transmitted between or among foreign powers or agents of a foreign power as defined by the Foreign Intelligence Surveillance Act of 1978; or

(3) access an electronic communication system used exclusively by a foreign power or agent of a foreign power as defined by the Foreign Intelligence Surveillance Act of 1978.

ENCRYPTED COMMUNICATIONS PRIVACY ACT OF 1996—SUMMARY

Sec. 1. Short Title. The Act many be cited as the "Encrypted Communications Privacy Act of 1996."

Sec. 2. Purpose. The Act would ensure that Americans have the maximum possible choice in encryption methods to protect the security, confidentiality and privacy of their lawful wire and electronic communications. For those Americans who choose an encryption method in which another person, called a "key holder," is voluntarily entrusted with the decryption key, the Act would establish privacy standards for the key holder, and procedures for law enforcement officers to follow to obtain assistance from the key holder in decrypting encrypted communications.

Sec. 3. Findings. The Act enumerates fifteen congressional findings, including that a secure, private and trusted national and global information infrastructure is essential to promote citizens' privacy and meet the needs of both American citizens and businesses, that encryption technology widely available worldwide can help meet those needs, that Americans should be free to use, and American businesses free to compete and sell, encryption technology, programs and products, and that there is a need to develop a national encryption policy to advance the global information infrastructure and preserve Americans' right to privacy and the Nation's public safety and national security.

Sec. 4. Freedom to Use Encryption

(a) Lawful Use of Encryption. The Act legislatively confirms current practice in the United States that any person in this country may lawfully use any encryption method, regardless of encryption algorithm, key length or implementation selected. The Act thereby prohibits any government-mandated use of any particular encryption system, such as a key escrow encryption system.

The Act further makes lawful the use of any encryption method by United States persons in a foreign country. This provision is consistent with, though broader than, the Department of State's new personal use exemption published in the Federal Register on February 16, 1996, that permits the export of cryptographic products by U.S. citizens and permanent residents who have the need to temporarily export the cryptographic products when leaving the U.S. for brief periods of time. For example, under this new exemption, U.S. citizens traveling abroad will be able to take their laptop computers containing copies of Lotus Notes software, many versions of which contain an encryption program otherwise not exportable.

(b) General Constructions. Nothing in the Act is to be construed to require the use of encryption, a key escrow encryption system, or a key holder if a person chooses to use a key escrow encryption system.

Sec. 5. Encrypted wire and electronic communications. This section of the Act adds a new chapter 122, entitled "Encrypted Wire and Electronic Communications," to title 18 of the United States Code to establish privacy standards for key holders and to set forth procedures that law enforcement officers must follow to obtain decryption assistance from key holders.

(a) In General. New chapter 122 has five sections.

§ 2801. Definitions. Generally, the terms used in the new chapter have the same meanings as in the federal wiretap statute in 18 U.S.C. § 2510. Definitions are provided for "encryption", "key holder", "decryption key", and "decryption assistance". A "key holder" may, but is not required to be, a Federal agency.

This chapter applies only to wire or electronic communications and communications in electronic storage, as defined in 18 U.S.C. § 2510, and not to stored electronic data. For example, encrypted electronic mail messages, encrypted telephone conversations, encrypted facsimile transmissions, encrypted computer transmissions and encrypted file transfers over the Internet would be covered, but not encrypted data merely stored on computers.

§ 2802. Prohibited acts by key holders

(a) Unauthorized release of key.—Key holders will be subject to both criminal and civil liability for the unauthorized release of decryption keys or providing unauthorized decryption assistance.

(b) Authorized release of key.—Key holders are authorized to release decryption keys or provide decryption assistance with the consent of the key owner, as may be necessary for the holding or management of the key, or to investigative or law enforcement officers upon compliance with the procedures set forth in subsection (c).

(c) Requirements for release of decryption key to investigative or law enforcement officer.—To obtain access to a decryption key or decryption assistance from a key holder, an investigative or law enforcement officer must present to the key holder the same form of lawful process used to obtain access to the encrypted content. For example, to obtain the decryption key to, or decryption assistance for, an encrypted telephone conversation that is the subject of a court-ordered wiretap under 18 U.S.C. § 2518, a law enforcement agent must present a court order to the key holder to obtain the decoding key. Likewise, to obtain the decryption key to, or decryption assistance for, an encrypted stored wire or electronic communication, a law enforcement officer must present a court warrant, order, subpoena or certification, depending upon what process was used to obtain access to the stored communication.

Key holders may only provide the minimal key release or decryption assistance needed to access the particular communications specified by court order or other legal process. Released keys or other decryption assistance may only be used in the manner and for the purpose and duration expressly provided by court order or other legal process.

A key holder who fails to provide the decryption key or decryption assistance called for in the court order, subpoena or other lawful process may be penalized under current contempt or obstruction laws.

(d) Records or other information held by key holders.—Key holders are prohibited from disclosing records or other information (not including decryption keys) pertaining to key owners, except with the owner's consent or to an investigative or law enforcement officer, pursuant to a subpoena, court order or other lawful process.

(e) Criminal penalties.—Key holders who violate this section for a tortious, malicious or an illegal purpose, or for direct or indirect commercial advantage or private commercial gain, will be subject to a fine and up to 1 year imprisonment for a first offense, and fine and up to 2 years' imprisonment for a second offense. Other reckless and intentional violations would subject the key holder to a fine of up to $5,000 and up to 6 months' imprisonment.

(f) Civil damages.—Persons aggrieved by key holder violations may sue for injunctive relief, and actual damages or statutory damages of $5,000, whichever is greater.

(g) Defense.—A complete defense is provided if the defendant acted in good faith reliance upon a court order, warrant, grand jury or trial subpoena or statutory authorization.

§ 2803. Reporting requirements. The Attorney General is required to include in her report to the Administrative Office of the U.S. Courts under 18 U.S.C. § 2519(2), the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance. The Director of the Administrative Office of the U.S. Courts is required to include this information, and the offenses for which the orders were obtained, in the report to Congress under 18 U.S.C. § 2519(3).

§ 2804. Unlawful use of encryption to obstruct justice. Persons who willfully use encryption in an effort and for the purpose of obstructing, impeding, or prevent the communication of information in furtherance of a federal felony crime to a law enforcement officer, would be subject to a fine and up to 5 years' imprisonment for a first offense, and up to 10 years' imprisonment for a second or subsequent offense.

§ 2805. Freedom to sell encryption products

(a) In general.—The Act, legislatively confirms that it is lawful to sell any encryption, regardless of encryption algorithm, key length or implementation used, domestically in the United States or its territories.

(b) Control of exports by Secretary of Commerce.—Notwithstanding any other law, the Act vests the Secretary of Commerce with control of exports of hardware, software and technology for information security, including encryption for both communications and other stored data, except when the hardware, software or technology is specifically designed or modified for military use.

No export license may be required for encryption software and hardware with encryption capabilities that is generally available, including mass market products (i.e., those generally available, sold "as is", and designed for installation by the purchaser) or encryption in the public domain and generally accessible. For example, no licenses would be required for encryption products commercially available without restriction and sold "as is", such as Netscape's commercially available World Wide Web Browser, which cannot be exported. Similarly, no license would be required to export software and corresponding hardware placed in the public domain and generally accessible, such as Phil Zimmerman's Pretty Good Privacy program, which has been distributed to the public free of charge via the Internet.

In addition, the Secretary of Commerce must authorize the export of encryption software to commercial users in any country to which exports of such software has been approved for use by foreign financial institutions, except when there is substantial evidence that the software will be diverted or modified for military or terrorists' end-use or re-exported without requisite U.S. authorization. Finally, the Secretary of Commerce must authorize the export of computer hardware with encryption capabilities if the Secretary determines that a product with comparable security is commercially available from foreign suppliers without effective restrictions outside the United States.

Significantly, the government is authorized to continue controls on countries that pose terrorism concerns, such as Libya, Syria and Iran, or other embargoes countries, such as Cuba and North Korea, pursuant to the Trading With the Enemy Act or the International Emergency Economic Powers Act.

(b) Technical Amendment. The Act adds new chapter 122 and the new title in the table of chapters in title 18 of the United States Code.

Sec. 6. Intelligence activities. The Act does not authorize the conduct of intelligence activities, nor affect the conduct by Federal government officers or employees in intercepting (1) encrypted or other official communications of Federal executive branch or Federal contractors for communications security purposes; (2) radio communications between or among foreign powers or agents, as defined by the Foreign Intelligence Surveillance Act (FISA); or (3) electronic communication systems used exclusively by foreign powers or agents, as defined by FISA.

MURRAY HILL, NJ,
March 1, 1996.

Hon. PATRICK LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: Thank you for introducing the Encrypted Communications Privacy Act of 1996. As a member of the computer security and cryptology research community, I have observed firsthand the deleterious effect that the current regulations governing the use and export of cryptography are having on our country's ability to develop a reliable and trustworthy information infrastructure. Your bill takes an important first step toward creating regulations that reflect the modern realities of this increasingly critical technology.

Unlike previous government encryption initiatives such as the technically-flawed and unworkable "Clipper" chip, your bill reaffirms the role of the marketplace in providing ordinary citizens and businesses with a full range of choices for securing their private information. In particular by freeing mass-market cryptographic software and hardware from the burdensome export controls that govern the international arms trade, the bill will help the American software industry compete, for the first time, in the international market for high-quality security products.

Law enforcement need not fear the widespread availability of encryption; indeed, they should welcome and promote it. Encryption thwarts electronic predators by preventing unauthorized access to private data and computer systems, and the use of strong cryptography to protect computer networks is becoming as natural and necessary as the use of locks and burglar alarms to protect our homes and businesses. While criminals, too, might occasionally derive some advantage from the use of cryptography, the benefits of widely-available encryption technology overwhelmingly favor the honest user. By recognizing that those who hold decryption keys on behalf of others are in a special position of trust, your bill is respectful of the privacy of law-abiding citizens without introducing impediments to the government's ability to investigate and prevent crime.

I have also examined the new provision designed to discourage the use of cryptography by criminals in the furtherance of a felony, and hope to see your carefully-worded language reinforced by a narrow interpretation in the courts, consistent with your intent.

Again, thank you for your continued leadership in this area, and I look forward to doing whatever I can to help you bring encryption regulations in line with the fast-changing reality of this emerging technology.

Sincerely,

MATT BLAZE.

March 1, 1996.

Hon. PATRICK LEAHY,
U.S. Senate.

DEAR SENATOR LEAHY: I would like to thank you for introducing the Encrypted Communications Privacy Act. As a member of the computer and information security research community, I am keenly aware of the vital role of cryptography in fostering the development of our information infrastructure.

As the author of the book, "Applied Cryptography", I have unusual insights into the absurdity of cryptography export restrictions. It is not without irony that one may export my book in paper format, but not electronically. Presumably no rational person believes that the current restrictions actually prevent the spread of cryptography. I believe you recognize this, as evidenced from the strong stance taken in your bill.

As the bill recognizes, we can no longer afford to hold on to the obsolete notion that cryptography is the sole province of government communications; the growth of modern networks has irrevocably pushed it into the mainstream. I applaud your leadership towards codifying these principles in a balanced and responsible way. In particular, the bill:

Removes the regulatory strangle-hold that has encumbered the development of mass-market security solutions; Recognizes the futility of applying regulations intended to control the international arms trade to even the most mundane and commonly available software; Encourages public confidence in encryption by allowing the marketplace to provide a full range of choices for privacy and security needs; Recognizes the special obligations of keyholders to be vigilant in safeguarding the information entrusted to them, without imposing hurtles on the use of cryptography; Allows the United States to continue its leadership role as a technological innovator; Acknowledges the pivotal role of cryptography in electronic commerce.

I continue to have concerns that the new criminal obstruction provision will discourage law abiding citizens from using cryptography. I hope that legislative history and further discussion will demonstrate the narrow intent of this crime.

Overall, your bill takes very necessary strides towards ensuring that the protections we take for granted in traditional media keep pace with technology, and I commend your efforts.

Sincerely,

BRUCE SCHNEIER.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, March 4, 1996,

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: As President of the Business Software Alliance (BSA), I am writing to express our strong support for the Encryption Communications Privacy Act of 1996 which I understand you will introduce tomorrow. BSA represents the leading publishers of software for personal computers and the client server environment including Adobe, Autodesk, Bentley, Lotus Development, Microsoft, Novell, Sybase, Symantec and the Santa Cruz Operation.

We have had an opportunity to review the legislation and find it a significant step toward placing the U.S. software industry on a level playing field with our foreign competitors. Currently, we are only allowed to export weak (40-bit) encryption. Your legislation would allow us to export generally

available software which offers security at prevailing world levels. While many would prefer export restrictions being lifted in their entirety, this legislation at least would place us on an equal footing with our foreign competitors which is critical to the continued success of the U.S. software industry in the global market place.

As you well know, today, America's software industry is the envy of the world. U.S. software companies hold an estimated 75% worldwide market share for mass market software with exports accounting for more than one-half of revenues for our companies. According to a 1993 study by Economists Inc., the American mass market software industry was the fastest growing industry in the U.S. between 1982 and 1992 and had become larger than all but five manufacturing industries. This translates into jobs here in the U.S.

The continued growth and success of our industry is directly threatened by existing U.S. government export controls. For that reason, our companies have consistently made this one of its top policy issues. As importantly, the availability of easy to use, affordable encryption will be essential to the successful development of the Global Information Infrastructure (GII). As more and more transactions are being done on-line, consumers are increasingly demanding software with strong encryption capabilities. In two studies, 90% of the respondents believe information security is important. In one study 37% of the respondents said that they would consider purchasing foreign software with otherwise less desirable features if that software offered data security not available in a U.S. program. Additionally, a recent study shows there are nearly 500 foreign encryption products from 28 countries currently available. U.S. export restrictions simply put U.S. industry at a competitive disadvantage. Your bill would address this issue by allowing U.S. industry to export generally available software with strong security features.

As you may know, the Administration has attempted to address this issue with a "64-bit key escrow encryption proposal." Under that proposal, in order to be allowed to export software with strong security features, U.S. industry would be required to build a back door into the program with a spare key held by a U.S. government certified agent. After careful and serious deliberation by our members, we concluded that the Administration's approach is fatally flawed and cannot be the basis for progress in this area. We simply have not found a market for such a product. Any resolution must be market driven. Your bill takes a very different approach. It reaffirms Americans right to chose the encryption they use, either with key escrow or without. For those who chose voluntarily to use key holders, your legislation provides standards so that their privacy is not violated. Your legislation allows the market to work. We wholeheartedly endorse this market driven approach.

The digital information age and the Global Information Infrastructure present opportunities and challenges to computer users concerned about privacy at home and in their businesses, as well as for the U.S. government. From that point of view, we are all in a similar position. Information security policies for the electronic world are fundamental to the success of the GII and we are pleased to support your legislation which is pro-market, pro-competition, pro-privacy and pro-progress.

We look forward to working with you toward the enactment of this legislation.

Sincerely,

ROBERT W. HOLLEYMAN II,
President.

Mrs. MURRAY. Mr. President, I am pleased to join Senator LEAHY today as an original cosponsor of the Encrypted Communications Privacy Act. Senator LEAHY is truly a leader on this issue, and I've had the pleasure of working on encryption policy with him over the past 3 years. I'm excited to once again join him in this effort to make sense out of our national export control policies, and to promote export opportunities for American software and hardware producers.

As many of my colleagues know, with help from Congresswoman Cantwell in the 103d Congress, I was able to persuade the administration to study the extent to which U.S. companies are stymied by our country's current encryption and export control policies.

The Department of Commerce released that report last month. And let me just say that there are some findings in this report that we should be aware of, and concerned about. For instance, the report acknowledges there are tremendous international growth opportunities for software exporters in the next 5 to 10 years. Unfortunately, the report also finds that most U.S. companies don't pursue international sales because our export control laws are too cost prohibitive.

Mr. President, there are legitimate national security concerns underpinning the Export Administration Act. However, these outdated laws are no longer relevant to the post-cold-war world we now lived in. Today's national security controls should target those items that really need to be controlled in order to maintain national security. Simply, they should make better sense; it doesn't make sense to tell a U.S. software producer they can't export a product that is already widely available on the world market.

Senator LEAHY'S bill seeks a balanced approach to implementing viable, safe, and secure encryption technology on both domestically sold products and exported products. It protects our privacy concerns, and it lays out the appropriate procedures law enforcement officials should use when obtaining encrypted materials. And, most important, it protects industry ingenuity and prohibits mandatory key escrow.

Mr. President, I introduced the Commercial Export Administration Act in the 103d Congress. I am pleased Senator LEAHY is incorporating my language into his bill. My language reduces regulatory redtape and makes it easier to export generally available mass-marketed commercial software. Washington State is home to some of the most innovative software producers in the world, and they are eager to export their goods. Unfortunately, our export controls keep Washington State's companies from penetrating the world market. Senator LEAHY'S bill, however will fix this problem.

We are hearing a lot on the Presidential campaign trail about the damage that comes from trade—how trade hurts our economy and our workers. That's nonsense. My Washington State friends and neighbors know full-well that trade is essential to our State's success. One out of every five jobs in Washington State is trade related; and these are highly skilled, family wage jobs that pay 15 percent higher than the national average. Moreover, Washington State's small- and mid-sized high-technology companies provided over 98,000 jobs in 1995.

Mr. President, I mention this because our bill will increase exports and enable our high-technology companies to grow further. Higher growth means more jobs—plain and simple. A recent study revealed that in 1995 U.S. exporters lost $60 billion in international sales, and it estimates the industry will lose 200,000 potential jobs by the year 2000. Given the increase in international competition, we can no longer afford to persist in holding U.S. companies back from potential world sales.

This legislation makes good sense. First and foremost, it ensures every American's right to use any appropriate encryption available on the market. It also sets out necessary guidelines that should accompany any policy regarding the use of key escrow. And finally, it paves the way for new, streamlined export policies.

Mr. President, this legislation is badly needed, and I urge my colleagues to join Senator LEAHY and me in supporting it.

By Mr. STEVENS:

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Kalypso*.

The *Kalypso* (vessel number 566349) is a 36-foot recreational vessel owned by Ronald Kent of Anchorage, AK. It was built in Largo, FL, in 1974. The vessel was apparently at one time owned by a non-U.S. citizen, and it is therefore ineligible for documentation under the Jones Act. Mr. Kent intends to use the vessel for charter fishing and sightseeing in Prince William Sound, AK.

I ask unanimous consent that this bill be printed in the RECORD.

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

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel Kalypso (vessel number 566349).•

By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1589. A bill to provide for a rotating schedule for regional primaries for Presidential elections, and for other purposes; to the Committee on Rules and Administration.

THE PRESIDENTIAL PRIMARY ACT OF 1996

Mr. GORTON. Mr. President, reacting to a proposal which I am about to introduce in bill form, a columnist and cartoonist on the Seattle Post Intelligencer wrote, in yesterday's edition of that newspaper:

> My English friend, Carolyn, having recently arrived in the United States from London, asked me to explain how Americans decide who will be their President.
>
> We were at a social occasion just before I headed up to New Hampshire to witness the process firsthand. The longer I rambled on, detailing the haphazard series of primaries and caucuses, the influence of media expectations and money, the nearly endless campaigns that begin almost as soon as the winner of the previous round has been inaugurated, the more I thought how bizarre it must sound to a person from another country. . .
>
> To the extent that the word "system" implies rationality and forethought, we really do not have a system for choosing nominees for president of the United States.

This bill also reflects a cartoon that this same individual had in the newspaper about 3 or 4 weeks ago. In that cartoon, several of the Founding Fathers, Benjamin Franklin, Thomas Jefferson, and Alexander Hamilton are "Brainstorming at the Constitutional Convention." Ben Franklin turns to his colleagues in jest and rattles off an idea for a Presidential election system, with the following statement:

> "The President shall be chosen from among those persons who can hone complex ideas into simplistic sound bites, defame the character of their opponents, hide their own blemishes from an intrusive swarming press corps and"—get this!—"win the most votes from a tiny number of citizens in a remote corner of New England!"

While this was simply a newspaper cartoon figure, it nonetheless comes all too close to describing the way in which we pick nominees for President of the United States at the present time.

A relatively small handful of voters in two or three States are wooed for more than a year while the rest of the country is ignored, and the influence of their votes, or even their sound bites on radio and on television, has a disproportionate impact on the way in which we nominate our Presidents. At the same time, it means that the candidates must have very narrow platforms, appealing to this not highly representative group of American citizens.

It also has the paradox, or had the paradox this year, of requiring major candidates to ignore States that somehow or another are deemed to be less influential. We saw an example this year when most of the candidates skipped primaries and caucuses in Louisiana and Delaware for fear of upsetting States that, for an extended period of time, had gone earlier than they did.

This is absolutely ridiculous, and we need a new and better system. We need a system that empowers and enfranchises all of the citizens of the United States equally; that treats the nominating process in both parties as being vitally important to the future of democratic institutions in the United States; that does so fairly; that causes the campaigns to speak about major national and regional issues on a much broader focus than they have at the present time. So, this is the time, it seems to me, when all of this is green in our memories, that we should begin the process toward a new system.

As a consequence, the bill that I am introducing today, together with my distinguished friend and colleague, the junior Senator from Connecticut [Mr. LIEBERMAN], creates a simple system of regional primaries. There will be four regions, each including either 12 or 13 States, all required to hold primaries respectively on the first Tuesday in March—incidentally, today—the first Tuesday in April, and in May, and then in June, with the regions rotating first position, second position, third position, fourth position over four cycles, or 16 years. So the people in each region would go first once every four Presidential elections and last every fourth Presidential election.

The delegates would be bound for at least two ballots on the vote for the candidate to carry their State, or their congressional district, and leave the rules as to how the votes are divided to be determined by each individual State.

So the people of each State will have an equal opportunity to participate in and to influence the nomination in that process. Instead of 4 or 5 percent of the people of the United States having a disproportionate impact on the outcome, all of the people of the United States will have an equal opportunity, and, equally significant, the candidates for President will have had the campaign in all corners of the United States and in every State to be affected.

I believe, Mr. President, it will probably give a slightly greater advantage to those candidates who are not independently wealthy or do not have huge campaign chests because, with 12 or 13 primaries going on at the same time, they could attempt to establish a niche in one or two or three of those States and become well known, win one or two, and be major candidates by the time the second round comes around.

Not at all incidentally, Mr. President, it would place the nomination process a little bit closer to the national convention, and that perhaps would slightly shorten the entire process.

I think, in summary, Mr. President, that we should do everything we possibly can to improve the nomination system for President and see to it that all of our people have equal opportunity to participate.

Mr. President, I ask unanimous consent that a copy 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. 1589

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 "Presidential Primary Act of 1996".

SEC. 2. DEFINITION.

For purposes of this Act—

(1) the term "election year" means a year during which a Presidential election is to be held;

(2) the term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Federal Election Commission;

(3) the term "political party" means an association, committee, or organization which—

(A) nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

(B) won electoral votes in the preceding Presidential election;

(4) the term "primary" means a primary election held for the selection of delegates to a national Presidential nominating convention of a political party, but does not include a caucus, convention, or other indirect means of selection; and

(5) the term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Federal Election Commission.

SEC. 3. SCHEDULE.

(a) SCHEDULE.—

(1) FIRST ELECTION CYCLE.—In the first election year after the date of enactment of this Act, each State shall hold a primary in accordance with this Act, according to the following schedule:

(A) REGION I.—Each State in Region I shall hold its primary on the first Tuesday in March.

(B) REGION II.—Each State in Region II shall hold its primary on the first Tuesday in April.

(C) REGION III.—Each State in Region III shall hold its primary on the first Tuesday in May.

(D) REGION IV.—Each State in Region IV shall hold its primary on the first Tuesday in June.

(2) SUBSEQUENT ELECTION CYCLES.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), in the second and each

subsequent election year after the date of enactment of this Act, each State in each region shall hold its primary on the first Tuesday of the month following the month in which it held its primary in the preceding election year.

(B) LIMITATION.—If the States in a region were required to hold their primaries not earlier than the first Tuesday in June of the preceding year, such States shall hold their primaries on the first Tuesday in March of the succeeding election year.

(b) REGIONS.—For purposes of subsection (a):

(1) REGION I.—Region I shall be comprised of the following:

(A) Connecticut.
(B) Delaware.
(C) District of Columbia.
(D) Maine.
(E) Maryland.
(F) Massachusetts.
(G) New Hampshire.
(H) New Jersey.
(I) New York.
(J) Pennsylvania.
(K) Rhode Island.
(L) Vermont.
(M) West Virginia.

(2) REGION II.—Region II shall be comprised of the following:

(A) Alabama.
(B) Arkansas.
(C) Florida.
(D) Georgia.
(E) Kentucky.
(F) Louisiana.
(G) Mississippi.
(H) North Carolina.
(I) Oklahoma.
(J) South Carolina.
(K) Tennessee.
(L) Texas.
(M) Virginia.

(3) REGION III.—Region III shall be comprised of the following:

(A) Illinois.
(B) Indiana.
(C) Iowa.
(D) Kansas.
(E) Michigan.
(F) Minnesota.
(G) Missouri.
(H) Nebraska.
(I) North Dakota.
(J) Ohio.
(K) South Dakota.
(L) Wisconsin.

(4) REGION IV.—Region IV shall be comprised of the following:

(A) Alaska.
(B) Arizona.
(C) California.
(D) Colorado.
(E) Hawaii.
(F) Idaho.
(G) Montana.
(H) Nevada.
(I) New Mexico.
(J) Oregon.
(K) Utah.
(L) Washington.
(M) Wyoming.

(5) TERRITORIES.—The national committees shall jointly determine the region of each territory of the United States.

SEC. 4. QUALIFICATION FOR BALLOT.

(a) CERTIFICATION BY FEDERAL ELECTION COMMISSION.—The Federal Election Commission shall certify to the States in the relevant region the names of all seriously considered candidates of each party—

(1) for the first primary in the election year, not later than 6 weeks before such primary; and

(2) in the subsequent primaries in the election year, not later than 1 week after the preceding primary in that election year.

(b) STATE PRIMARY BALLOTS.—Each State shall include on its primary ballot—

(1) the names certified by the Federal Election Commission; and

(2) any other names determined by the appropriate State committee.

SEC. 5. VOTING AT NATIONAL PARTY CONVENTIONS BY STATE DELEGATES.

(a) IN GENERAL.—Each State committee shall establish a procedure for the apportionment of delegates to the national Presidential nominating convention of each political party based on 1 of the following models:

(1) WINNER-TAKE-ALL.—A binding, winner-take-all system in which the results of the primary bind each member of the State delegation or Congressional district delegation (or combination thereof) to the national convention to cast his or her vote for the primary winner in the State.

(2) PROPORTIONATE PREFERENCE.—A binding proportionate representation system in which the results of the State primary are used to allocate members of the State delegation or Congressional district delegation (or combination thereof) to the national convention to Presidential candidates based on the proportion of the vote for some or all of the candidates received in the primary in the State.

(b) SELECTION OF DELEGATES.—

(1) SUBMISSION OF NAMES.—Not later than the date on which a candidate is certified on the ballot for a State, such candidate shall submit to the State committee, in priority order, a list of names of individuals proposed by the candidate to serve as delegates for such candidate.

(2) SELECTION.—Delegates apportioned to represent a candidate pursuant to the procedure established under subsection (a) shall be selected according to the list submitted by the candidate pursuant to paragraph (1).

(c) VOTING AT THE NATIONAL CONVENTIONS.—Each delegate to a national convention who is required to vote for the winner of the State primary under the system established under subsection (a) shall so vote for at least 2 ballots at the national convention, unless released by the winner of the State primary to which such delegate's vote is pledged.

SEC. 6. EFFECTIVE DATE.

This Act shall apply to the primaries in the year 2000 and in each election year thereafter.

By Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, and Mrs. FEINSTEIN):

S. 1590. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC PARTICIPATION IN TIMBER SALVAGE ACT OF 1996

Mrs. MURRAY. Mr. President, I rise today to introduce legislation to correct serious problems with a law passed by this Congress at the beginning of last year. This law was intended to bypass environmental safeguards to speed up tree harvesting in national forests.

Mr. President, this law, commonly known as the salvage rider, has not worked. Instead, it has reopened old wounds in the Pacific Northwest, and sparked major controversy throughout the region. It has once again cast political uncertainty over working families, and blatantly cut regular people out of decisions over their own forests.

In short, what was billed as a commonsense approach to removing dead trees has turned out to be another case of legislative overkill on the environment.

Mr. President, it doesn't have to be this way. My bill will defuse a tense situation, provide certainty for workers, and restore a role for the public in forest management. Let me explain how.

The salvage rider has three problems: It allows large, old-growth timber sales previously declared illegal to be harvested without regard to fish and wildlife concerns; it could relegate the Northwest forest plan to the trash heap; and it cuts the public completely out of any final decision to harvest trees in national forests.

First, my bill resolves the old-growth issue by suspending timber sales commonly referred to as section 318 sales, and requiring the Forest Service to provide substitute timber volume or buy these sales back from the purchaser. In either case, the purchaser is held harmless, and so are the sensitive old-growth areas.

Second, my bill expedites implementation of the Northwest forest plan by making sure resources are available to complete recommended watershed analyses. The primary goal of this provision is to protect the scientific validity of option 9, so that timber sales can move ahead and private land owners can proceed with their habitat conservation plans.

This is a very important point: The State of Washington and every major timber land owner in the region are working on comprehensive habitat conservation plans. Every single one of these groups assume full implementation of option 9 as the basis of fish and wildlife protection in their own plans. If option 9 goes belly up, all of these habitat plans are worthless.

Third, my bill establishes a permanent, reasonable salvage program. The key work is permanent. I propose moving away from ad hoc forest planning by Congress, switching gears with every swing of the political pendulum. Instead, we should put a long-term program in place, something everyone can plan around, year in and year out.

Let me be very clear: This is not about salvage logging; this is about public input and accountability. Salvage logging is appropriate—and sometimes necessary—is done right. My bill sets up a program that allows the agencies to target salvage logging on an expedited basis when needed, under the full scrutiny of the public eye. If the agencies can defend their proposals, then they will go forward unimpeded.

Mr. President, I remember what it was like last spring. There was a new

feeling in Congress; the people had called for change, so the leadership was running through bills left and right in the heat of the moment. A lot of things passed that might not have stood up under closer scrutiny, and this was one of them.

The irony here is thick: The salvage rider gave the Federal Government more power, and less accountability. As a result, the public has no say in how their own national forests are managed. I don't think the people wanted that kind of change.

People say this issue is too controversial to resolve, and that over the years it has become too polarized. To watch the debate, you might think that's true. Any person's idea is immediately rejected by someone else. And that may be the case with my bill. But if we keep rejecting everything, we will be left with nothing, except more chaos.

With all the controversy, people ask me, "why bother?" I'll tell you why: Because I care deeply about the Northwest. I care deeply about what government is saying to people about tough issues; more often than not, we're telling people that someone, somewhere, has to lose. That's not what I'm about. Most of all, I care deeply about the kind of legacy we're leaving for our children in this world.

We simply cannot continue the way of divide and conquer.

There are several ideas out there about how to proceed on this issue, from doing nothing at all, to repealing the salvage rider outright. My bill cuts a middle path. It says to workers: Salvage logging is something we should always be able to do. It says to conservationists: You will have an opportunity to hold the administration to its word. It says to large landowners: Your habitat planning efforts will pay off.

In my view, people ought to be willing to settle for this as a responsible approach.

Mr. President, I intend to pursue this matter on the continuing resolution when it comes before the full Senate. It is my understanding that the CR will contain limited language on this issue, but I do not believe it will solve the problem. I look forward to working with my colleagues.

Mr. President, I would also like to explain further some of the concepts contained in this bill.

REPLACEMENT VOLUME FOR SECTION 2001(K) SALES, SECTION 102(B)

The Secretary and contract holder/sale purchaser should immediately begin negotiations to locate alternative volume agreeable to both parties. Because these purchasers have owned these contracts for half a decade, the Secretary should make every effort to find and plan environmentally sound timber sales or modifications of the existing sale. The Secretary should direct agency personnel to make substitute volume a priority.

New sales or modifications of existing sales must comply with all applicable law, forest and regional plans, and standards and guidelines. Specifically, they must comply with the Northwest forest plan and, when developed, the plan—or plans—implementing the Interior Columbia Basin ecosystem management project. Furthermore, they must comply with Forest Service and BLM standards and guidelines, including PACFISH, INFISH, and Eastside screens.

BIDDING RIGHTS, SECTION 102(C)(2)

This bill contains provisions allowing for purchasers holding timber sale contracts for sales that do not comply with environmental or natural resource laws to exchange the value of those contracts for bidding credits. Such a concept has operated for mineral rights in at least two other natural resource laws—see Public Law 97-466, 96 Stat. 2540; and Public Law 96-401, 94 Stat. 1702.

This bill authorizes monetary credits based on the negotiated value of the purchaser's timber sale contract. The bidding credits extend to the purchaser and his or her successors and assigns to use in whole or part payment for future timber sales on Forest Service sales where the credits originated therefrom or on Bureau of Land Management sales, where the credits originated therefrom.

SALVAGE SALES INITIATED UNDER THE RIDER, SECTION 103(A)

Sales initiated under section 2001 (b) or (d) are all those begun since passage of the Emergency Timber Salvage Act, on July 27, 1995. Title III of this bill applies to sales where its provisions are timely. For example, if a sale has been advertised, this law does not require the agency to host an interdisciplinary team meeting with public participation. All sales that have not been awarded are subject to appeal under the provision of title III.

APPEAL OF AWARDED SALVAGE SALES, SECTION 103(B)

In section 103(b), I address sales that have been awarded to timber sale purchasers under the salvage and Northwest forest plan provisions of the rescissions bill. I give the public an opportunity to appeal immediately and thereby suspend sales that are causing environmental damage. The administration insists that it is complying with all environmental laws, and I want to give the public an opportunity to prove that is the case.

However, the agencies were required by the law at the time these sales were awarded—section 2001 of Public Law 104-19—to take procedural short cuts. I do not believe the purchasers should be denied their contract rights while the public challenges the agencies for obeying the law's procedural timelines. On the other hand, I do not want any sales that cause environmental harm to go forward. Thus, I try to strike a balance between these competing needs by limiting appeals to substantive complaints.

I understand that often substantive claims are raised in the context of procedural laws, such as the National Environmental Policy Act. Some courts have suggested that NEPA is a purely procedural statute. The term "procedural" in this bill is not meant to eliminate claims regarding environmental harm, even if they could be characterized as a purely procedural challenge. Let me give some examples.

Where an agency had documentation in which a biologist recommended a sale not go forward, but the agency allowed the sale to be awarded to a purchaser, then such documentation could be the basis for an appeal and would not be considered a procedural challenge. Another example would be where the agency went forward with a sale prior to obtaining the concurrence from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service regarding whether an activity will or will not jeopardize a species under the Endangered Species Act. This should not be characterized as a procedural challenge. A final example would be that section 2001 of Public Law 109-14 required the agencies to, in their discretion, file only environmental assessments, not environmental impact statements. Because both EA's and EIS's should disclose the effects of a sale on the environment, a challenge could not be made simply because the agency published such information in an EA, rather than an EIS. However, if the documentation, no matter what its title, failed to disclose the effects on the environment, it would be open to challenge.

FUNDING TO IMPLEMENT TITLE III, SECTION 304

In this bill, the agencies are given discretion at the forest supervisor's and district manager's levels to combine several funds and accounts to implement this bill. The intent is to provide adequate funds for such activities as salvage timber sales, stewardship programs, watershed restoration, including road decommission, and data inventory and collection. This fund may not be used to carry out any activities that violate the forest plans, agency standards and guidelines, or the intent of this bill. This flexibility of funding will allow the agency to address critical salvage situations, correct an apparent agencywide problem with inadequate inventory of forest resources, and address a backlog of stewardship and restoration projects.

PILOT PROGRAM FOR HARVEST CONTRACTING, SECTION 306

The legislation authorizes a pilot program to change the way salvage timber sales are undertaken on Forest Service and BLM lands. The Forest Service currently sells timber by planning and preparing the sale, offering the sale to bidders, and administering

the timber harvest. Harvest contracting or stewardship contracting is an alternative to the current method, entailing a two-step process: A timber harvest contract or contracts to cut and remove wood, and log sales from the collected and sorted wood.

There are several advantages to harvest contracting, including allowing the agencies to better implement ecosystem management, providing an opportunity to improve tree health without a large component of merchandise timber, eliminating below-cost timber sales, and reducing timber theft.

Specifically, harvest contracting would improve ecosystem management by basing contracts on the work performed and the resulting conditions of the forest. This would eliminate incentives for purchasers to inappropriately harvest large, lucrative trees. This pilot project encourages harvest so smaller, less valuable trees that have proliferated in many years of the West due to fire suppression and historic timber practices, such as highgrading. These young, dense stands are expensive to harvest, but many scientists believe it is important to remove them in order to restore health to timber stands.

The primary financial benefit is that gross timber sale revenues would be substantially higher because purchasers would not have road construction or logging costs—they would simply buy the wood from the log yard. Because the agencies may not be as efficient as a private enterprise, the agencies should consider contracting the log marketing business to a private business.

A secondary financial benefit would be the elimination of many opportunities for timber sale fraud and theft. Under harvest contracting, the scaling system would be eliminated and the contractor would not benefit from cutting trees designated to be left standing because of the fixed contract price and, in fact, might be penalized for not performing to contract specifications. That is why the bill contains a provision limiting the ability of the contractor who performs the contract from also selling the harvested wood.

Finally, this pilot project should benefit timber workers in several ways. First, salvage timber sales or thinning sales that were previously uneconomical to harvest would be offered, providing jobs for loggers and other resource experts. Second, timber companies would be purchasing wood after seeing its quality and knowing the exact board footage, rather than hypothesizing about the quantity of wood contained in a standing timber sale and not knowing how weather or timber markets might affect the ability to harvest or make a profit from the wood. Third, companies would not be subject to changes or delays in ability to harvest based on legal or political changes as they held long-term timber sale contracts; they would simply purchase wood.

While harvest contracting appears to offer many benefits from many different aspects, it remains untested on a large scale. This bill requires the Forest Service and BLM to establish pilot programs. This should provide guidance as to the feasibility, benefits, and drawbacks of the concept.

In addition, Senator MAX BAUCUS has introduced a bill, S. 1259, that also establishes a demonstration program to use stewardship contracting. The concepts contained in this bill were developed by a group of conservationists, forest product industry representatives, and community leaders. This should also offer guidance as how to implement this pilot program.

FOREST TIMBER STAND STUDY TITLE IV

The Forest Service has initiated a similar study to that required in this bill. The Western Forest Health Initiative should be used as a foundation for the requirements of this bill. There is no need for the agencies to be duplicative, rather this bill's provisions should be supplemental to the work done in the WFHI.

COLLABORATIVE DECISIONMAKING

Early drafts of this bill included use of collaborative decisionmaking. The concept was dropped from the bill because it was too difficult to described in legislative language. However, this decisionmaking process was very effective when it was used to plan and develop timber salvage sales after the wildfires of 1994 on the Wenatchee National Forest. The process was developed by Steve Daniels and Gregg Walker, of Oregon State University, as a tool to support ecosystem-based management of forest.

Collaborative learning is a framework designed for natural resource management situations that have the following features: Multiple parties and issues, deeply held values and cultural difference, scientific and technical uncertainty, and legal and jurisdictional constraints. The key notions that define collaborative learning are: Redefining the task away from solving a problem to one of improving a situation; viewing the situation as a set of interrelated systems; defining improvement as desirable and feasible change; recognizing that considerable learning about science, issues and value differences—will have to occur before implementable improvements are possible; and promoting working through the issues and perspectives of the situation.

Because of its success on the Wenatchee National Forest, I recommend the agencies consider use of collaborative decisionmaking procedures to increase valuable and productive participation by various interest parties.

By Mr. D'AMATO:

S.J. Res. 50. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on Foreign Relations.

CERTIFICATION DISAPPROVAL LEGISLATION

Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution that disapproves of the administration's certification of Mexico. I am joined by my colleagues Senator HELMS, Senator MCCONNELL, and Senator PRESSLER in presenting this resolution and urge its immediate passage.

As a result of the amount of drugs that are found to have come into the United States through Mexico, we know that Mexico has failed to stem the international drug trade. If this administration does not want to recognize Mexico's failure, then it is up to Congress to do so. I will speak on this issue in more detail tomorrow. I encourage my colleagues to join us in this effort.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 50

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), Congress disapproves the determination of the President with respect to Mexico for fiscal year 1996 that is contained in the certification (transmittal no.) submitted to Congress by the President under subsection (b) of that section on , 1996.

ADDITIONAL COSPONSORS

S. 953

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

At the request of Mr. CHAFEE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Virginia [Mr. ROBB], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 953, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 953, supra.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health

care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1420

At the request of Mr. STEVENS, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1420, a bill to amend the Marine Mammal Protection Act of 1972 to support International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 1451

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1451, a bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes.

S. 1483

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the names of the Senator from Arizona [Mr. KYL] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1548

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1548, a bill to provide that applications by Mexican motor carriers of property for authority to provide service across the United States-Mexico international boundary line and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States shall not be approved until certain certifications are made to the Congress by the President and the Secretary of Transportation, and for other purposes.

S. 1553

At the request of Mr. MCCAIN, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. DEWINE], the Senator from Wyoming [Mr. THOMAS], the Senator from Alaska [Mr. STEVENS], the Senator from Missouri [Mr. ASHCROFT], the Senator from Louisiana [Mr. BREAUX], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE RESOLUTION 133

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 224

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Ohio [Mr. DEWINE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Resolution 224, a resolution to designate September 23, 1996, as "National Baseball Heritage Day."

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The hearing will take place Wednesday, March 20, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1077, a bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes, S. 1153, a bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and a demonstration-commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use in fuel cells, and for other purposes, and H.R. 655 a bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or David Garman at (202) 224–8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 14, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1425, a bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes. It will also address the Department of the Interior's July 29, 1994, proposed regulations regarding R.S. 2477 rights-of-way.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Friday, March 8, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on oversight of governmentwide travel management.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 5, 1996, in open session, to receive testimony on the Defense authorization request for fiscal year 1997 and the future years Defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 5, 1996, to conduct a hearing on oversight of the Office of HEO and implementation of the 1992 Federal Housing Enterprises Safety and Soundness Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. 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, March 5, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nominations of Thomas Paul Grumbly to the Under Secretary of Energy; Alvin L. Alm to be Assistant Secretary of Energy for Environmental Management; Charles William Burton and Christopher M. Coburn to be members of the Board of Directors of the U.S. Enrichment Corporation.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 5, at 9:30 a.m. for a hearing on S. 1376, the Corporate Subsidy Review, Reform and Termination Act of 1995.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 5, 1996, at 10 a.m. to hold a hearing on "A Decade Later: The Drug Price Competition and Patent Term Restoration Act."

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LOTT. Mr. President, The Committee on Veterans' Affairs asks unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the Veterans of Foreign Wars. The hearing will be held on March 5, 1996, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

ADDITIONAL STATEMENTS

SUPPORT OF NATIONAL SPORTSMANSHIP DAY

• Mr. CHAFEE. Mr. President, today marks the sixth annual celebration of National Sportsmanship Day. Designed to promote ethics, integrity, and good sportsmanship in athletics, as well as in society as a whole, National Sportsmanship Day was established by the Institute for International Sport at the University of Rhode Island.

As my colleagues may recall, the Institute for International Sport gained national attention 3 years ago as the sponsor of the inaugural World Scholar-Athlete Games in Newport, RI. More than 1,600 student-athletes from 108 countries participated in athletic and scholastic competitions. In 1995, the institute sponsored the Rhode Island Scholar-Athlete Games, which served as a model for similar contests across the country.

Schools and colleges from across the United States are encouraged to participate in National Sportsmanship Day. This year, some 6,000 schools representing all 50 States and 61 nations are expected to take part in the celebration. Working with material provided by the institute, classrooms around the globe will take this opportunity to debate questions related to gender equity, competition, and fair play. In addition, for the third year in a row USA Today is sponsoring a national essay contest.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

National Sportsmanship Day is recognized by the President's Council on Physical Fitness and Sports. In a letter to the institute, Florence Griffith Joyner and Tom McMillen, cochairs of the President's Council, point out "the valuable life skills and lessons that are learned by youth and adults through participation in sports." I will ask that the full text of the letter be printed in the RECORD at the conclusion of my remarks.

I am delighted that National Sportsmanship Day was initiated in Rhode Island and I applaud all the students and teachers who are participating in this inspiring event today. Likewise, I congratulate all of those at the Institute for International Sport, whose hard work and dedication over the last 6 years have made this program so successful.

I ask that the letter be printed in the RECORD.

The letter follows:

THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS,
WASHINGTON, DC, *March 1996*.

The President's Council on Physical Fitness and Sports is pleased to recognize March 5, 1996, as National Sportsmanship Day. The valuable life skills and lessons that are learned by youth and adults through participation in sports cannot be overestimated.

Participation in sports contributes to all aspects of our lives, such as heightened awareness of the value of fair play, ethics, integrity, honesty and sportsmanship, as well as improving levels of physical fitness and health.

The President's Council congratulates the Institute for International Sport for its continued leadership in organizing this important day. We wish you every success in your efforts to broaden participation in and awareness of National Sportsmanship Day.

FLORENCE GRIFFITH JOYNER,
Co-Chair.
TOM MCMILLEN,
Co-Chair.•

DIGITAL BROADCAST SPECTRUM AUCTIONS: CONSUMERS WILL PAY THE HIGHEST PRICE

THERE IS NO SPECTRUM GIVEAWAY

• Mr. DORGAN. Mr. President, the Senate majority leader has said that he intends to stop the big spectrum giveaway in the telecommunications bill. The Senator from Kansas is referring to spectrum that the FCC has set aside for broadcasters to use to convert to digital television. He wants this spectrum to be put up for auction, which he believes will net billions of dollars in revenues for the Federal Treasury. And the chairman of the Senate Commerce Committee has announced that he will soon hold hearings on this issue.

I don't think the real question is whether there should be auctions of broadcast spectrum. Rather, the question is when. Some, like the majority leader, have proposed up front auctions of spectrum intended for the transition to digital television. Others, such as myself, believe that the auctions should occur on the analog spectrum, after the transition occurs.

I am a strong supporter of auctions as a means of allocating spectrum. As my colleagues know, I joined the Senator from Arizona, Senator MCCAIN, in sponsoring an amendment last year which called for auctioning spectrum for a direct broadcast satellite license. The FCC concluded the auction for this license earlier this year, netting nearly $700 million for the Federal Treasury.

I think if my colleagues will look through the rhetoric and focus on the serious policy consequences of this debate, they will realize that the very future of free over-the-air broadcasting is at stake. If up front auctions are required for the digital spectrum, as suggested by some of my colleagues, it is local television stations and the consumers who rely upon them as their only source of television that will be the losers.

At issue in this debate is the current plan of the FCC to allocate an additional 6 MHz of spectrum to broadcasters. The purpose of this allocation is to allow broadcast television to convert their broadcast signals from analog to digital, which will be a necessity in the digital world that is rapidly approaching the video industry, and in fact, is already here with direct broadcast satellite. Digital conversion will permit broadcast television to keep pace with the vast changes in telecommunications technology, and thereby help to make broadcast TV competitive.

The FCC is not planning on giving spectrum to the broadcasters. Rather, it intends to loan the additional spectrum to broadcasters for a period of years in order to permit a transition from analog to digital. After a certain point, the broadcasters will return their current analog spectrum—but not until Americans have become equipped with digital televisions. That has been the plan for years. The process of converting to digital television was born by the FCC over a decade ago. It is only in the rush of the moment when politicians are searching for revenue to balance the budget, that this plan has come into question.

DAVID AND GOLIATH AUCTIONS

Some believe that broadcasters should have to pay for this spectrum—rather than receive it on a loan basis. If the spectrum is placed up for auction, there is very little chance that local broadcast stations will have the resources to compete with the giant telecommunications corporations that want the spectrum for subscriber-based services. The proposals talked about up to this point will permit anyone to bid for the spectrum. Thus, the telecommunications giants like AT&T, MCI, the RBOC's, Microsoft, and others will be competing against local television stations for the spectrum. The fact is, up-front auctions mean that broadcast stations will not have a chance at the digital spectrum, and therefore, will never have the opportunity to compete in a digital world.

Everyone needs to realize how the cards will be stacked in this kind of auction. When we talk about broadcasters having to compete in an auction for this spectrum, we are talking about little Davids going up against Goliath telecommunications corporations. The auctions will be between small, locally owned stations bidding against large, national corporations. The vast majority of broadcast stations in this country are small, locally owned stations and many of these stations have well under $1 million in pretax revenues. Local broadcast stations cannot successfully compete against other interests vying for the spectrum. The other interests who plan to use the spectrum for more profitable subscriber-based services will simply overwhelm the local broadcasters' efforts.

Even if we assume that broadcasters would win the licenses at an auction, this would not ensure that broadcasters will have the opportunity to compete with other digital-quality services. A costly fight for the spectrum could make digital conversion financially prohibitive. We are told that local broadcast stations are going to have to invest nearly $10 million per station to convert to digital. Investing in digital equipment and technology for small locally owned stations such as those in my home state of North Dakota is going to be challenging enough. Add on top of the equipment costs a sizable fee for the spectrum, and digital conversion for broadcasters will never become a reality. Tomorrow's TV will be like today's AM radio when the rest of the video world goes digital.

ANALOG VERSUS DIGITAL AUCTIONS

The administration has a different and equally troublesome proposal to auction the analog broadcast spectrum. Under the administration's proposal, broadcasters would have to accelerate the giveback of the analog spectrum after completing the conversion to digital. A 15-20 year process would be crammed in a 10-year window under this approach. While I strongly support the notion that broadcasters should have to give back the analog spectrum after converting to digital, and I further support the notion that this should be auctioned, the administration's proposal is seriously flawed because the acceleration is totally unrealistic. Under this approach, broadcasters would be required to vacate the analog spectrum they are currently using by the year 2005.

The consequences under this approach fall largely on the American consumer. When the broadcasters stop sending analog signals, existing television sets will be useless. Thus, under this approach, the administration is asking that all Americans replace all existing television sets with new, yet to be manufactured digital sets, within 10 years. The cost to the American consumer will likely exceed any revenue gained from this accelerated auction.

As I stated earlier, there really should be no question about whether or not broadcast spectrum should be auctioned. The timing of the auction is the question. It seems to me that the best policy approach should guide this timing—not budget pressures. If we ask ourselves what is the best policy—what is best for the public interest and American consumers—we must conclude that broadcasters ought to be given the opportunity to convert to digital television. Once that conversion has been successfully completed, then the analog spectrum that is currently being used should be made available through an auction. If this process cannot realistically be completed within the arbitrary 7-year budget cycle we have created for ourselves, then we should not force ourselves into making a serious policy mistake.

CONCLUSION

Broadcast television is the universal video service in this country. In many rural and remote areas, where cable is not available, it is the only video service. Currently, a little more than one-third of Americans do not subscribe to cable. That's 33 million TV households that have no choice but to rely upon broadcast television. In addition, over 60 percent of all the TV sets in the United States—close to 138 million—are not hooked to cable.

If the FCC is permitted to move forward with its plan to allocate the needed spectrum for digital conversion, consumers will continue to have access to free television. Converting to digital will not give broadcasters a leg up—it is a necessity in the new digital age. Rather, it is consumers that will lose if this conversion does not occur. I am convinced that up front auctions for this spectrum will result in fewer choices for consumers. In areas where cable is available—and in homes where it is affordable—it will mean fewer choices. But for one-third of the population, it will mean no choice.

In my judgment, this is too high a price to pay for the short-term revenue gain in up front auctions. My concern is the future of free over-the-air television—not a financial giveaway to the broadcast industry. I urge my colleagues to examine this issue carefully. It is not the corporate welfare as some have claimed. Rather, it is a question of the survival of our local television stations and the universal service that only they can provide. I urge my colleagues to oppose the proposal of up front auctions and the unrealistic acceleration of auctioning the analog spectrum. Let's not be tempted by the revenue, instead carefully examine the policy implications behind spectrum auctions.●

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of fiscal year 1996 to be printed in the RECORD. The first quarter of fiscal year 1996 covers the period of October 1, 1995, through December 31, 1995. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–53, the Legislative Branch Appropriations Act for fiscal year 1996.

The allocations follow:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1995

Senators	Total pieces	Pieces per, capita	Total cost	Cost per capita	FY 96 Official mail allocation
Abraham	0	0.00000	0.00	$0.00000	$160,875
Akaka	0	0.00000	0.00	0.00000	48,447
Ashcroft	0	0.00000	0.00	0.00000	109,629
Baucus	0	0.00000	0.00	0.00000	46,822
Bennett	0	0.00000	0.00	0.00000	56,493
Biden	0	0.00000	0.00	0.00000	44,754
Bingaman	0	0.00000	0.00	0.00000	56,404
Bond	0	0.00000	0.00	0.00000	109,629
Boxer	1,000	0.00003	$247.60	0.00001	433,718
Bradley	0	0.00000	0.00	0.00000	139,706
Breaux	0	0.00000	0.00	0.00000	92,701
Brown	9,300	0.00268	3,152.24	0.00091	86,750
Bryan	0	0.00000	0.00	0.00000	56,208
Bumpers	0	0.00000	0.00	0.00000	69,809
Burns	0	0.00000	0.00	0.00000	46,822
Byrd	0	0.00000	0.00	0.00000	59,003
Campbell	0	0.00000	0.00	0.00000	86,750
Chafee	0	0.00000	0.00	0.00000	48,698
Coats	0	0.00000	0.00	0.00000	112,682
Cochran	0	0.00000	0.00	0.00000	69,473
Cohen	0	0.00000	0.00	0.00000	52,134
Conrad	7,091	0.01115	5,748.14	0.00904	43,403
Coverdell	0	0.00000	0.00	0.00000	131,465
Craig	0	0.00000	0.00	0.00000	49,706
D'Amato	0	0.00000	0.00	0.00000	262,927
Daschle	0	0.00000	0.00	0.00000	44,228
DeWine	0	0.00000	0.00	0.00000	186,314
Dodd	0	0.00000	0.00	0.00000	80,388
Dole	0	0.00000	0.00	0.00000	70,459
Domenici	1,050	0.00066	254.20	0.00016	56,404
Dorgan	5,900	0.00928	1,091.59	0.00172	43,403
Exon	0	0.00000	0.00	0.00000	57,167
Faircloth	0	0.00000	0.00	0.00000	134,344
Feingold	0	0.00000	0.00	0.00000	102,412
Feinstein	1,737	0.00006	547.83	0.00002	433,718
Ford	0	0.00000	0.00	0.00000	86,009
Frist	0	0.00000	0.00	0.00000	106,658
Glenn	0	0.00000	0.00	0.00000	186,314
Gorton	0	0.00000	0.00	0.00000	109,059
Graham	0	0.00000	0.00	0.00000	259,426
Gramm	0	0.00000	0.00	0.00000	281,361
Grams	650	0.00015	542.74	0.00012	96,024
Grassley	0	0.00000	0.00	0.00000	73,403
Gregg	0	0.00000	0.00	0.00000	50,569
Harkin	0	0.00000	0.00	0.00000	73,403
Hatch	0	0.00000	0.00	0.00000	56,493
Hatfield	0	0.00000	0.00	0.00000	78,163
Heflin	0	0.00000	0.00	0.00000	89,144
Helms	0	0.00000	0.00	0.00000	134,344
Hollings	0	0.00000	0.00	0.00000	85,277
Hutchison	0	0.00000	0.00	0.00000	281,361
Inhofe	0	0.00000	0.00	0.00000	82,695
Inouye	0	0.00000	0.00	0.00000	48,447
Jeffords	12,700	0.02228	2,747.97	0.00482	42,858
Johnston	0	0.00000	0.00	0.00000	92,701
Kassebaum	0	0.00000	0.00	0.00000	70,459
Kempthorne	0	0.00000	0.00	0.00000	49,706
Kennedy	0	0.00000	0.00	0.00000	117,964
Kerrey	0	0.00000	0.00	0.00000	57,167
Kerry	0	0.00000	0.00	0.00000	117,964
Kohl	0	0.00000	0.00	0.00000	102.412
Kyl	0	0.00000	0.00	0.00000	93,047
Lautenberg	0	0.00000	0.00	0.00000	139,706
Leahy	6,004	0.01053	2,798.18	0.00491	42,858
Levin	0	0.00000	0.00	0.00000	160,875
Lieberman	0	0.00000	0.00	0.00000	80,388
Lott	0	0.00000	0.00	0.00000	69,473
Lugar	3,600	0.00064	877.65	0.00016	112,682
Mack	0	0.00000	0.00	0.00000	259,426
McCain	0	0.00000	0.00	0.00000	93,047
McConnell	0	0.00000	0.00	0.00000	86,009
Mikulski	0	0.00000	0.00	0.00000	101,272
Moseley-Braun	0	0.00000	0.00	0.00000	184,773

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1995—Continued

Senators	Total pieces	Pieces per, capita	Total cost	Cost per capita	FY 96 Official mail allocation
Moynihan	5,250	0.00029	1,283.37	0.00007	262,927
Murkowski	0	0.00000	0.00	0.00000	42,565
Murray	0	0.00000	0.00	0.00000	109,059
Nickles	0	0.00000	0.00	0.00000	82,695
Nunn	0	0.00000	0.00	0.00000	131,465
Pell	0	0.00000	0.00	0.00000	48,698
Pressler	0	0.00000	0.00	0.00000	44,228
Pryor	0	0.00000	0.00	0.00000	69,809
Reid	0	0.00000	0.00	0.00000	56,208
Robb	19,645	0.01084	6,092.98	0.00336	121,897
Rockefeller	0	0.00000	0.00	0.00000	59,003
Roth	0	0.00000	0.00	0.00000	44,754
Santorum	0	0.00000	0.00	0.00000	199,085
Sarbanes	0	0.00000	0.00	0.00000	101,272
Shelby	0	0.00000	0.00	0.00000	89,144
Simon	0	0.00000	0.00	0.00000	184,773
Simpson	0	0.00000	0.00	0.00000	41,633
Smith	0	0.00000	0.00	0.00000	50,569
Snowe	0	0.00000	0.00	0.00000	52,134
Specter	0	0.00000	0.00	0.00000	199,085
Stevens	951	0.00204	241.79	0.00052	42,565
Thomas	1,300	0.00026	349.06	0.00007	41,633
Thompson	0	0.00000	0.00	0.00000	106,658
Thurmond	0	0.00000	0.00	0.00000	85,277
Warner	0	0.00000	0.00	0.00000	121,897
Wellstone	0	0.00000	0.00	0.00000	96,024•

RECENT DEVELOPMENTS TOWARD PEACE IN NORTHERN IRELAND

• Mr. LEAHY. Mr. President, much has happened since the Irish Republican Army broke its cease-fire with two bloody bombings in London. Those cowardly acts cast doubt on the viability of the entire peace process. But the people rose up en mass, as I had a feeling they would. Tens of thousands demonstrated in the streets of Dublin and elsewhere, demanding that the perpetrators of the violence give them back their peace.

Responding to the will of the people, the Irish and British Governments reached agreement on a way forward, including a date of June 10 for full-party talks. The peace process is back on track and moving ahead, and Sinn Fein and the IRA should waste no time in seizing this opportunity. Their participation is needed if lasting peace is to be achieved. As Irish Foreign Minister Dick Spring said in an eloquent speech to the Dail Eireann on February 29, the "fixed date surely now offers the basic assurances that the republican movement has sought. Given the intolerable human cost, and the grave political damage caused by the violence to date, how can the IRA explain the continuation, for one more day, of its renewed campaign?"

Mr. President, Foreign Minister Spring has been on a relentless quest for peace in Northern Ireland for much of his distinguished career. I know his hopes were dashed when the IRA ended its cease-fire, as were all of ours. But he did not lose hope. He persevered, and we all owe him and Prime Minister John Bruton our support and admiration for their determination, their fairness, and their commitment to a better life for all the people on that island.

I ask that Foreign Minister Spring's February 29 speech be printed in the RECORD.

The speech follows:

STATEMENT BY TANAISTE AND MINISTER FOR FOREIGN AFFAIRS DICK SPRING, DAIL EIREANN, 29 FEBRUARY 1996

The British and Irish Governments have long shared a common analysis and a common objective: a comprehensive political settlement based on consent. We have also been united in agreement that this objective can only be attained through all party negotiations addressing comprehensively all the relevant relationships and issues in an interlocking three-stranded process. The necessity for all-party negotiations is also appreciated by all parties in Northern Ireland.

Where they, and we, have differed, has been on how to proceed into such negotiations. Was it possible to ensure that, on the one hand, all parties could enter into such negotiations freely, on a basis of equality, and without prejudice to their fundamental aspirations, and, on the other hand, that all could negotiate in full confidence that there was a basic commitment all round to exclusively peaceful methods and to the democratic process?

This conundrum has dominated discussions between the two Governments, and wider debate, for the last year. It has been a difficult and frustrating period. Disputes over a wide range of complex and interconnected, but ultimately secondary, issues have been permitted to obscure the fundamental point, that there is an overwhelming consensus for peace, and for agreement between the people who share this island. Debate about questions of substance has been crowded out by debate about questions of procedure.

The appalling prospect that the peace process might run into the sands has loomed before us. In their mass demonstrations last Sunday, the people underlined their determination that this could not be allowed to happen. Even before yesterday's Communique was written, the wider Irish public had demonstrated that the peace does indeed belong to all the people.

The two Governments agreed at the end of November that is was their firm aim to launch all-party negotiations by the end of February—that is, today. A clear and unalterable timetable leading to negotiations on 10 June has now been put in place. The timescale now envisaged is consistent with the implications of an elective process, the possibility of which was signalled in the November communique.

The essential point agreed at the summit is that there is a fixed date on which all-party negotiations will begin. This is a firm and unambiguous commitment. Neither Government has sought to enter any qualifications, to hedge or to equivocate.

We now see a definite commitment that the two Governments and the Northern parties will sit down together to begin to fashion that lasting settlement which is required to underpin peace and to allow for a new beginning in all three core relationships.

The need for negotiations has been acknowledged on all sides. We want them because, objectively, they are necessary. They would be necessary even if the paramilitary organizations had never existed, because there is a political conflict that must be resolved.

Nor can the will of the people for negotiations leading to an agreement founded on consent be thwarted by violence. The Taoiseach and the Prime Minister resolved that neither violence, nor the threat of violence, would be allowed to influence the course of negotiations, or preparations for negotiations. They also agreed that the

IRA's abandonment of its cessation of violence was a fundamental breach of the declared basis on which both Governments had engaged Sinn Fein in political dialogue. They reiterated what has already been stated more than once in this House, that the resumption of full political dialogue with Sinn Fein requires the restoration of the ceasefire.

The vast majority of the people of Ireland, North and South, who utterly repudiate the use of violence for any purpose whatever, can be assured that there will be no bending of the principle that violence has no place in any political process.

Equally, the Governments have emphasized that they are determined to press on in the search for political agreement, irrespective of whether the republican movement makes it possible for Sinn Fein to rejoin that quest or not.

Nevertheless, a fundamental objective of the peace process has always been to offer a meaningful political alternative to violence. Negotiations conducted on a fully inclusive basis, and in the absence both of violence and of security counter-measures, have always seemed more likely in the long run to produce a stable agreement in which all could acquiesce. It is the hope of the two Governments, accordingly, that the negotiations will be fully inclusive, with all parties being able to participate in them. We call on Sinn Fein, and the IRA, to make Sinn Fein's participation in the process of such negotiations possible.

On 15 February, the President of Sinn Fein said that "the absence of negotiations led to the breakdown. The commencement of negotiations therefore provides the way forward. Any new process must contain copperfastened and unambiguous public assurances that all party talks will be initiated by both Governments at the earliest possible date."

All-party negotiations will begin on 10 June. While many would have wished for an earlier date, we wanted to be sure that the appointed date was realistic and could be fixed without doubt. This fixed date surely now offers the basic assurances that the republican movement has sought. Given the intolerable human cost, and the grave political damage caused by the violence to date, how can the IRA explain the continuation, for one more day, of its renewed campaign? It is up to it to decide its own course. I cannot pretend to know how the minds of its leaders work. But I expect that all those with influence upon it will do what they can to point out to it the straightforward and positive implications of agreement on a fixed date and timetable for negotiations.

The Taoiseach and the Prime Minister both recognized that confidence building measures will be necessary in the course of all-party negotiations. Negotiations are a dynamic process, depending on the interplay of personalities and arguments, and not a matter of static calculation. As one such measure, all participants would need to make clear at the beginning of negotiations their total and absolute commitment to the principles of democracy and non-violence set out in the Mitchell Report. These principles offer essential guarantees that negotiations will not be affected by violence or by the threat of violence, and that they will address and, as part of their outcome, achieve, the total and verifiable decommissioning of all paramilitary weapons.

All parties will also have to address, as a high priority, the Report's proposals on decommissioning. Negotiations must, in a nutshell, deal fully and satisfactorily with this issue.

But decommissioning is by no means the only item on the agenda, nor should the commitments we seek be exploited to avoid serious negotiation on the many other questions to be addressed. The two Governments have been at pains to stress that confidence is required all round if the negotiations are to gain the momentum necessary for their success. The parties must have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions, and the need for new political arrangements with which all can identify. Negotiations must be for real, and must be undertaken in good faith. Every participant has the right to expect that every other participant will make a genuine effort to understand opposing perspectives and to seek accommodation.

A heavy onus will rest on all of us. For all to gain, each must be prepared to change. A flexible and accommodating approach will be essential. For example, I was heartened by the fact that the Ulster Unionist Party's recent paper, *The Democratic Imperative*, displayed some understanding of the basis of the nationalist requirement for meaningful North/South links. I hope that all parties, including the Unionists, will feel able, both before and throughout the negotiations, to prove to others their determination to forge a new and all-embracing accord.

The Unionist parties have stressed that for them an elective process is of crucial importance in enabling them to go to the table. Both Governments are of the view that such a process would have to be broadly acceptable and would have to lead immediately and without further pre-conditions to the convening of all-party regotiations with a comprehensive agenda.

As is reflected in the Communiqué, the details of an elective process are primarily a matter for the Northern Ireland parties, which will be the participants in any such process, and for the British Government, which will have to introduce the necessary legislation, and to ensure that it is speedily processed. The question of how elections are to be integrated into the launch of negotiations, on the other land, is one in which we have entirely legitimate interest, as one of the participants in those negotiations. The Irish Government is prepared to support any process which satisfies the criteria set out by the International Body; it must be broadly acceptable to the Northern parties, have an appropriate mandate, and be within the three stranded structure. It is on this basis that the Government has agreed with the British Government on the approach outlined in the Communiqué.

It is no secret that the Northern parties continue to disagree on the form of any elective process, and on the precise function of that process. There are significant disagreements even between those who have advocated such a process from the beginning. There is a range of possible options consistent with the requirement that elections lead directly and without pre-conditions into three-stranded all party negotiations.

There are also numerous other significant details which need to be resolved in advance of the launch of negotiations. These are broadly grouped together under the rubric of "the basis, participation, structure, format and agenda" of such negotiations. Both Governments have had useful discussions with the parties during the series of preparatory talks which were initiated after last November's Summit. Nevertheless, there is still much work to be done. For example, we need to ensure that, irrespective of the form and outcome of any elective process, there will be a way for all the relevant players in the situation, including the loyalist parties, which have played so crucial and constructive a role, to be involved in resolving the conflict. There are several other key points, and myriad lesser details on which it will be necessary to be clear in advance.

It seemed to me for some time that the only practical way to hammer out agreement on these issues, given both their complexity and the number of participants involved, would be through some form of concentrated and accelerated dialogue, which would allow us all to bounce ideas off one another and to explore common ground.

The Prime Minister and the Taoiseach have now agreed that the two Governments will conduct intensive multi-lateral consultations on these lines with the relevant Northern Ireland parties, in whatever configuration, or indeed configurations, are acceptable to those concerned. These consultations will begin on Monday next, 4 March. Preparations at official level are already underway. The Secretary of State for Northern Ireland and I will meet in Belfast on that day to launch the consultations and to agree on how we will make the best use of the time available, to ensure that every effort is made to secure widespread agreement among the parties on elections and the organisation of negotiations, and to allow us to come to a view on the question of a referendum. I would appeal to all parties to cooperate fully in that process.

These consultations are to be strictly time-limited. They will end on Wednesday 13 March. They will not be allowed to drag on inconclusively, and in so doing to threaten the timetable set out for the launch of negotiations. The existence of a deadline will focus the minds of participants.

After 13 March, the two Governments will immediately review their outcome. The British Government will bring forward legislation for an elective process, based on a judgement of what seems most broadly acceptable. Decisions will also be announced as appropriate on the other matters relating to the negotiating process which are to be addressed by the consultations. The two Governments are of the shared view that the parties must be given every opportunity to shape these matters in an agreed fashion, but ultimately we are prepared to make judgements and where appropriate to take the necessary decisions on the basis of what we have learned in the consultations.

In essence, we have mapped out a clear path to the negotiating table. This combination of steps offers to all parties a balanced and honourable way forward. It guarantees negotiations, and it also guarantees that those negotiations will be conducted on the basis of the principles of democracy and non-violence. There is no reason for any party to refuse to participate in negotiations. Equally, there is no reason for the IRA, through a refusal to restore its ceasefire, to deny Sinn Fein the possibility of full participation in political dialogue and entry into the negotiations on a basis of equality.

Negotiations are a necessary means to an essential end. We must never forget what it is that we seek to attain through them. It is important to remind ourselves of the ultimate prize we seek to gain.

Political violence could be eradicated forever through a draining of the swamp of inherited distrust and incomprehension.

Through partnership in agreed institutions, unionism and nationalism could learn to respect one another and to work together for the common good. Nationalists could feel secure and valued within Northern Ireland: Unionists could feel secure and valued on the island of Ireland. We could achieve permanent agreement on the rules which would order our relationships, through matching and reciprocal guarantees which would transcend disputes about sovereignty. The last ghosts which haunt the relationship between Britain and Ireland would be laid to rest.

It is long past time that we began to work out together how to reach this destination. Now we know when negotiations will begin, and we must prepare ourselves for the task ahead. The Irish Government, working on the foundations and with the commitments of yesterday's communiqué, will approach that task with the utmost urgency and resolve.•

THE BLACK REVOLUTIONARY WAR PATRIOT'S COMMEMORATIVE COIN ACT

• Mr. BINGAMAN. Mr. President, I rise today to cosponsor S. 953, the Black Revolutionary War Patriot's Commemorative Coin Act. This legislation, sponsored by Senators CHAFEE and MOSELEY-BRAUN, would allow the minting and sale of commemorative coins to finance the construction of a memorial in our Nation's Capital, honoring those African-Americans who fought for our Nation's independence.

Mr. President, our Nation owes those African-American patriots who fought in the American Revolution a deep debt of gratitude. All together, over 5,000 African-American men and women served as guides, spies, teamsters, and sailors in pursuit of a free nation. These African-Americans accounted for over 2½ percent of the total American force. They served with distinction and honor.

In this month, designated as Black History Month, it is appropriate to remind ourselves of the service African-Americans have given to this Nation's armed services. African-American service men and women have left an indelible mark upon our Nation's history.

In researching the role of African-Americans in the American Revolution, I was surprised to learn that many of those patriots who served were, indeed, slaves. How ironic it is that many of the patriots serving to found a nation based on the ideals of freedom were unable to enjoy this very freedom. We as a nation have struggled, and continue to struggle today, to ensure that all Americans can enjoy the fruits of living in a nation dedicated to democracy and freedom for all.

We have a long way to go to meet that ideal. It is my sincere hope that the construction of the memorial to be built from the proceeds of the sale of these commemorative coins, will inspire us to continue this fight for democracy and equality. We owe the patriots who fought in the American Revolution no less.•

TRIBUTE TO DIANE KASEMAN

• Mr. D'AMATO. Mr. President, I am pleased to take the opportunity to acknowledge the 43 years of dedicated service of Diane Kaseman, upon her retirement. A native of Rochester, NY, Diane began her distinguished career on March 27, 1953. Diane began her tenure here on Capitol Hill as a receptionist for Representative Kenneth Keating. She then moved to the Senate and worked for Senator John Sherman Cooper and has since served under the administrations of 11 separate Senate Sergeants at Arms, where she has worked with the service and computer facilities staff of the U.S. Senate.

Diane's accomplishments have not been limited to her professional career, as she has endlessly devoted herself to volunteer activities benefiting not only her colleagues, but also many charitable organizations. In 1953, Diane actively sought and obtained approval from the Senate Rules Committee for the establishment of the Senate Staff Club. Founded in 1954 with 150 members as a social organization for all Senate employees, the club has sponsored a variety of social, civic, and charitable activities. Under the capable and dynamic leadership of Diane, the club's first treasurer, the Staff Club has grown to over 3,000 members.

The organization has been responsible for a number of variety shows, dances, and dinners, however, an integral part of the club has been charitable activities. Diane Kaseman has been instrumental in the success of these efforts. In 1955 Diane helped to form a Senate hospitalization plan, which is still active under the jurisdiction of the Secretary of the Senate. The Staff Club was asked by the Red Cross to become part of its blood donor drive in 1978 and has continued this support. Diane has been a driving force behind this noteworthy campaign and has dedicated many hours of hard work to ensure that the Senate blood drive meets its goal. As a result of her efforts, the Senate Staff Club has received four Outstanding Merit Awards for its contributions.

Diane won the 22d Annual Roll Call Congressional Staff Award in 1953 as one of the founders of the Senate Staff Club. In 1981, Diane Kaseman received the Sid Yudain Award in recognition of "her dedication to the well-being of her coworkers and for the generous expenditure of her time, talent, and personal resources in the service of the congressional community." Diane was also commended by U.S. Capitol Chief of Police James M. Powell for her unending assistance and patience during a special 5-week assignment in 1984 with the U.S. Capitol Police in establishing a system for providing security badges for all employees of the Senate.

Diane's contributions have been vast and effectual. She enjoys volunteering her time and special talents in helping others and has contributed to the Red Cross, Children's Hospital, Walter Reed Hospital, Saint Joseph's food drive, Hungary relief, Mexico's earthquake relief, and Help for Retarded Children, among others.

As U.S. Senator from New York, I am particularly pleased to congratulate Diane Kaseman for her outstanding contributions and dedicated service of the past 43 years and wish Diane continued success in all her future endeavors.•

RUNAWAY AND HOMELESS YOUTH REAUTHORIZATION ACT

• Mr. LEAHY. Mr. President, I ask that the text of S. 1582, a bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, introduced by myself and Senator SIMON on Thursday, February 29, be printed in the RECORD.

The text of the bill follows:

S. 1582

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 "Runaway and Homeless Youth Reauthorization Act of 1996".

SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

(a) RUNAWAY AND HOMELESS YOUTH.—Section 385 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5733) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 385. (a)(1) There are authorized to be appropriated to carry out this title (other than part B and section 344) $75,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

"(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 331 not less than $911,700 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(4) In the use of funds appropriated under paragraph (1) that are in excess of $38,000,000 but less than $42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

"(A) increasing and retaining trained staff;

"(B) strengthening family reunification efforts;

"(C) improving aftercare services;

"(D) fostering better coordination of services with public and private entities;

"(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and volcational services; and

"(F) improving data collection efforts.

"(5) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

"(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

"(B) 50 percent may be targeted at program enhancement activities described in paragraph (4).

"(b)(1) Subject to paragraph (2), there are authorized to be appropriated to carry out part B of this title $25,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds $26,900,000.

"(c) There is authorized to be appropriated to carry out section 344 of this title $1,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(d) The Secretary (through the Administration on Children, Youth and Families which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.).

"(e) No funds appropriated to carry out the purposes of this title—

"(1) may be used for any program or activity which is not specifically authorized by this title; or

"(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

(b) MISSING CHILDREN'S ASSISTANCE.—Section 408 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 408. To carry out the provisions of this title, there are authorized to be appropriated $6,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

(c) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—Section 506 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5785) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 506. To carry out this title, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

SEC. 3. ANTI-DRUG ABUSE ACT OF 1986.

(a) DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.—Section 3505 of the Anti-Drug Abuse Act of 1986 (42 U.S.C. 11805) is amended to read as follows:

"SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this chapter, there are authorized to be appropriated $16,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

(b) PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.—Section 3513 of the Anti-Drug Abuse Act of 1986 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this chapter, there are authorized to be appropriated $16,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".

SEC. 4. CRIME CONTROL ACT OF 1990.

Section 214B of the Crime Control Act of 1990 (42 U.S.C. 13004) is amended to read as follows:

"SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214 $15,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

"(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A $5,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.".●

ORDER FOR RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that at 3:30 p.m. today the Senate immediately stand in recess until 9:30 a.m. on Wednesday, March 6.

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

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, March 6, immediately following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders reserved, and there be a period for morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator FEINSTEIN for 15 minutes, Senator DORGAN for 15 minutes, Senator BINGAMAN or his designee for 30 minutes, and Senator THOMAS for 30 minutes.

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

AUTHORITY FOR THE RULES COMMITTEE TO FILE LEGISLATION

Mr. LOTT. Mr. President, I further ask unanimous consent that the Rules Committee have until 6 p.m. this evening to file the Whitewater legislation.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will recess, then, today at 3:30 until 9:30 a.m. tomorrow. At 11 a.m. it will be the majority leader's intention to turn to the legislation concerning the Whitewater investigation, therefore votes could occur during this session of the Senate.

We will have no further votes today, Mr. President, for the information of all Senators.

With that I thank the Senator from Vermont and the Senator from Washington for allowing me to get this in the RECORD, to get these approvals, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1589 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. I yield the floor.

Mr. LEAHY. Mr. President, I do not see others seeking recognition. So I ask unanimous consent that upon the conclusion of my remarks, the Senator from California [Mrs. BOXER] be recognized for 5 minutes.

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

AMERICAN LANDMINE CASUALTIES IN BOSNIA

Mr. LEAHY. Mr. President, I have spoken on this floor many times about the danger of antipersonnel landmines. In fact, I find that this is an issue on which I get thousands of letters and comments on my web page and over the Internet and telephone calls from all over the country and all over the world from people urging the ultimate banning of antipersonnel landmines and applauding steps that we took in this body to vote to ban them.

Mr. President, the NATO peacekeeping operation has been underway in Bosnia for less than 12 weeks. During that period, at lest 40 IFOR soldiers have been wounded or killed by landmines. The first American killed in Bosnia, Sgt. Donald A. Dugan, may have died from a landmine. He was apparently trying to disarm it, when it detonated in his hand.

Sargent Dugan was 38 years old. He died trying to help end the most brutal war in Europe in 50 years. He died so others, many of whom have lost parents, children, or brothers and sisters, could live.

The first American wounded in Bosnia was also the victim of a landmine. Another American lost part of his foot from a mine. Three British soldiers were among those killed by landmines.

In the 3 years that the United Nations force was there, 204 U.N. soldiers were injured by mines, and 25 died. As the snow melts and the ground thaws, there will be more landmine casualties.

Since 1990 when the war started, thousands of civilians have been injured and killed by landmines, and they will continue to suffer casualties long after the NATO troops leave. The Army's advice is "if it's not paved, don't step on it." That's great. That means that 99 percent of the land in Bosnia is too dangerous to walk on. The landmines in Bosnia, like many other countries, will be cleared an arm and a leg and a life at a time for generations.

Mr. President, I have spoken often on this subject and I will continue to do so. Today I want to make just one point.

If there ever was an opportunity for American leadership to make the world

a safer place, this is it. On February 12, President Clinton—and I applaud him for it—signed the foreign operations bill which contains my amendment to halt, for 1 year, U.S. use of antipersonnel landmines.

Some in the Pentagon have complained that since they use landmines responsibly they should not have to stop using them.

Mr. President, no one is more proud than I am of our Armed Forces. Our men and women in uniform, whether they are in Bosnia, Korea, or here in Washington, make every American proud for what they stand for, and their unmatched professionalism. I have voted for just about every defense appropriations bill since I came to the U.S. Senate.

If I thought for a minute that getting rid of antipersonnel landmines would put our troops or our national security in jeopardy, I would not be speaking here today. On the contrary, I believe we have far more to gain. Antipersonnel landmines cannot be justified on military grounds or on moral grounds.

I have received calls and letters from combat veterans from every part of this country who experienced the horrors of landmines, and who agree with me that they made their job more dangerous, not safer. Some were wounded by mines. Some saw troops under their command killed by mines, even by their own minefields when the battle changed direction.

I know landmines have some military use. But consider the cost. Over 24,000 Americans were injured or killed by mines in World War II. There were over 2,400 recorded landmine casualties in Korea, and over 7,400 in Vietnam. Twenty-one Americans died in the Persian Gulf from mines—20 percent of all our casualties there. Twenty-six percent of our casualties in Somalia were from mines.

No matter how or what type of landmines are used, they are indiscriminate. They are triggered by the victim, and usually it is a civilian. Our mines, and the mines of countless other nations, are killing and maiming hundreds of innocent people each week.

Mr. President, we have a tremendous opportunity. The law signed by the President will halt, in 3 years, our use of antipersonnel landmines except in very limited areas. We will not be alone. Canada and Belgium have unilaterally halted their production, use, and export of these weapons, and 20 other nations have declared support for an immediate, total ban.

During the next 3 years, we can lead other nations to join with us in repudiating this weapon. If the Congress, the President, the Vice President, the Secretary of Defense, the Chairman of the Joint Chiefs, the Secretary of State, our U.N. Ambassador, all our Ambassadors in posts around the world—if we all speak loudly and with one voice, the message will be heard.

Mr. President, a recent Washington Post article entitled "A Global Bid To Ban Landmines," described how the Serbs used minefields in their campaign of ethnic cleansing, by forcing their Moslem captives to walk through minefields, triggering the mines.

That many sound appalling, and it is. But it is little different from what millions of people are forced to do each day, in countries where survival means tilling the land, and the land is a minefield.

So Mr. President, we remember Sgt. Donald Dugan for his sacrifice for peace in Bosnia. Let us also remember him by renouncing these cowardly weapons that have claimed the lives of so many innocent people.

BOMBINGS IN ISRAEL

Mr. LEAHY. Mr. President, each one of us has been horrified at what we have seen on our television sets with the tragedies in Israel. I was at my home and reading the recent account—what I thought was the most recent account of bombing in Israel—when I got a call from somebody in my office who started referring to the terrible bombing in Israel. I said, "I am reading about it right now." He said, "No; not the one that is in this morning's paper, the one that happened within the last few minutes."

The shock that fell on everybody in my office, on everybody in my family, and on the family members of those in my office—one of whom lives with his wife and daughter in Israel.

I believe that we are witnessing a determined, relentless suicidal attempt to destroy the peace process in the Middle East. It may be predictable. We have seen these attempts before. Fanatical extremists have tried time and again to intimidate and destroy the forces for peace; unfortunately, on both sides. But so far they have failed.

I think that Israel today faces its greatest challenge with the handshake on the White House lawn. When Prime Minister Rabin was assassinated by a Jewish fanatic I thought we had reached the low point. But the situation has only deteriorated since then. At least 60 people, innocent civilians, have been killed in the past 9 days alone. The people responsible in an almost obscene perversion seem to take pride in claiming responsibility for the slaughter of men, women, and children.

So our sympathies—and I believe this can be said of all Americans—and our prayers are with the victims and their families.

The White House has said that they will provide counterterrorism assistance to Israel, and the Palestinian authority—and the Congress, of course—is going to support whatever can be done to stop these atrocities. But we know there are no guarantees. If someone is prepared to sacrifice his life to commit murder, there are real limits on what we can do to prevent that.

Prime Minister Peres has said he will take all necessary steps to fight back. He has no alternative. To stand by and not do whatever he can would be inconceivable, and I know the Prime Minister's determination is to do all that is possible that he, his government, and his great country can do.

Chairman Arafat has condemned the attacks and has pledged to fight back, as he should have done long, long ago. He should be taking all necessary measures to track these people down and stop them before they strike again. Those who would urge Prime Minister Peres to turn his back on the peace process should also understand that is exactly what the terrorists want. They want the war to go on because they know that if peace prevails—as we all pray it will—then they lose.

Real opportunities for peace come rarely. It took great courage and years of patient work to get to this point. Prime Minister Rabin gave his life for it, as have dozens of others. There is no other way than to search and continue searching for peace.

So I express my sorrow and my horror at what has happened to this brave country. I hope that now steps can be taken to stop terrorists from striking again and stop those who would plan even more terrorism but also let the peace process go forward.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Vermont for his eloquence. We come to the Senate floor all too often to talk about tragedy and needless loss of life. The Senator talked about the tragedy in Israel; needless tragedy. We see it in England. We see it here at home. We saw it in Oklahoma City, in New York City. Terrorism must be—and will be—stopped because people in this world want peace, and they want life as they choose to live in peace.

Tragedy also comes too often in the course of our lives here in America in our hectic life. I am here to talk about one such tragedy that occurred in California.

BRIAN OHLEYER

Mrs. BOXER. Mr. President, I want to pay tribute to a young man named Brian Ohleyer, who was killed yesterday in a tragic automobile accident in northern California. Brian was in his twenties. He was a light in every life that he touched, in every community that he was a part of, in every school that he went to, and in every job he

had. And he brought light to my life. He was my friend.

Brian's future was as bright as you could imagine—a wife, Elle, whom he adored; a career that he loved; a mom and dad, brother and sister, nephews and nieces whom he treasured, which made up the happiest and warmest of families. Brian was blessed, and he blessed everyone that he touched.

And then came yesterday, a truck crashing into all his dreams and the dreams of everyone who loved him. The news was like a stab in the heart. News like this strikes too many Americans. And when it happens, we have to reach out to one another. In the days ahead, we will reach out to this family.

I talked to Michael Luckhoff, the general manager of KGO Radio in San Francisco, Brian's employer. He said Brian was a shining star, a wonderful, polite young man—a superstar, he said. He said he was the future, a gem among gems, liked by everyone, a pacesetter, a breath of fresh air.

I am here to say that when we lose someone like this, all we can do is pray that this tragedy does not happen to anyone we love. All we can do is remember the best and brightest memories. And what I am going to do, because this young man was a model of what a young person should be, full of life and expectation, playing by the rules, just the best, I am going to name my internship program after Brian, and all the interns that come in my office will learn about him and they will be Brian Ohleyer interns. Maybe in that small way I can do my part in keeping his spirit alive.

I thank the Chair. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

I am moved by the remarks of the junior Senator from California. Let me follow with just a few remarks about recent events in the Middle East.

MIDDLE EAST PEACE PROCESS

Mr. FEINGOLD. On September 13, 1993, the world watched with hope and fear when Israeli Prime Minister Yitzhak Rabin and Palestinian leader Yasser Arafat signed the Declaration of Principles on the White House lawn and began a new era in the Middle East. As much as we hoped there would be an end to terrorism, bloodshed, and occupation, I think just about everyone knew the road to peace would not be that simple.

We had reason to cheer though because now the battle lines would be drawn differently. Rather than Arab versus Jew, the peace process created a new alliance, moderate versus extremism, where Israelis, Palestinians, and others were joined to pursue a peaceful and prosperous Middle East.

While there were some very tenuous periods during 1994—continued terrorist attacks, such as the disastrous bombing in the center of Tel Aviv, and the bomb attack in Beit Leid where over 20 soldiers were killed, the massacre of 28 Palestinians in Hebron by an extremist Israeli named Baruch Goldstein—nonetheless, Mr. President, the peace process was progressing. By late 1995, in fact, it seemed relations between Arafat and Rabin were warming.

Israelis themselves, Mr. President, were becoming more confident that this was the path to take. On November 4, 1995, 150,000 Israeli supporters attended a Tel Aviv peace rally to demonstrate their depth of commitment to the peace process.

Then, of course, as we all sadly know, extremism struck again. This time a Jewish radical gunned down Prime Minister Rabin in an effort, of course, to kill the peace process.

I think it is important to note that this, too, was a terrorist attack, an attack in the vein of a new Middle East where extremism and violence of any stripe lashes out against any sign of peace and tolerance.

Of course, with the assassination of Prime Minister Rabin, the world lost one of its great leaders and great men. He possessed so many attributes that made him an extraordinary figure. As a soldier, he helped build Israel, and as Prime Minister, he paved the way for a peace that can only come from Israel's strengths. With this, he earned the trust and confidence of Israelis who knew that Rabin would not take risks for peace that outweighed the dangers of continued war.

He recognized the day had passed when one people in the Middle East can really think seriously about dominating another people; when most Israelis, Palestinians, Jordanians, and others saw that they must co-exist if there is to be any security or prosperity in the region.

Rabin put his full weight behind the peace process as the only way to protect Israel's security. His achievements were illustrated again, sadly, during the funeral, an event that in itself helped solidify the process the assassin had tried to stop. The huge United States delegation, which I was fortunate to be part of, testified to the depth of support that the United States has and will offer Israel. The fact that President Mubarak and King Hussein not only set foot in Jerusalem but also eulogized Prime Minister Rabin at his funeral spoke to the commitment for peace with a strong Israel. The more than 40 heads of State and representatives from over 80 countries who were there also signaled international investment in the peace process as well as the tremendous personal tribute to Rabin that it represented.

I think Prime Minister Peres has been equally determined in this quest. He has continued implementation of the Oslo II Agreement, expanded relations with Jordan, pursued preliminary peace talks with Syria and he has also cemented ties with other countries.

We had hoped that the extremists in the Middle East would have been weakened. But as their ranks have been withering, their hatred was intensifying. Israel, with some cooperation from Palestinian leader Yasser Arafat, has continued its war against terrorism, and it is widely assumed that that led to the January assassination of the engineer, the so-called engineer, Yahyia Ayash, the Hamas technician who masterminded the bus explosions in Israel.

Mr. President, in the last 9 days, we all know we have seen 4 devastating bombs, all delivered by fanatics on a suicide mission, explode during commuter rush hours in urban centers in Israel, murdering at least 59 people and injuring many more. The horrific images we see on television cannot even compare with the terror any Israeli must now feel when they get on a bus to go to work, pick up their shopping, send their kids to school. This is a real source of insecurity and pandemonium in Israel now.

What makes this problem so challenging is how does Israel stop a suicide bomber? There are young Hamas supporters who are willing to blow themselves up as long as they can take a few Israelis with them. At first they said the attacks were in retaliation for the killing of the engineer. Now it is because of Israel's announced war on Hamas. It is really a war against any kind of Western or modern presence in the Middle East and against the peace process. Prime Minister Peres has responded forcefully and decisively. He has pledged that Israel will take all measures necessary to fight the war against terrorism. Last night, they arrested a man from Ramallah who they believe orchestrated three of the last four attacks. A strict closure, a drastic effort to fully separate Israelis and Palestinians, will be in effect, I expect, until the election at the end of May.

I am also very proud of President Clinton's efforts and commitments to crack down on the supporters of terrorists. I feel confident the United States will continue to support Israel, be it through strict enforcement of the ban on contributions to Hamas or through more intelligence sharing with Israel to avert would-be attacks, or whatever. But the next steps are really with the Palestinians. The protest demonstration by tens of thousands of Palestinians in Gaza against the bombers who struck on Sunday in Jerusalem was exactly the kind of support the peace process needs. While moderate Palestinians may feel their lives are in danger by openly opposing Hamas, the peace process could potentially fail if they do not speak out against extremism and demonstrate their investment in the process.

Mr. Arafat must do all he can in his power now to prevent further attacks. Political agreements, such as that which he made with Hamas 2 weeks ago, are simply and clearly insufficient. Hamas may now be splintered into several camps and Arafat must counter all of them. He must also recognize that merely arresting people, though a good first step, is hardly sufficient. There must be an aggressive policy of hot pursuit and follow-through in the Palestinian justice system if peace is to be sustained.

Mr. President, it is with great disappointment that I say it may be unrealistic to think that Arafat can control the extremists in the Hamas, even if he puts all of his efforts into it. For that reason, it is time again Israel not only join with Arafat in the fight, but also pursue its own means where necessary to protect its citizens.

The peace process is in danger. But, as Leah Rabin appealed to us yesterday, it is far from over. In the context of the bombings and atrocities of the last 9 days, there should be a suspension of implementation or further negotiations. Israel is in no position to be talking further peace when the current situation gives its citizens no security.

But that is the genius of the Oslo process which Rabin left: Israel can go at its own speed, and it should focus on the fight against terrorism now.

Mr. President, this has been a very difficult period and leaves the past and the future in a very confusing posture. But we do know that peace is the only alternative to this war and insecurity. I hope the forces of peace will prevail over the destructive and powerful—but minority—forces of hate.

Israel and the Palestinians are too invested in the peace to throw it away now. Even more compelling is that if they did throw it away, war will continue in this and many other forms. For that reason, they must put all their efforts into fighting these forces.

The United States also has a continued interest in Israel's security, and the world has a humanitarian interest in halting this mindless violence. I think and hope all parties will rise to the challenge. We must counter the horrific forces of extremism that took Prime Minister Rabin's life, and fight and extinguish the forces such as Hamas that undermine the future of the Middle East.

In Rabin's vision of the Middle East, one nation will not stand in opposition to the rights and dignity of another. To achieve this, and to carry on Rabin's lifelong work, violent extremism, such as that which killed Rabin—and President Sadat before him—must be confronted, condemned, and stopped. That, indeed, will continue to be the biggest obstacle to peace.

Mr. President, I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. tomorrow, March 6, 1996.

Thereupon, the Senate, at 3:31 p.m., recessed until Wednesday, March 6, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 1996:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD T. SWOPE [redacted]

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be major general

BRIG. GEN. JEROME J. BERARD [redacted]
BRIG. GEN. JAMES W. EMERSON [redacted]
BRIG. GEN. RODNEY R. HANNULA [redacted]
BRIG. GEN. JAMES W. MACVAY [redacted]
BRIG. GEN. JAMES D. POLK [redacted]

To be brigadier general

COL. EARL L. ADAMS [redacted]
COL. H. STEVEN BLUM [redacted]
COL. HARRY B. BURCHSTEAD, JR. [redacted]
COL. JAMES E. CADLWELL III [redacted]
COL. LARRY K. ECKLES [redacted]
COL. WILLIAM L. FREEMAN [redacted]
COL. GUS L. HARGETT, JR. [redacted]
COL. ALLEN R. LEPPINK [redacted]
COL. JACOB LESTENKOF [redacted]
COL. JOSEPH T. MURPHY [redacted]
COL. WILLIAM T. NESBITT [redacted]
COL. LARRY G. POWELL [redacted]
COL. ROGER C. SCHULTZ [redacted]
COL. MICHAEL L. SEELY [redacted]
COL. LARRY W. SHELLITO [redacted]
COL. GARY G. SIMMONS [redacted]
COL. NICHOLAS P. SIPE [redacted]
COL. GEORGE S. WALKER [redacted]
COL. LARRY WARE [redacted]
COL. JACKIE D. WOOD [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHN G. COBURN [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. GUY M. VANDERLINDEN [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

LINE OF THE AIR FORCE

To be lieutenant colonel

DOUGLAS W. ANDERSON [redacted]
PAUL E. BISHOP [redacted]
RAYMOND H. CARLINGER [redacted]
RONALD E. HARVEY [redacted]
RICHARD K. SPRENGER [redacted]

To be major

JEFFERY S. ANTES [redacted]
STEVEN L. HACK [redacted]
ALGER E. HASELRIG, JR. [redacted]
HAROLD D. HITES [redacted]

IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

GERALD E. ANDERSON
CHARLES D. DAHILL
NANCY R. GOODRIDGE
DOUGLAS I. HATFIELD
JAMES J. JONES
MARK A. WILLIS
STEPHEN E. SCHROEDER
TIMOTHY J. GILBRIDE
JAMES J. MIKOS
PAUL A. GUMMEL
EDWARD J. VANDUSEN
DAVID M. FLAHERTY
JOHN L. BEAMON
HEWITT A. SMITH III
MARCUS X. LOPEZ
SEAN D. SALTER
JAMES Q. STEVENS III
CHARLES H. SIMPSON, JR.
DANIEL J. MOLTHEN
ROGERS W. HENDERSON
SCOTT H. OLSON
BRIAN W. ROCHE
ROBERT T. HENDERICKSON, JR.
PAUL E. GERECKE
DAVID W. MOONEY
GERALD M. CHARLTON, JR.
KURT A. LUTZOW
GERALD A. WILLIAMS
JOSE A. SALICETI
TIMOTHY A. MAYER
TODD C. HALL
MICHAEL L. GATLIN
CHRISTINE R. GUSTAFSON
JAMES BORDERS, JR.
KEVIN R. SCHEER
THOMAS S. MACDONALD
JAMES W. BARTLETT
PETER J. CLEMENS
JAMES A. STEWART
CARLA J. GRANTHAM
KEVIN A. JONES
SUSAN R. KLEIN
JEFFREY K. PASHAI
WESLEY K. PANGLE
KAREN L. BROWN
NEIL H. SHOEMAKER
BRIAN P. WASHBURN
KRISTIN K. BARLOW
LARA N. BURLESON
CHRISTEL A. DAHL
MARK A. EMMONS
JOSE M. ZUNICA
ANDRES V. DELGADO
GARTH B. HIRATA
DAVID E. HOTEN
GEORGE R. LEE
ROBERT L. SMITH
ROBERT C. GAUDET
MARK J. MORIN
JEFFREY A. BAILLARGEON
BARBARA N. BENSON
MICHELLE R. WEBBER
DARNELL C. BALDINELLI
MICHAEL H. DAY

To be lieutenant (junior grade)

JEFFREY R. MCCULLARS
PAUL E. DITTMAN
DANIEL H. MADES
CHRISTOPHER B. O'BRIEN
PETER V. NOURSE
DAVID R. SIMEUR II
DEAN J. DARDIS
PATRICK S. MCELLIGATT
NANCY L. PEAVY
EDWARD A. WESTFALL
WILLIAM A. BIRCH
RANDALL G. WAGNER
DOUGLAS R. CAMPBELL
KARL D. DORNBURG
JOYCE E. AIVALOTIS
MELVIN WALLACE
ANDRE L. MCGEE
CHARLES G. ALCOCK
THOMAS J. SALVEGGIO
TONY M. CORTES
STEVEN E. VIGUS
MATTHEW X. GLAVAS
LISA A. RAGONE
RONALD K. GRANT
ERIC L. TYSON
WILLIAM R. TIMMONS
PETER A. YELLE
CLAUDIA C. GELZER
DANIEL D. UNRUH
MARK MARCHIONE
MATTHEW D. WOODWARD
JOHN A. DENARD
JOHN B. MILTON
JOHN A. CROMWELL
SCOTT A. HINTON
ORIN E. RUSH, JR.
MITCHELL A MORRISON
CHRISTOPHER B. HILL
ALAN L. BLUME
JEFFERY W. THOMAS
LARRY L. LITTRELL
CHRISTOPHER M. HOLMES
THOMAS N. THOMSON
BRYAN P. RORKE
DAVID H. ANDERSON
EDWARD W. PRICE, JR.
THOMAS J. ROBINSON II
RICHARD M. KLEIN
JERRY J. BRIGGS
WILLIAM G. LUTMAN
GREGORY N. DELONG
DAVID A. BULLOCK
TIMOTHY J. COTCHAY
BOB I. FEIGENBLATT
STEPHEN A. MCCARTHY
RAMON E. ORTIZVALEZ
THOMAS W. HARKER
KYLE A. ADAMS
DANIEL R. NORTON
BRUCE D. CHENEY, SR.
CHRISTOPHER K. BISH
KEVIN L. REBROOK
MARK P. DORNAN
KATHLEEN M. MCNULTY
BRENDAN C. BENNICK
WILLIAM E. RUNNELS
MICHAEL R. CHARBONNEAU
BRADLEY J. RIPKEY
MICHAEL SAKAIO
CHRISTINA M. BJERGO
JAMES E. ELLIOTT
BRETT A. TAFT
JOSEPH F. ROCK, JR.
JOSEPH M. FIERRO
CHARLES A. CARUOLO
KARL I. MEYER
MICHAEL A. BAROODY
ROBERT I. COLLER
ROBERT R. HARPER, JR.
JOSEPH PONSETI, JR.
GREGORY L. CARTER
ROGER A. SMITH
JAMES V. MAHNEY, JR.
KEVIN N. KNUTSON
DONNA G. URBAN
RAYMOND C. MILNE III
JOEL B. ROBERTS
DALE DEAN
DAVID J. WIERENGA
MARK J. BRUYERE
THOMAS J. GOLDBERG
MICHAEL F. TREVETT
JOHN G. WHITE
TIMOTHY A. TOBIASZ
CHRISTOPHER S. NICHOLSON
DALE A. BLUEMEL
LAWRENCE A. KILEY
WHITNEY L. YELLE
JAMES F. BLOW
EDWARD W. SANDLIN II
SCOTT D. STEWART
ISMAL CURET
MICHAEL A. VANVOORHEES
LEWIS M. WERNER
CHARLES A. ROSKAM II
JAMES A. NUSSBAUMER
KEVIN Y. PEKAREK
MICHAEL T. LINGAITIS
ERICH M. TELFER
CONSTANTINA A. STEVENS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LINE

To be lieutenant commander

MARK A. ADMIRAL [redacted]
RUSSELL P. ASHFORTH [redacted]
VINCENT S. CROMER [redacted]
KELLY C. DAWSON [redacted]
CARL G. DECKERT [redacted]
JOHN D. DEEHR [redacted]
WILLARD E. DYURAN [redacted]
GREGORY B. GALLARDO [redacted]
JOHN P. GILLENWATER III [redacted]
ERIC L. GOTTSHALL [redacted]
FRANK M. HARRILL [redacted]

STEPHANIE T. KECK xxx-xx-x...
MERRILL F. KING xxx-xx-x...
JOHN N. LEWIS xxx-xx-x...
ROBERT W. MARSHALL xxx-xx-x...
ISAAC H. MAY xxx-xx-x...
MICHAEL H. MERRILL xxx-xx-x...
GRETCHEN O. MERRYMAN xxx-xx-x...
ADAM J. MOORE xxx-xx-x...
JOHN R. MOORMAN xxx-xx-x...
THOMAS G. MUNSON xxx-xx-x...
DAVID D. PHELPS xxx-xx-x...
RUSSELL H. PHELPS, III xxx-xx-xx...
TONY D. RYKKEN xxx-xx-x...
BRETT R. SCHEXNIDER xxx-xx-x...
JERRY D. SEAGLE JR. xxx-xx-xx...
LARRY THOMAS xxx-xx-x...
VINCENT D. TRAEYE xxx-xx-x...
MICHAELPETER VASKE xxx-xx-x...
DAVID M. WARNER xxx-xx-x...
DANIEL E. ZIMBEROFF xxx-xx-x...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be captain

LAWRENCE, E. COOT xxx-xx-x...
WILLIAM R. CORSE xxx-xx-x...
RICHARD M. GILBERT xxx-xx-x...
DAVONNE S. LOUP xxx-xx-x...
WILLIAM R. SCHINDLER xxx-xx-x...
RONALD L. SOLLOCK xxx-xx-x...
JANE F. VIEIRA xxx-xx-x...

MEDICAL CORPS

To be commander

JOSE A. ACOSTA xxx-xx-x...
KIMBERLY AGEE xxx-xx-x...
PHILIP P. ALFORD xxx-xx-x...
SCOTT A. BILDSTEN xxx-xx-x...
HAROLD D. BOYD xxx-xx-x...
STEVEN E. BRAATZ xxx-xx-x...
PAULETTE C. BRYANT xxx-xx-x...
ROSE M. BULGER xxx-xx-x...
DONALD J. CENTNER xxx-xx-x...
COLIN G. CHINN xxx-xx-...
BRUCE R. CHRISTEN xxx-xx-x...
EDWARD N. COHILL xxx-xx-x...
GREGG J. COLLE xxx-xx-x...
DAVID C. COMBEST xxx-xx-x...
JOEL P. COOK xxx-xx-x...
DENNIS M. CRUFF xxx-xx-x...
MARK A. DAELEY xxx-xx-x...
TERRENCE X. DWYER xxx-xx-x...
WALTER ELIAS III xxx-xx-x...
STEPHEN H. FLAX xxx-xx-x...
DONALD J. FLEMMING xxx-xx-x...
JOHN C. FORSYTH xxx-xx-x...
DANIEL R. GACCIONE xxx-xx-x...
TAMMY S. GERSTENFELD xxx-xx-x...
LORRAINE J. GRIFFIN xxx-xx-x...
RICHARD L. GRIFFIN xxx-xx-x...
BEVERLY G. HARRELLBRUDER xxx-xx-x...
STEPHEN L. HENDRIX xxx-xx-x...
MARY J. HERDEN xxx-xx-x...
BARRY E. HERMAN xxx-xx-x...
JAMES C. HIGGINS xxx-xx-x...
GREG W. HOEKSEMA xxx-xx-x...
ERIC S. HOLMBOE xxx-xx-x...
MARK P. HONIG xxx-xx-x...
DENNIS L. HUFFORD xxx-xx-x...
ROBERT B. HUNTER III xxx-xx-x...
WILLIAM HURST xxx-xx-x...
JOSEPH J. JANKIEWICZ xxx-xx-x...
ROBERT L. KARL xxx-xx-x...
KELLY S. KEEFE xxx-xx-x...
DOUGLAS P. KEMPS xxx-xx-x...
JOHN J. KNIGHTLY xxx-xx-x...
TIMOTHY KOBERNIK xxx-xx-x...
JEFFERY J. KUHN xxx-xx-x...
CHARLES L. LAMB xxx-xx-x...
JOHN I. LANE xxx-xx-x...
JERRY T. LIGHT xxx-xx-x...
ALAN LIM xxx-xx-x...
RONALD LOCKE xxx-xx-x...
ROBERT R. LOWE, JR. xxx-xx-x...
MARIAN L. MACDONALD xxx-xx-x...
JAMES A. MARRON xxx-xx-x...
ROBERT C. MARSHALL xxx-xx-x...
LAURA M. MARTIN xxx-xx-x...
JOHN R. MASCOLA xxx-xx-x...
DANIEL L. MAXWELL xxx-xx-x...
DERVILLA M. MCCANN xxx-xx-x...
JOHN L. MCDONOUGH xxx-xx-x...
ROBERT W. MCMAHON xxx-xx-x...
ROSS MCQUIN xxx-xx-x...
ROBERT A. MEVORACH xxx-xx-x...
JOHN A. MICHALSKI xxx-xx-x...
DAVID W. MINER xxx-xx-x...
MICHAEL J. NOWICKI xxx-xx-x...
THOMAS J. O'BRIEN IV xxx-xx-x...
STEPHAN E. OOSTERMAN xxx-xx-x...
RICHARD L. PARKER xxx-xx-x...
ROBERT L. PARRY xxx-xx-x...
DREW A. PETERSON xxx-xx-x...
FRANK J. PINTO, JR. xxx-xx-xx...
PABLO D. PIZARRO xxx-xx-x...
PAUL POTTER xxx-xx-x...
JEFFREY G. PROCTOR xxx-xx-x...
GERARD S. REBAGLIATI xxx-xx-x...
DAVID ROBERTS xxx-xx-x...
WILLIAM P. ROBINSON, JR. xxx-xx-x...
MARCO A. ROSS xxx-xx-x...
ANDREW K. SALTZMAN xxx-xx-x...
JAMES J. SCHNEIDER xxx-xx-xx...
SCOTT R. SCHOEM xxx-xx-x...
RUDY A. SEGNA xxx-xx-x...
JAMES F. SMITH, JR. xxx-xx-xx...
STEPHEN K. SOUTHER xxx-xx-x...
RAYMOND G. SPAW xxx-xx-x...
KIRTH W. STEELE xxx-xx-x...
ERIC S. SUAREZ xxx-xx-x...
WILLIAM J. SWARTWORTH xxx-xx-x...
JAMES R. SWEGLE xxx-xx-x...
RUDOLPH V. TACORONTE xxx-xx-x...
STEVEN M. TEMERLIN xxx-xx-x...
CORNELIUS W. THOMAS xxx-xx-x...
MICHAEL L. TOBIN xxx-xx-x...
GEORGE G. ULRICH xxx-xx-x...
DANIEL V. UNGER IV xxx-xx-x...
JAMES D. VALENTE xxx-xx-x...
JONATHAN G. VUKOVICH xxx-xx-x...
ROBERT S. WALL xxx-xx-x...
AMY G. WANDEL xxx-xx-x...
HOWARD C. WETSMAN xxx-xx-x...
BRITT C. WILSON xxx-xx-x...
JAMES S. WILSON xxx-xx-x...
TIMOTHY J. WILSON xxx-xx-x...
KENNETH A. WINGLER xxx-xx-x...
JAMES J. WOYTASH xxx-xx-x...
ROBERT P. YOUNG xxx-xx-x...
MARK L. ZUKOWSKI xxx-xx-x...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant commander

KIT A. DUNCAN xxx-xx-x...
CEDRIC D. HENRY xxx-xx-x...
THOMAS B. O'DOWD xxx-xx-x...
TIMOTHY A. STARK xxx-xx-x...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHAPLAIN CORPS

To be commander

CESAR V. BUENAVENTURA xxx-xx-x...
DAVID G. KLOAK xxx-xx-x...

CHAPLAIN CORPS

To be lieutenant commander

ROOSEVELT H. BROWN xxx-xx-x...
STEVEN R. BROWN xxx-xx-x...
JOSEPH T. DEVINE xxx-xx-x...
STEPHEN A. GAMMON xxx-xx-x...
MARK J. LOGID xxx-xx-x...
KIERAN G. MANDATO xxx-xx-x...
DEBORAH L. MARIYA xxx-xx-x...
DAVID D. MITCHELL xxx-xx-x...
NESTOR NAZARIO xxx-xx-x...
DENNIS T. PINKNEY xxx-xx-x...
JOHN O. REITZ xxx-xx-x...
ROBBIE H. SCOTT, JR. xxx-xx-x...
MARK G. STEINER xxx-xx-x...
PETER B. STMARTIN xxx-xx-x...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be commander

RICHARD L. SZAL xxx-xx-x...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant commander

ELLEN M. ANDERSEN xxx-xx-x...
MELISSA T. BERRY xxx-xx-x...
CHARLENE C. COLON xxx-xx-x...
JOSEPH D. DUPRE xxx-xx-x...
RALPH L. HOWE xxx-xx-x...
WILLIE R. HUNTER xxx-xx-x...
KEVIN R. KENNEDY xxx-xx-x...
THOMAS MOSZKOWICZ xxx-xx-x...
CELIA A. QUIVERS xxx-xx-x...
LEISA R. RICHARDSON xxx-xx-x...
ANNE R. SHIELDS xxx-xx-x...
STEPHANIE M. SIMON xxx-xx-x...
ROBERT M. WAGNER xxx-xx-x...
PATRICIA J. WATSON xxx-xx-x...
RICKY A. WENNING xxx-xx-x...
REVLON O. WILLIAMS xxx-xx-x...
TOBY L. WILSON xxx-xx-x...

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

To be lieutenant commander

MARIA E. S. AGUILA xxx-xx-x...
ANDREW R. BIEGNER xxx-xx-x...
KAREN K. BIGGS xxx-xx-x...
JULIA E. BOND xxx-xx-x...
ELIZABETH N. BOULETTE xxx-xx-x...
DEAN P. CARY xxx-xx-x...
BRENDA A. CLARK xxx-xx-x...
ROSEMARY COTA xxx-xx-x...
MARK S. DAHLEN xxx-xx-x...
CINDY L. DAVIS xxx-xx-x...
JAMES P. FOWLER xxx-xx-x...
DEBRA A. GAGNON xxx-xx-x...
LAURIE GENTENE xxx-xx-x...
EDWARD W. GREER xxx-xx-x...
CAROL J. HADDOCK xxx-xx-x...
KATHY A. HANSEN xxx-xx-x...
JEANETTE S. HIRTEH xxx-xx-x...
GARY M. JACKSON xxx-xx-x...
JOHN J. S. KANE xxx-xx-x...
GAYLE S. KENNERLY xxx-xx-x...
PATRICIA A. KISNER xxx-xx-x...
RAYMOND B. LANPHERE xxx-xx-x...
LORI A. MARTIN xxx-xx-x...
LINDA S. V. MCCORD xxx-xx-x...
MATTHEW L. MCCOUCHA xxx-xx-x...
PATRICIA MCDONALD xxx-xx-x...
SUSAN P. MCKEEFREY xxx-xx-x...
SHARON A. MULLANEY xxx-xx-x...
JOANN E. SERSLAND xxx-xx-x...
CARLA J. STANG xxx-xx-x...
TANYA STEVENSONGAINES xxx-xx-x...
DEBRA A. TERRELL xxx-xx-x...
MARY E. VERBECK xxx-xx-x...
CLARENCE H. WAGONER xxx-xx-x...
MARGARET S. WOOD xxx-xx-x...
VICTORIA M. WOODEN xxx-xx-x...
SHARRON L. YOKLEY xxx-xx-x...
ALICE A. ZENGEL xxx-xx-x...

HOUSE OF REPRESENTATIVES—*Tuesday, March 5, 1996*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 5, 1996.

I hereby designate the Honorable RALPH REGULA 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 not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS] for 5 minutes.

REGULATORY RELIEF FOR SMALL BUSINESS COMMUNITY

Mr. GEKAS. Mr. Speaker, it was 1 year ago today when during the flurry of activity that accompanied the floor action with respect to the Contract With America that this Chamber passed overwhelmingly several pieces of legislation, all combined to relax the stranglehold that the various agencies have had for generations over our small business community.

These regulations have served over the years to strangle competition, to subdue the freedom to exercise new ideas and innovative ways to bring new products and new services to the marketplace. So, as part of the Contract With America, the House endeavored very early, right at the outset of the new legislative year in 1995, to bring about hearings and examination of the issues involved. As a result we are now poised here in this week of legislative action to put the final touches on some of these relief measures for our small business.

Some of the important features that we have taken into the regulation reform arena are, No. 1, we have strengthened the hand of counsel for the Small Business Administration who before had a role to play, under the original act, in advising, so to speak, the small business community as to the impact of regulations. But now we strengthen his position by giving him additional powers and more flexibility and more actual power to be one of the decisionmakers as to the final texture of a rule or a regulation that would affect small business.

We have done other things with respect to the kinds of analyses that must be accorded to the public and to the small business community by the agencies involved so that they will have a better idea and a more involved undertaking on themselves to deal with the agencies and in a cooperative manner bring about the final product of a regulation. Thus, we would be having a rule or regulation offered in which the small business community, the one that would be affected, would have had a part in creating. That is a new way and a good way to do business in this very important sector of our business activity.

Third, and this, to me, is the most important new feature of what the Contract With America and what my committee and the committee chaired by the gentlewoman from Kansas [Mrs. MEYERS] has been able to accomplish, is to bring about for the first time an opportunity for judicial review. That is, a small business or entity or individual who is adversely impacted by a regulation that says you must do this. Many times the regulation has taken on the form of an edict, a mandate, an unappealable fiat, as it were.

What now we provide for is judicial review. So if in the final analysis, after this joint venture of trying to create a regulation that everyone can live with, if everything else fails, we also give to the disaffected regulatee, if there be such a word, the option to appeal to have a judicial review of that situation.

Now, this is important, of course, in its own right, just to bring about a new set of rules between the business community and the agencies of the Federal Government. But that is not the real reason, the real emphasis that we should be placing on what we are accomplishing here. What we are accomplishing here is creating an additional atmosphere for the creation of new jobs, for the creation of new business activity, for the lifting up of the American business community into a new and better stance for competitive enterprises throughout the world.

This is the importance of what we are about here today and for the remainder of this week. When these provisions become law, we will have fulfilled the Contract With America, that portion of which promised to the American people that we would unsnarl the number of lassos that are thrown around our business communities by the Federal agencies through their regulations and we would loosen them up for the business competition and activity with which they will lead the world.

WOMEN'S HISTORY

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 take the floor today to talk about March because March is the month of National Women's History week. We keep saying, his story. I guess what we are really trying to do in this month is tell her story. I think women's role in history has really been left out in so many cases.

We have this great image that the men in America all came here on these dangerous ships, coming across the North Atlantic and all that and settling the great country. Yet women came in cruise ships, sitting around swimming pools getting their nails done and their hair done. It is not quite true.

Women were there shoulder to shoulder, came to this great country and said, we didn't come here to walk in front of you or behind you but alongside in building this Nation. I think it is important to remind ourselves that early on many of our forefathers got it right. George Washington, had everybody followed him, I think, we would be in great shipshape. George Washington insisted that the women in the Revolutionary Army be paid equally.

Most people did not even know there were women in the Revolutionary Army but, yes, there were. And there are women who were Revolutionary soldiers buried at West Point. How come they forgot to tell us that? George Washington also did something very interesting. We think of Martha Washington as one who sat home and waited for George. Martha was not that way at all. She ran a very sophisticated plantation. The minute the crops were in during all 3 years of the Revolutionary War, Martha Washington

picked up everything she had and moved to winter camp.

So she was there in Valley Forge. She was in New Jersey, and she was in New York where the military was encamped those three terrible winters. The reason we know that is after the war was won and this great Republic began to come together, George Washington insisted that the Congress pay her for having been there and held the morale and the troops together winter after winter.

Is it not interesting they did the painting of George Washington shivering at Valley Forge but they forgot to put Martha in it. If you look at women of all different colors and backgrounds, they from the very beginning did innovative and wonderful things that held this country together. Harriet Tubman was probably one of the most brilliant strategists ever. She figured that if they ever wrote down anything about the underground railroad for which many African Americans were able to escape from slavery in the South, if they ever wrote it down, somebody would find it and that would be the end of the underground railroad. So they put it all in code and sang it in songs that the white folks thought were just nice little songs. They were really singing the map to the underground railroad. Is that not a brilliant, intelligent undercover operation? As I say, what a strategist.

Would Lewis and Clark ever have found the west coast if a native American woman had not helped them through the forest to get there?

This is not to say women did everything. But when you read the history books, they forget to tell us that women did anything. I think it is really reflected in the attitude that we have today about women's roles. If we look at America, women are still the major care giver, every woman I know, including myself. Life could be stopped tomorrow if someone in the family gets critically ill because we have given women absolutely very little help with any kind of those care giver roles. They are the ones that is to rush with the family's safety net whenever someone is in trouble, be they young, be they old, be they sick.

I think it is time that we do not do gender wars but we just treat each other as brothers and sisters and figure out how we are going to get on with this great country. How do we respect that? There is tremendous value to care giver roles. We should be trying to help women who are not only doing their care giver roles but are often forced out of the home to work because of this deplorable economy. It only generates more and more stress that gets reflected in the family and every other way.

So I would hope that during this month of Women's History Week more and more people would sit down and find out what her story really was and really realize we did not come on cruise ships. We did a lot to help build this Nation, too. We should start taking that into account as we plan our legislative strategy, as we do every other such thing. Because this is the way that the country will continue to be great.

SITUATION IN UNITED KINGDOM

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

Mr. BUYER. Mr. Speaker, I come to the well today to share an insight with my colleagues. About 10 days ago I was in London, the United Kingdom, actually there by invitation of the Royal British Legion to discuss the gulf war illness issues to coordinate our research efforts between the two countries.

What brings me to the well today is, I was constantly asked the question, whether it be from the news media, members of the Parliament, House of Lords or even the citizens in the United Kingdom, what are you doing in the United States?

Many people in the United Kingdom were extremely upset with the United States, in particular the President of the United States, with a coddling of Gerry Adams of the IRA, now that they have broken away from the peace process and have continued the indiscriminate acts of terror. I was almost left speechless, having to defend the President of the United States in what he had done in the past and not only in the past, but I am now deeply disturbed that while in Northern Ireland they have broken away from the peace process, that the President continues to coddle Gerry Adams, the leader of the Sinn Fein, the political party of the IRA, while the citizens in London and the rest of the United Kingdom do not know if they can walk down the streets in safety, whether the phone booth will explode, whether they can ride on a city bus. And I can understand why they ask, what are you doing in the United States.

My only response is that for some reason this one does not resonate with the American people like it should. For so long we have been insulated from indiscriminate acts of terror, yet we had the explosion in the World Trade Center. We had the experience of Oklahoma City bombing. And how it moved everyone in this Nation that someone could actually commit a cowardly act of terror, such as the Oklahoma City bombing of the Federal building. Yet when trying to relate this to what Gerry Adams and others in the IRA are doing in London, for some reason it does not resonate. You see how would we feel if the President of the United States had coddled those involved with the Oklahoma City bombing at the White House prior to the Oklahoma City bombing, how would we feel in this country?

□ 0945

We probably would be having impeachment proceedings right now. Now what we have is the President, who now exempts them from the terrorist list, permits fundraising to occur in this country, and the President now, even though they have broken away from the peace process, says, OK, and we will grant this visa to Gerry Adams to come to the United States. Something is not right here. This is a disconnect. How can that happen?

So I want to share with my colleagues, if you are going to travel the United Kingdom, be prepared to answer that tough question, what are you doing in the United States coddling Gerry Adams and the Sinn Fein Party while indiscriminate acts of terror are occurring?

You know we are going to have an antiterrorism bill come to this House floor here relatively soon, and I think what we should do is take a good hard look here as to whether or not it is going to permit fundraising to occur. Perhaps what the President should do; he has not asked for my advice; but I think what he should do is in fact not grant the visa to Gerry Adams, play a much harder line. I would also stop any forms of fundraising to occur in this country. We all want the peace process to be successful in the United Kingdom with regard to Northern Ireland.

So I wanted to share with the American people and with my colleagues my dismay and my disappointment with the President of the United States and with regard to how he is treating Gerry Adams and the Sinn Fein Party.

WE MUST SPEAK UP AGAINST TYRANNY AND HORROR AND EVIL SO IT WILL NOT BE REPEATED

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this past Sunday in Houston we had somewhat of the joy and celebration and elation of long years of toil for Jewish citizens in our community to give back a measure of their life and their history to those of us living in Houston, TX, for 2,000 individuals attended the opening of the Holocaust Museum in Houston, TX. Participating in that ceremony, I listened to the recounting of the toiling and the hard work that helped to bring about this outstanding facility for our community. There was a chronicling of how the idea started, and how it generated,

and how it grew. But there was a sense of love and appreciation for all who gathered for a recognition of the true symbol of this Holocaust Museum, an acknowledgment of the tragedy of tyranny and the horror of silence, 6 million lost in Germany and other places before and through World War II.

We heard from Benjamin Meed, president of the American Gathering Federation of Jewish Holocaust Survivors, and he eloquently reminded us, "every survivor, and there are many here, can recall someone near death saying, if you survive, tell the story." It was not done in harshness or meanness, but it was done in the spirit of educating all of us that if we fail to speak up against tyranny and horror and evil, we are doomed to repeat that same horror.

It was interesting to hear holocaust survivor William Morgan describe what the building meant to some 350 survivors in the Houston area. "This holocaust museum in Houston I call the House of Love," Morgan said. "It will remove the hate from the hearts that enter. It will unite all of us no matter what race or color."

I found that to be most striking in the shadow of the tragedies that are occurring all over the world, and I stand now to vigorously condemn the horrorful bombing that is occurring in Israel, horrorful and vicious and inciting, clearly a major effort to undermine the powerful efforts of good men and good women. Certainly not in the spirit of Prime Minister Rabin and his efforts, followed now by Prime Minister Peres and Yasser Arafat, there would be those who call for death and condemnation of those leaders, and I simply ask for a reckoning, a reckoning that we must move forward in peace, however vile these acts, however wrenching, however deep the pain we feel embedded in our heart.

As I read yesterday's paper, the headlines said everybody is crying, crying with our soul, crying with our minds, crying in confusion. But you see that is the purpose of the evil doers, for they are certainly seeking to destroy the progress made in the peace talks.

I would ask that this Congress, as it gathers to deliberate, and this administration, seek to reinforce the policies that have allowed the peace discussions to go forward, be tempered in their discussion and debate to find the real solution that will respond to the evil doers by punishing them, and promote those who would do good. These peace talks, as I understand from the leadership on both sides of this issue, from the Arab world and the Israeli world, must go forward, and it is certainly difficult in the shadow of these great tragedies, and it is great, the loss of children, men and women, disruption of families, the fear for their lives, the violation of the sanctity of a sovereign nation. But we must stand for peace and moving forward.

I will simply ask that as we rise to speak, in grief of course, that our remarks are in fact tempered, but that they are strong with the desire to ensure that people can live in peace, and that peace negotiations are respected, and that the evil doers be caught and condemned and penalized.

As I listened to my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], this is the month to celebrate women, and it was interesting, Mr. Speaker, as I close, that we had a schoolteacher, dressed in a mask for the Purim celebration, bring to our attention God's, promise to Noah in Genesis 9: 14–15:

> And it shall come to pass when I bring a cloud over the Earth that the bow shall be seen in the cloud and I will remember my covenant and the waters shall no more become a flood to destroy all flesh.

Let us believe, and let us realize together that we can bring peace to this world, to Israel and the Arab world.

RECESS

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

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. ROGERS] at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Open our eyes, O God, so we have a better vision of Your glory; guide our words so we speak good news; strengthen our hands so we do the works of justice and peace, and move our hearts to feel compassion toward every person. For all these gifts and the blessings of life, we offer this prayer of thanksgiving. Amen.

THE JOURNAL

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

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

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

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

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

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

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Wyoming [Mrs. CUBIN] come forward and lead the House in the Pledge of Allegiance.

Mrs. CUBIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ON AMENDMENT PROCEDURE ON H.R. 2703, THE EFFECTIVE DEATH PENALTY AND ANTITERRORISM BILL

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

Mr. GOSS. Mr. Speaker, the Rules Committee is planning to meet this Friday, March 8, to grant a rule on H.R. 2703, the effective death penalty and antiterrorism bill. Subject to the approval of the Rules Committee, this rule may include a provision limiting amendments to those specified in the rule.

Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Thursday, March 7, to the Rules Committee, at room H–312 in the Capitol.

Members who filed amendments last December to H.R. 1710, the Comprehensive Antiterrorism Act, do not have to file those same amendments again. Those amendments were already drafted to the text of H.R. 2703. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

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

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be

permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule. Committee on Agriculture, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, Committee on Transportation and Infrastructure, Committee on Veterans' Affairs, and 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. Is there objection to the request of the gentleman from Florida?

There was no objection.

IN SUPPORT OF ANTITERRORIST LEGISLATION

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

Mr. GILMAN. Mr. Speaker, the heinous terrorist bombings in Israel that have claimed the lives of more than 50 Israelis, Americans, and others, and injured more than 150 have shocked all Americans. They must be stopped.

Today I plan to introduce legislation calling upon Yasir Arafat, and the Palestinian leadership to crack down decisively against the terrorists and those who support them.

My resolution also calls for a review of United States assistance to the Palestinians, and calls upon President Clinton to consider making available to Israel appropriate antiterrorist and intelligence resources.

I urge my colleagues to cosponsor and support his measure.

Finally, Mr. Speaker, our Committee on International Relations will hold a hearing on Tuesday, March 12, into these vicious attacks, and on compliance of the PLO with the commitments it has made to the peace process.

SMALL BUSINESS RELIEF

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

Mr. PALLONE. Mr. Speaker, this afternoon the Republican leadership is brining up the Small Business Relief and Regulatory Accountability Act. This is nothing more than the Contract With America repackaged.

It is an effort to bog down Federal agencies, particularly those involved with the environment such as the EPA, so that they cannot get the job done. From the beginning of this session last year, the Republicans made a point that they were going to push through regulatory reform. But this regulatory reform is nothing more than but an effort to burden departments and agencies that protect our public health and safety with duplicative and unnecessary paperwork and bureaucracy.

It is a shame that the Republican leadership is going to try again to raise this issue and do what is necessary, what they think they can do to break down environmental protection and make it impossible for the EPA and other agencies that protect our environment and protect our public health from doing their job. But we will have to fight it again today and make the point that this is not the way that Congress should be run.

IN SUPPORT OF H.R. 994, SMALL BUSINESS GROWTH AND ADMINISTRATIVE ACCOUNTABILITY ACT OF 1996

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

Mr. BALLENGER. Mr. Speaker, working Americans have suffered under the proregulation, protax policies of the Clinton administration. In 1993, Bill Clinton enacted the largest tax increase in history. Since then, average working Americans have had to deal with higher taxes on one hand, and stagnant wages on the other.

Under President Reagan family income increased, the economy grew, and economic confidence soared. Today, the Clinton administration is overjoyed if growth is over 2 percent in a year. That's simply not getting the job done. We need faster economic growth and the way we do that is by easing the burden of Government. We need to cut taxes for families and cut repetitive and burdensome regulation on small business.

Mr. Speaker, later today we will vote on H.R. 994. This bill will help create a cheaper and more effective regulatory system and let small businesses do what they do so well—create jobs and grow the American economy.

EDUCATION CUTS

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

Ms. DELAURO. Mr. Speaker, yesterday I visited a local school in my district and met with parents and educators, the people we entrust with the lives of our children, with the future of our Nation.

Mr. Speaker, these dedicated people are afraid that the devastating education cuts passed by my Republican colleagues spell disaster for our schools and for our children.

The temporary spending bill which expires in a week includes deep cuts in basic skills training and in Federal violence prevention funds to keep our schools safe. In my State of Connecticut, these cuts alone amount to a $9 million loss in aid to education.

At a time when Americans are anxious about their job security and in an age the income you earn is tied to the skills you have learned, education is the last place we should cut.

This week, we are scheduled to take up an extension of the spending bill through the end of the fiscal year. I urge my Republican colleagues to do more than pay lipservice to the anxiety in the American workplace. Retreat from your extreme agenda. Restore the funds you took from our classrooms, and give our students the tools they need.

PASS H.R. 994

(Mrs. CUBIN asked and was given permission to address the House for 1 minute.)

Mrs. CUBIN. Mr. Speaker, later today we will take up H.R. 994, the Small Business Growth and Administrative Accountability Act. H.R. 994 will improve the Federal regulatory system and is the first step toward ending the Clinton crunch.

For too long small businesses have been subjected to a flood of regulation and compliance costs. It is estimated that for the smallest of businesses—those with only one to four employees—the regulatory costs per employee are over $30,000. It is no wonder that so many people today feel that the entrepreneurial spirit is being choked by Washington taxes, Washington regulation, and Washington interference.

Today we have the chance to do something about this problem. Today we can send a message to small business owners and those who dream one day of owning their own business. Let's pass H.R. 994 and fix the burdensome regulatory system and let small businesses do what they do best: create jobs.

SUPREME COURT RULING

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

Mr. TRAFICANT. Mr. Speaker, the Supreme Court ruled it is OK for the government to seize the car of an innocent wife, innocent because her husband had sex in the car with a prostitute. Watch out Hertz and Avis here.

Mr. Speaker, has the Supreme Court lost their marbles? This ruling is tantamount to allowing the government to seize your home, your car, your boat, your BVD's, your rubber duckies, even if you had been victimized by the action and you are innocent and did nothing wrong. Beam me up, Mr. Speaker.

Whatever happened to government of the people, by the people, and for the people? Now the Supreme Court says, it is government from the people. Beam me up again here. It is not the

President evidently who smoked dope; it is the membership of the Supreme Court who voted for this, and it is absolutely evident they inhaled all the way through.

Congress, do something. The Supreme Court should not set the law in America. That is the legislative role.

AN ARGUMENT FOR EDUCATION REFORM

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

Mr. CHABOT. Mr. Speaker, I am a former schoolteacher. I taught the seventh and eighth grades in an inner city school in Cincinnati. There is perhaps no greater argument for education reform than the school system right here in Washington, DC. The numbers and the statistics are shocking.

The District spends 76 percent more per pupil than any other jurisdiction in the Nation. Yet its students rank last in eighth-grade math proficiency, last in fourth-grade math proficiency, and last in fourth-grade reading proficiency.

Washington, DC teachers are among the best paid teachers in the entire country, and they have a very favorable student-teacher ratio. But even with these advantages, the District ranks 49th in on-time graduations. Despite these shortcomings, the liberal special interests continue to block any meaningful reform of Washington schools, including school choice.

Let us improve educational opportunities and the lives of the children here in Washington and across the Nation. Even more importantly, let us pass the Back to Basics Education Act, which takes the power and the money away from the bureaucrats here in Washington and gives it back to parents and teachers and local school boards where it ought to be.

GOP RECORD ON EDUCATION

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

Mr. KLINK. Mr. Speaker, in the 103d Congress, the Congress that preceded this, I had the honor of serving on a committee then known as the Committee on Education and Labor. We were known collectively in the 103d Congress as the education Congress. We had done school to work transition, goals 2000, reauthorized the Elementary and Secondary Education Act.

Now in this Congress, the 104th, the GOP piecemeal governing strategy is threatening to wreak havoc on our educational system and on the local school districts. The constant uncertainty about Federal funding has meant nothing short of chaos for school districts across this Nation who are awaiting final word on the future funding levels for elementary and secondary education programs.

This uncertainty, coupled with the likelihood of sharply reduced funding, has made it difficult for schools to plan for next year. The result could be fewer teachers, larger classes, and a decline in the quality of education, and that is not what Americans want for their children.

The GOP record this year so far has been the largest education cuts in the history of this Nation. If congressional Republicans decide to extend their current short-term budget for the remainder of the year, the result would be the largest setback in education in the history of this country. These cuts would include basic reading, math skills, drug and safe schools, and vocational education. We cannot afford this.

□ 1115

THE DIFFERENCES BETWEEN REPUBLICANS AND DEMOCRATS

(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, over the last year the American people watched the actions of this body very closely. And they learned many things. One thing learned is how very differently the two parties think about the great issues that face them.

They see that Republicans fight for tax cuts and a smaller government. They also see that liberal Democrats fight for more government and higher taxes.

During the budget negotiations, the American people saw for themselves very clearly that liberals, including the President, will go to bat for government programs, but not for the average taxpayer and worker.

Mr. Speaker, the American people's desire for government reform has not subsided. That is something that is not going away overnight. Big government advocates are on the wrong side of history. America's future depends on less government and less taxation. And that is something that is obvious to all Americans.

MOST AMERICANS FAVOR RESTORATION OF FUNDS FOR EDUCATION

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

Mr. STUPAK. Mr. Speaker, the Republican majority is out of step with the bedrock concerns of the American public when it comes to education funding. A recent Gallup poll shows two-thirds of the Americans rank quality of education as their top priority over such issues as crime, health care, and the deficit. A January Wall Street poll shows 9 out of 10 Americans favor increased spending in education. A January Post poll shows 8 of 10 Americans oppose cutting education.

Despite these dramatic and overwhelming numbers, the current continuing resolution cuts $1.5 billion nationwide and $64 million in Michigan, my home State, for title I, vocational education, drug free schools and other programs. If we extend the continuing resolution to year's end, more than a million young people will be deprived of services in the title I program alone. Our budget process has been turned upside-down this year.

Let us get back to common sense. Our real contract with the American people demands that we restore funding to education, protect our children, and invest in America's future.

ENDING THE CLINTON CRUNCH

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

Mr. METCALF. Mr. Speaker, Americans are feeling the pinch of the Clinton crunch. Their taxes go up, but their real wages decline, and not only are families feeling the pinch, but small businesses are being ground down by overtaxation and overregulation. This is sad because, if you look at the record, small businesses account for more than 70 percent of the jobs in America.

According to a recent survey, nearly half the small businesses surveyed said that overregulation had a substantial adverse effect on profit making. Small businesses today are faced with a barrage of Federal regulations and a sea of redtape. Sometimes these rules are contradictory or they are just too complex to understand.

Mr. Speaker, American small business people deserve a break from senseless overregulation. Today Congress should apply the brakes to overregulation and take a huge step toward ending the Clinton crunch.

A WORLD-CLASS EDUCATION FOR OUR CHILDREN

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

Mr. MILLER of California. Mr. Speaker, Members of the House, among the highest priorities for America's families and America's parents is a good education for their children and the ability of their local schools to be able to deliver world class standards in world class education for our young people and, at the same time, to make sure that today's students go to school in a safe environment and a drug-free environment.

Unfortunately, under the current funding plan proposed by the Republicans we see funding for safe and drug-free schools cut by 25 percent, funding for title I that for the first time is bringing the advances in technology and teacher improvements to economically disadvantaged schools cut by 17 percent, Goals 2000 that allows the Governors of States to implement world class standards in reading and mathematics and critical thinking in the sciences for the first time so that young people can compete against the best the world has to offer to keep America's economy strong; we see these programs slashed in this funding resolution. Hopefully on March 15 we will reverse that trend and restore aid to education.

PEACE THROUGH STRENGTH AS OPPOSED TO INSTABILITY THROUGH WEAKNESS

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

Mr. HUNTER. Mr. Speaker, Presidents Bush and Reagan brought down the Berlin Wall with a defense policy that was called peace through strength. They built up our military, rebuilt declining forces, and they forced the Soviet Union to the bargaining table, and they, by doing that, brought stability to the world.

Mr. Speaker, despite President Clinton's own Joint Chiefs of Staff recommending that he spend more money on defense to give the right kind of equipment to these young troops that he is deploying all over the world, he has refused to do that. His new defense budget has come down. It drastically cuts the new equipment that his own people recommended he give to his troops, and this President apparently follows a policy of instability through weakness.

TAX RELIEF FOR UNITED STATES TROOPS IN BOSNIA

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

Mrs. KENNELLY. Mr. Speaker, I rise in support of H.R. 2778, tax relief for United States troops in Bosnia. We have before us today a piece of legislation that really is an excellent piece of legislation. It shows that we can in fact work in a bipartisan manner.

Mr. Speaker, as men and women struggle to bring peace to a region that has seen more than its fair share of horror and tragedy in Bosnia, we have decided that it is very timely at this time of year, before April, to address the concerns of our men and women in Bosnia and their tax situation, and what we have done is make it easier for men and women in Bosnia to file their income tax returns and have their combat pay exempt from taxation.

Also, it was realized that officers in the area had a cap on their compensation that could not end. As a result, only a part of it could be tax free.

I am pleased that the Committee on Ways and Means was able to report this important legislation in a bipartisan manner, and I also am pleased that we are able to relieve our men and women in Bosnia from the worries that all of the rest of us across the United States have concerning getting ready to pay our taxes to the United States Government.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ROGERS) laid before the House a communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court for Baltimore City, Maryland. This subpoena relates to her employment by former Representative Kweisi Mfume.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

ROBIN H. CARLE,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after the debate is concluded on all motions to suspend the rules.

SPECIAL TAX TREATMENT FOR UNITED STATES TROOPS IN BOSNIA

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2778) to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone, as amended.

The Clerk read as follows:

H.R. 2778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN CERTAIN HAZARDOUS DUTY AREAS.

(a) GENERAL RULE.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to join return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term "qualified hazardous duty area" means Bosnia and Herzegovina, Croatia, or Macedonia, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger) for services performed in such country. Such term includes any such country only during the period such entitlement is in effect. Solely for purposes of applying section 7508 of the Internal Revenue Code of 1986, in the case of an individual who is performing services as part of Operation Joint Endeavor outside the United States while deployed away from such individual's permanent duty station, the term "qualified hazardous duty area" includes, during the period for which such entitlement is in effect, any area in which such services are performed.

(c) EXCLUSION OF COMBAT PAY FROM WITHHOLDING LIMITED TO AMOUNT EXCLUDABLE FROM GROSS INCOME.—Paragraph (1) of section 3401(a) of the Internal Revenue Code of 1986 (defining wages) is amended by inserting before the semicolon the following: "to the extent remuneration for such service is excludable from gross income under such section".

(d) INCREASE IN COMBAT PAY EXCLUSION FOR OFFICERS TO HIGHEST AMOUNT APPLICABLE TO ENLISTED PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 112 of such Code (relating to commissioned officers) is amended by striking "$500" and inserting "the maximum enlisted amount".

(2) MAXIMUM ENLISTED AMOUNT.—Subsection (c) of section 112 of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

"(5) The term 'maximum enlisted amount' means, for any month, the sum of—

"(A) the highest rate of basic pay payable for such month to any enlisted member of the Armed Forces of the United States at the

highest pay grade applicable to enlisted members, and

"(B) in the case of an officer entitled to special pay under section 310 of title 37, United States Code, for such month, the amount of such special pay payable to such officer for such month.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of and amendments made by this section shall take effect on November 21, 1995.

(2) WITHHOLDING.—Subsection (a)(5) and the amendment made by subsection (c) shall apply to remuneration paid after the date of the enactment of this Act.

SEC. 2. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

Subsection (c) of section 10511 of the Revenue Act of 1987 is amended by striking "October 1, 2000" and by inserting "October 1, 2003".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. BUNNING] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

GENERAL LEAVE

Mr. BUNNING of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2778.

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

There was no objection.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to bring before the House today a bill I sponsored to make sure that our brave men and women serving in Bosnia are able to receive the benefits that they deserve while risking their lives in the service of their country.

The Internal Revenue Code provides specific benefits to our service personnel who are on active duty in a combat zone. But, these benefits are available only if the President issues an Executive order designating the area as a combat zone.

Unfortunately, the peacekeeping operations in the former Yugoslavia have not been designated by the President as being in a combat zone.

There have already been casualties in Bosnia and more are likely. That means that our service personnel are in a combat zone type situation even if the President has not declared it a combat zone.

Let us be honest. When you are being shot at or dodging landmines you are in a combat zone. Diplomatic niceties aside, these brave warriors are in danger because of the policies of their Government and we must take care of them.

Quite frankly, we must act to insure that we do not have a repeat of what happened in Somalia.

In Somalia, the families of the soldiers who lost their lives could not receive the benefits that should have gone to them under the Tax Code because the President never declared it a combat zone.

Two of those who were killed were Congressional Medal of Honor winners. But because of the technical language of the Code they could not receive the tax benefits because Somalia had not been designated as a combat zone.

H.R. 2778 provides that members of the Armed Forces in Bosnia and Herzegovina, Croatia, or Macedonia who receive hostile fire or imminent danger pay will receive combat zone tax benefits.

That means enlisted personnel stationed in these countries would not be taxed on their pay for any month that they receive hostile fire or imminent danger pay.

Officers would be taxed on only a portion of their pay. Members of the Armed Forces would be eligible to postpone their tax filing and payment obligations. Additional benefits would also apply.

The bill also makes some technical and administrative improvements to the combat zone tax provisions. More importantly, it makes some long-needed changes to the combat zone tax laws.

Currently, enlisted personnel in a combat zone are not taxed on their pay for any month they are in the combat zone, but officers are allowed to receive only $500 each month tax-free.

This $500 was set in 1966 and has not been increased for inflation. This bill would raise that $500 limit to equal the top pay grade for enlisted personnel.

The bill also extends one of the combat zone tax benefits, the suspension of tax filing and payment obligations, to personnel involved in Operation Joint Endeavor even if they are not physically located in the former Yugoslavia.

Members of the Armed Forces and Department of Defense personnel who have been deployed as part of Operation Joint Endeavor outside of the United States and away from their permanent duty stations would be eligible for this benefit.

Plainly, these people do not have easy access to their tax records and have concerns other than finding the nearest post office.

This is truly a bipartisan bill. More than 120 Members of Congress have cosponsored this bill. It was reported by the Ways and Means Committee on a unanimous voice vote.

Moreover, as it was reported by the Ways and Means Committee, the bill incorporates the best of practically all of the various combat zone benefit bills introduced in recent months.

In short, the bill before us reflects the input of many Members, Democrats and Republicans, as well as the Defense Department and the Treasury Department.

In particular, I want to recognize Chairman BILL ARCHER, SAM GIBBONS, and IKE SKELTON for their contribution to this report.

Making sure that our military personnel in Bosnia receive all of the benefits that we can give them under the Tax Code is the least that we can do for them.

I hope that we will demonstrate our unqualified support for our troops in Bosnia by adopting the bill before us today.

This is not about whether you agree with the policy that put United States forces in Bosnia. Many of us have had grave reservations about the policy that sent our troops there in the first place; but, the point is—they are there.

And, since they are there, we need to do everything in our power to make sure that they are treated fairly in the Tax Code. This bill does that.

□ 1130

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

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

Mr. Speaker, this is a needed piece of legislation. It is a bipartisan piece of legislation. The chairman has adequately and totally described it. I support what he is doing, what we are doing on a bipartisan basis. I would only say that it makes good common sense that soldiers who go to zones, such as the one they are now occupying in the former Yugoslavia and its surrounding areas, do not take with them their tax records. They are not in a position to file an income tax return. They are certainly entitled to all of the benefits that are included in this bill.

This is something we have done in various forms for most soldiers, at least since World War II, in my own memory, so I urge a unanimous vote for it as a show of solidarity that we support those whose lives are at risk.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON]. He is a distinguished member of this committee whose record is replete with his concern for the welfare of our country and of the military personnel who make it up.

Mr. SKELTON. Mr. Speaker, I especially appreciate the gentleman's kind words. I am grateful for the opportunity to express my support for H.R. 2778. I commend the chairman of the committee, the gentleman from Texas [Mr. ARCHER], the gentleman from Florida [Mr. GIBBONS], the ranking member, and the Committee on Ways and Means for bringing this legislation to the floor. I especially thank the gentleman from Kentucky [Mr. BUNNING] for his hard work. I commend him for his thorough and painstaking effort. It was a pleasure to work with him on this legislation.

Mr. Speaker, late last year I began working with the gentleman from Kentucky [Mr. BUNNING] to draft legislation providing tax relief for United States troops serving our Nation in contingency operations overseas, particularly those in Bosnia and Herzegovina, Croatia, and Macedonia. I introduced my own legislation, H.R. 2776, to meet this end. I am pleased the committee adopted a key provision originally from my bill that would expand a pay exemption.

We need to take care of our troops. The American people can be proud of the fine service of the members of our Armed Forces. We are sending them into dangerous and difficult missions as participants in Operation Joint Endeavor and Operation Able Sentry, thousands of miles from their friends and families.

It is only proper that we extend an exemption from Federal income taxes during their deployment, as we did those who served in the gulf war in Operation Desert Shield and Operation Desert Storm. In some instances, the living conditions and dangers are as bad or worse than some experienced in the gulf war.

H.R. 2778 deserves, and I am sure will receive, a wide bipartisan support. Let us all express our support for our American troops by passing this legislation, hopefully unanimously, today.

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

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

Mr. Speaker, I rise in strong support of H.R. 2778. I compliment the gentleman from Kentucky [Mr. BUNNING], chairman of the Subcommittee on Social Security of the Committee on Ways and Means, for his leadership in introducing this bill, even though it does not have anything to do with Social Security.

He has done a great service for our service men and women in Bosnia by pointing out the appropriateness of this legislation, because those people over there, as we know and we have heard, are placed in the same sort of danger as if it were a combat zone.

Quite honestly, I do not know why the President did not declare it a combat zone. It clearly is a combat zone. But by the President failing to declare it as one, he has denied, effectively, the benefits to our service people over there that they would otherwise be entitled to. This legislation provides our troops and their families with a little relief and demonstrates Congress' support for our troops.

In the past they would have, as I mentioned, in a combat zone automatically have received these benefits which now we will give especially to them by this legislation. This bill enjoys great bipartisan support, and I know of no opposition to it. I therefore urge my colleagues on both sides of the aisle to support it.

Mr. SPENCE. Mr. Speaker, I rise in strong support of H.R. 2778, a bill to provide combat zone type tax exemption to our troops in the former Yugoslavia.

Mr. Speaker, many Members of this body, including myself, may have considerable doubt about the wisdom of the President's decision to commit military forces to uphold the Dayton Peace agreement in Bosnia. But there is one thing about which there is no doubt in my mind, and that is my unshakable support for the military men and women assigned this arduous duty. I am confident that the vast majority of this House will not falter when the welfare of our troops is at stake, especially when they serve in such a dangerous place such as Bosnia.

H.R. 2778 as reported by the Committee on Ways and Means is a superb bill. It provides full exclusion of income for enlisted members and warrant officers as would be provided under current law in a combat zone. Another important aspect of the legislation is the long overdue update in the income exemption for officers. We on the Committee on National Security have been working since the Persian Gulf war to update the $500 cap on officer exemptions in current law. The $500 cap dates back to 1966 and has long since lost any relevance to officer income levels. H.R. 2778 not only restores the value of this benefit for officers, it precludes this problem from reoccurring by linking the cap to the maximum pay for an enlisted person, or $3,377.10.

The other very important aspect of this bill is that it provides a series of benefits to the survivors of members who lose their lives in Bosnia. We all hope that we have seen the last United States servicemember die in Bosnia, but we must acknowledge that the prospect for further casualties remains very real. H.R. 2778 ensures that a second tragedy is not visited upon a deceased member's family by the Internal Revenue Service.

H.R. 2778 is an important bill that supports our troops. I urge my colleagues to vote "yes."

Mr. BEREUTER. Mr. Speaker, this Member rises in the strongest possible support for H.R. 2778, legislation designed to provide that members of the Armed Forces serving in Bosnia will be entitled to combat zone tax benefits.

The benefits provided in this legislation are relatively modest. Enlisted personnel will not be taxed on their base pay, and officers receive a $500 exclusion. Servicemembers killed in Bosnia are granted a reduced estate tax. They are given a filing extension so that our peacekeeping operation does not shut down on April 15 while our troops are filling out returns. Telephone calls back home are not subject to a 3-percent excise tax.

But while the provisions may seem modest, the effect on the morale of American troops serving in Bosnia, Croatia, and Macedonia will be significant. This Member recently had the opportunity to visit with General Nash, commanding general of the U.S. Army's 1st Armored Division in Bosnia. He expressed the troops' strong support for the passage of H.R. 2778. It was, General Nash argued, at this point perhaps the single most positive and personally important expression of support that the Congress could send to the troops serving in IFOR.

Mr. Speaker, the very least we can do is ensure that, when our troops return, they will not be met at the airport by the IRS. This Member urges swift passage of H.R. 2778.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2778, a bill to give special tax treatment to U.S. troops in Bosnia. This legislation will assist the families of those troops serving in the Balkans with filing their taxes and is an appropriate gesture in response to the peacekeeping efforts of those troops who are serving in that region.

The Dayton Peace Accord, signed in December 1995, outlined a peaceful settlement for the 3 year old conflict in Bosnia and Herzegovina. Part of this agreement called for the deployment of a NATO peackeeping force to enforce the cease-fire which was the foundation of the accord. The U.S. commitment to this force in Bosnia was 20, 000 soldiers. Furthermore, an additional 12,000 Americans are stationed in Croatia, Italy, Hungary, and other neighboring countries to provide support for the implementation force [IFOR]. In December, the Secretary of Defense estimated the cost of this mission to be $2 billion.

Additionally, there are 550 Americans serving as part of a 1,000 man U.N. force in Macedonia. The purpose of this mission, Operation Able Sentry, which began in 1993, is to prevent the conflict in Bosnia from spilling over into Macedonia.

Under current law, U.S. military personnel serving in Areas designated by the President as a combat zone are exempt from performing a number of tax-related duties, including filing tax returns, paying taxing, or filing a claim for credit until the individual is no longer serving in the designated area. This allows these individuals to attend to their financial affairs after their service is complete. Additionally, the families of active service personnel killed in a combat zone are not subject to income tax for the year of death and are entitled to a reduction in estate taxes.

To date, President Clinton has not declared any areas within the Balkans as combat zones. By not classifying the area as a combat zone, the families of soldiers killed in service will not be able to receive a variety of special tax waivers and benefits.

This legislation will correct the oversight of the administration and allow personnel serving in Bosnia and Herzegovina, Croatia, and Macedonia, all qualified hazardous duty areas, to be eligible for the eight specific provisions of the Internal Revenue Service Code which relate to personnel serving in a combat zone.

In addition, this legislation will raise the amount of income an officer may claim as tax-exempt combat pay from $500 to the highest rate of basic pay for any enlisted member of the Armed Forces.

I strongly support this legislation and urge its passage. By doing so we will be sending a vote of confidence to our troops in the Balkans regarding their ability and dedication to enforcing peace in a war-torn land.

Ms. DELAURO. Mr. Speaker, first, I want to express my sadness that our colleague, Representative GIBBONS, is retiring. We will miss your leadership.

I strongly support this bill to give favorable tax treatment to American troops, just as I strongly supported American troops during the debate on Bosnia. American service men and women who are keeping the peace in Bosnia deserve all of the support that we in Congress can give.

Under this bill, we will allow our Armed Forces to focus on the difficult task at hand—keeping peace in a land ravaged by nearly 4 years of fighting—without worrying about filing their tax forms on time. We will signal how much we value the extraordinary service of American troops by exempting Operation Joint Endeavor pay from taxation. The bill also will make it easier for families to stay in touch during a time of separation by waiving the excise tax for troops to call home from Bosnia.

This bill corrects a technicality, but one that I believe is extremely important. Troops in combat zones have traditionally received tax breaks, but American forces in Bosnia are there not to fight a war, but to keep the peace. I urge my colleagues to pass this bill and show our troops in Bosnia that we understand their sacrifice and value their service.

Mr. TATE. Mr. Speaker, while I do not believe the President ever made the case to the American people and Congress that sending United States ground troops to Bosnia is clearly within our vital national security interests, I cannot express how profoundly proud and deeply appreciative I am of the men and women that once again have been called upon to serve our great Nation.

The men and women of our military risk their lives every day in Bosnia. I believe if our Government can do anything to help our soldiers and their families during these difficult times, it is our obligation to do so. That is why I am so disappointed that the President has not extended combat zone tax benefits to troops serving in Bosnia. In the past, these benefits have been automatic.

As a Member of the 104th Congress, I am proud this body has chosen to step up to the plate and show how profoundly grateful we are for those troops serving at the request of the President. Today, we will pass a measure to provide tax relief to our troops serving in Operation Joint Endeavor. This will include eliminating taxation of combat pay, reducing estate taxes in the event of combat-related death, and forgiving income tax upon a combat-related death.

This tax relief cannot fully compensate members of the military for their service, but if it helps one family or service member through this trying ordeal, then it will have been worth it.

Mr. FARR of California. Mr. Speaker, I rise today to speak in support of H.R. 2778. This important legislation would ensure that American soldiers now serving in the former Yugoslavia receive the same tax benefits as other soldiers in combat zones.

Our troops serving in Operation Joint Endeavor face special dangers and challenges unique to their mission, including mine clearance and monitoring the withdrawal and redeployment of armed groups. Though they are not serving in conventional combat conditions, their work is no less dangerous. Clearly, they should not be treated any differently than other American soldiers who serve overseas in an area of potential danger.

Unfortunately, without this bill, our troops in Bosnia would not get the same tax benefits as soldiers serving in a combat zone. This legislation will correct this discrepancy and ensure that the young American men and women enforcing the Dayton Peace Accords in the former Yugoslavia are treated the same as soldiers serving in equally hazardous areas.

I am glad to see Congress take action on this issue, and I urge the prompt passage of the legislation to correct this oversight.

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

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

The SPEAKER pro tempore (Mr. ROGERS). The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2778, as amended.

The question was taken.

Mr. BUNNING of Kentucky. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MOST-FAVORED-NATION TREATMENT FOR BULGARIA

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2853) to authorize the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of Bulgaria.

The Clerk read as follows:

H.R. 2853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND SUPPLEMENTAL ACTION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that Bulgaria—

(1) has received most-favored-nation treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1993;

(2) has reversed many years of Communist dictatorship and instituted a constitutional republic ruled by a democratically elected government as well as basic market-oriented reforms, including privatization;

(3) is in the process of acceding to the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO), and extension of unconditional most-favored-nation treatment would enable the United States to avail itself of all rights under the GATT and the WTO with respect to Bulgaria; and

(4) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) SUPPLEMENTAL ACTION.—The Congress notes that the United States Trade Representative intends to negotiate with Bulgaria in order to preserve the commitments of that country under the bilaterial commercial agreement in effect between that country and the United States that are consistent with the GATT and the WTO.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO BULGARIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Bulgaria; and

(2) after making a determination under paragraph (1) with respect to Bulgaria, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Bulgaria, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

GENERAL LEAVE

Mr. CRANE. 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. 2853.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2853, which would extend permanent most-favored-nation [MFN] tariff treatment to the products of Bulgaria. This legislation, which was introduced by myself and the ranking member of the Ways and Means Subcommittee on Trade, Mr. RANGEL, is non-controversial and is identical to legislation that the House passed last year, H.R. 1643, by a voice vote. The House needs to take action on this important legislation again because the provisions on Bulgaria were not contained in the version of H.R. 1643 that was ultimately enacted.

The reasons for the normalization of trade relations between the United States and Bulgaria through the passage of H.R. 2853 remain the same as they were at the time of the House's consideration of this issue last year. At present, Bulgaria's MFN status is regulated by title IV of the Trade Act of 1974, which is commonly referred to as the Jackson-Vanik amendment. Since 1993, Bulgaria has received MFN status after the President has found the country to be in full compliance with the freedom of emigration requirements contained in this provision of United States law.

The political and economic circumstances in Bulgaria have changed considerably since the enactment of the Jackson-Vanik amendment, which was intended to address United States trade relations with nonmarket economies. In recent years, the Communist dictatorship in Bulgaria has collapsed and a democratically elected government has taken office which has implemented basic market-oriented principles, including privatization. Normalizing United States trade relations with Bulgaria, as has been done for other East European countries, will enhance our bilateral relations with the country. Moreover, it will foster the economic development of Eastern Europe by providing the business community with greater certainty with respect to Bulgaria's status under United States law.

At present, Bulgaria is also in the final stages of its negotiations to become a member of the World Trade Organization [WTO]. In this process, Bulgaria has presented a market access offer that would further open the Bulgarian economy to United States exports. For this reason, passage of H.R. 2853 is important in order for the United States to avail itself of all WTO rights in our trade relations with Bulgaria at the time of the country's accession to the agreement.

The Congressional Budget Office has indicated that its baseline revenue projections assume that Bulgaria's conditional MFN status will be renewed by the President in the future. Therefore, enactment of H.R. 2853 will not affect projected Federal Government receipts.

Mr. Speaker, I urge my colleagues to support the passage of this legislation, and I reserve the balance of my time.

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

Mr. Speaker, the gentleman from Illinois [Mr. CRANE] has adequately explained this bill. I will not belabor the time. I had planned to do a little filibustering here, because I was waiting for the gentleman from Illinois [Mr. HYDE] to reach the floor, but he is already here, so I will not do the filibuster.

I was going to point out at great length the strides Bulgaria has made since it has become a free nation. It has joined the family of nations very well, conducted itself as well as we can really expect, considering the tortuous history that this country has gone through.

Mr. Speaker, I would like to commend all the people in Bulgaria for what they have done. I do not think it is widely known here in the Congress or widely known throughout the world, but Bulgaria has modernized its revenue collection system, and has adopted a very comprehensive value-added tax. Now, that is something that we are going to hear more about in our future around here, but the gentleman from Illinois is here, and I urge the adoption of this bill.

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

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

Mr. Speaker, before we conclude this exchange on this important piece of legislation, I want to take this opportunity briefly to pay tribute to the former chairman of our Committee on Ways and Means and the man under whom I served when he was chairman of the Subcommittee on Trade. I refer, of course, to the gentleman from Florida [Mr. GIBBONS].

Mr. Speaker, I have often mentioned to folks that it was the Democratic party traditionally that embraced free trade, and it was the Republicans that tried to put the Great Wall of China around this country. In the post World War II era, our positions tended to shift somewhat, but not totally. It was, in fact, McKinley, a Republican, who imposed what at that point was the highest tariff in our history in 1890. That brought on the panic of 1893.

Grover Cleveland was reelected in 1892, and he got the tariffs lowered and he restored a stable economy again. He said in a State of the Union message at that time, when you put those walls around your country, you inflict the greatest injury on that man who earns his daily bread with the sweat of his brow. That was a profound truth that he uttered. But I have mentioned to many people that the gentleman from Florida, SAM GIBBONS, is our Grover Cleveland, and he has faithfully stood on behalf of those free market principles, and has tried to advance them, and we have worked amicably on a bipartisan basis on all of these issues. His announcement of his retirement I deeply regret. He will be profoundly missed. I salute you, SAM, and thank you for your guidance.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 2853, which would extend nondiscriminatory most-favored-nation treatment—normal tariff status—to the export products of Bulgaria. This Member commends his colleagues from the Ways and Means Committee, especially the chairman of the committee, the distinguished gentleman from Texas [Mr. ARCHER], for bringing this legislation to the House floor. This Member would also commend the ranking minority member, the distinguished gentleman from Florida [Mr. GIBBONS], who has recently announced his retirement and who will be sorely missed by this Member and all Members of this body.

He is among the first Members of Congress who took a deep interest in the nations of Eastern and Central Europe even before these countries emerged from behind the Iron Curtain. This Member first visited Bulgaria in the early 1980's as part of a Gibbons-led trade delegation. His good counsel and knowledge about these countries has helped us facilitate our relations with those emerging democracies and active trading partners.

Finally, this Member congratulates the chairman of the Ways and Means Trade Subcommittee, Mr. CRANE, and the ranking minority member, Mr. RANGEL, for their leadership on this important legislation. Their effort is appreciated by this Member.

There are four major reasons that Bulgaria has earned most-favored-nation status. First, Bulgaria has received MFN treatment since 1991 through the waiver process, and has been found to be in compliance with the freedom of emigration requirements of the Trade Act of 1974. Second, Bulgaria has reversed many years of Communist dictatorship and has instituted a constitutional republic, a democratically elected government and basic market-oriented reforms. The Bulgarian people enjoyed their first direct Presidential elections in 1992. Third, Bulgaria is in the process of acceding to the World Trade Organization [WTO] and extension of unconditional MFN would enable the United States to avail itself of all rights under the WTO with respect to Bulgaria. Fourth, finally, Bulgaria has demonstrated a strong desire to build friendly relations with the United States and to cooperate fully with us on trade matters.

In closing, Mr. Speaker, this Member reiterates his strong support for H.R. 2853 and urges his colleagues to join in this support.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2853, a bill extending most-favored-nation trade status to Bulgaria.

Bulgaria emerged from Communist dictatorship in November 1989, when Communist leader Todor Zhivkov was removed from power and the path was laid for the free elections that were later held in June 1990.

Just as the other Eastern European countries that emerged from Communist dictatorship after 1989, Bulgaria has faced considerable challenges in transforming its economy and building a new foreign policy focused on integrating Bulgaria into European and trans-Atlantic institutions.

Unfortunately, Bulgaria and the problems it faces have not often received sufficient attention from the international community.

In fact, given the pressing problems elsewhere in the region—particularly the conflicts in the nearby states of the former Yugoslavia—many have preferred to see Bulgaria as simply an oasis of stability in the otherwise turbulent Balkans, overlooking the fact that Bulgaria's economy has suffered from more than just the problems associated with transforming a Communist economy to one based on a market mechanism.

The reality is that, in the last few years, Bulgaria's economy has been adversely affected by its observance of economic sanctions placed on two of its traditional trading partners by the international community.

Since the early part of this decade, sanctions on Serbia and Iraq have resulted in considerable commercial losses for Bulgaria—losses Bulgaria has accepted as a member of the international community, but losses nonetheless.

The United States has tried to assist Bulgaria in this difficult time with direct aid for political and economic reform and as a member of the G–24 group of nations coordinating aid for that country.

It is now time, however, for us to try to do a little more to help Bulgaria and its people as

they work to transform their economy and join in a new, modern, prosperous, and democratic Europe.

I hope my colleagues will join in supporting this measure, which should help Bulgaria by providing it with most favored nation—or MFN—trade status for its exports to the United States.

Let us today voice our support for those positive steps that Bulgaria has taken since emerging from communism just a few short years ago, and urge it forward toward a prosperous and democratic future.

Mr. CRANE. 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 Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2853.

The question was taken.

Mr. BUNNING of Kentucky. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1145

NATIONAL GAMBLING IMPACT AND POLICY COMMISSION ACT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 497) to create the National Gambling Impact and Policy Commission, as amended.

The Clerk read as follows:

H.R. 497

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 "National Gambling Impact and Policy Commission Act".

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the National Gambling Impact and Policy Commission (in this Act referred to as the "Commission").

SEC. 3. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) GENERALLY.—The Commission shall be composed of 9 members, appointed from persons specially qualified by training and experience to perform the duties of the Commission, as follows:

(A) three appointed by the Speaker of the House of Representatives;

(B) three appointed by the majority leader of the Senate; and

(C) three appointed by the President of the United States.

(2) CONSULTATION BEFORE APPOINTMENT.—Before the appointment of members of the Commission (including to any vacancies), the appointing authorities shall consult with each other to assure that the overall membership of the Commission reflects a fair and equitable representation of various points of view.

(3) TIMING OF APPOINTMENTS.—The appointing authorities shall make their appointments to the Commission not later than 60 days after the date of the enactment of this Act.

(b) DESIGNATION OF THE CHAIRMAN.—The Speaker of the House of Representatives and majority leader of the Senate shall designate a Chairman and Vice Chairman from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 60 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of—

(A) gambling in the United States, including State-sponsored lotteries, casino gambling, pari-mutuel betting, and sports betting; and

(B) existing Federal, State, and local policy and practices with respect to the legalization or prohibition of gambling activities and to formulate and propose such changes in those policies and practices as the Commission shall deem appropriate.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the economic impact of gambling on the United States, States, political subdivisions of States, and Indian tribes, both in its positive and negative aspects;

(B) the economic impact of gambling on other businesses;

(C) an assessment and review of political contributions and their influence on the development of public policy regulating gambling;

(D) an assessment of the relationship between gambling and crime;

(E) an assessment of the impact of pathological, or problem gambling on individuals, families, social institutions, criminal activity and the economy;

(F) a review of the demographics of gamblers;

(G) a review of the effectiveness of existing practices in law enforcement, judicial administration, and corrections to combat and deter illegal gambling and illegal activities related to gambling;

(H) a review of the costs and effectiveness of State, Federal, and Tribal gambling regulatory policy;

(I) an assessment of the effects of advertising concerning gambling, including—

(i) whether advertising has increased participation in gambling activity;

(ii) the effects of various types of advertising, including the sponsorship of sporting events;

(iii) the relationship between advertising and the amount of the prize to be awarded; and

(iv) an examination of State lottery advertising practices, including the process by which States award lottery advertising contracts;

(J) a review of gambling that uses interactive technology, including the Internet;

(K) a review of the extent to which casino gambling provides economic opportunity to residents of economically depressed regions and to Indian tribes;

(L) a review of the effect of revenues derived from State-sponsored gambling on State budgets; and

(M) such other relevant issues and topics as considered appropriate by the Chairman of the Commission.

(b) REPORT.—No later than 2 years after the Commission first meets, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS AND SUBPOENAS.—

(1) The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, receive such evidence, and require by subpoena the attendance and testimony of such witnesses and the production of such materials as the Commission considers advisable to carry out the purposes of this Act.

(2) ATTENDANCE OF WITNESSES.—The attendance of witnesses and the production of evidence may be required from any place within the United States.

(3) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(4) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(5) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (3) may be served in the judicial district in which the person required to be served resides or may be found.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency may furnish such information to the Commission.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Subject to the limitation provided in subsection (e), each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the

Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—Subject to the limitation provided in subsection (e), the members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—Subject to the requirements of subsection (e), the executive director shall be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman of the Commission may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) LIMITATION.—No payment may be made under the authority of this section except to the extent provided for in advance in an appropriation for this purpose.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4.

The SPEAKER pro tempore (Mr. ROGERS). Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

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

Mr. Speaker, National Gambling Impact and Policy Commission Act (H.R. 497) would create a national commission to study the economic and social impact of gambling in our country.

The legislation is the concept of our colleague, and my good friend, Congressman FRANK WOLF of Virginia. This measure is on the floor of the House largely because of his articulate advocacy and persistence. A study of the impact of gambling on our society—focusing on both its positive and negative aspects—will be a helpful tool for policymakers at the Federal, State, and local government levels. FRANK WOLF has identified a very important public policy issue and he deserves high praise for his efforts.

On September 29, 1995, the full Judiciary Committee held a hearing on H.R. 497. At that time, we heard from 15 witnesses, including 8 Members of Congress. Also, subsequent to our hearing, the committee received 15 additional statements for the record from other interested organizations and individuals.

During our hearing, we heard virtually every point of view on gambling and its effects. For example, we had testimony on the problem of compulsive gambling. We also heard from a university professor focusing on the economic aspects of gambling—that is, job creation, impact on tourism, State and local government revenue, et cetera. We also heard testimony from the chairman of the National Indian Gaming Association, documenting how the emergence of an Indian gambling industry in recent years has had a positive impact on employment, economic development, and overall self-sufficiency for Indian tribes. Still others testified regarding the relationship between gambling and crime, including organized crime.

Based upon this extensive committee record and personal study, I concluded that a study commission on gambling in the United States is a good idea. As the Washington Post proclaimed in its headline for an editorial endorsing the bill: "For Once, a Useful Commission!" The Post went on to observe that "commissions can * * * play the useful role of bringing to national attention issues that were previously submerged or debated in fragmentary ways."

In my view, it is particularly timely for us to have a balanced, impartial, and comprehensive look at whether or not the spread of gambling is good for this country. Over the last two decades, legalized gambling has expanded extensively throughout our country. Currently, 48 States allow some form of legalized gambling. We have State-conducted lotteries, riverboat gambling, Indian gambling, and casino gambling. For better or worse, gambling has become a commonplace part of the American culture. Just this week, the Washington Post illustrated the explosive growth of gambling:

> What had been a mob-infested vice has become state-approved fun—a new national pastime. While 70 million people attend professional baseball games each year, 125 million go to government-sanctioned casinos. Adults now spend more money gambling than they spend on children's durable toys. Three times more pilgrims from around the world visit the pyramid-shaped Luxor Hotel in Las Vegas than visit Egypt. Casinos rake in more profits than movie houses and theaters and all live concerts combined.

The Washington Post, March 3, 1996 at A1.

Many believe that this widespread expansion of legalized gambling has had numerous negative effects. In some instances, this conclusion is undoubtedly true. For example, many opportunities to gamble are now available to minors who are not ready to make a mature judgment about the nature of this kind of activity. Furthermore, compulsive gamblers frequently have a negative, sometimes tragic, impact on their families.

The traditional linkage between gambling and crime is also an obvious concern. To give just one example, a GAO report issued in January concluded that "the proliferation of casinos, together with the rapid growth of the amounts wagered, may make these operations highly vulnerable to money laundering." General Accounting Office, "Money Laundering—Rapid Growth of Casinos Makes Them Vulnerable," GAO/GGD-96-28, B-259791 (January 1996) at 2. As gambling continues to spread, these negative effects and others spread with it.

In addition, the proponents of H.R. 497 have pointed out the lack of reliable information about the actual effects of gambling. We simply need better and more accurate scientific and behavioral data concerning gambling. Because of this lack of information, State and local policymakers, who are considering the legalization of gambling in various forms, are often vulnerable to exaggerated claims about the positive effects of gambling and the prospects for painless revenue generation. Just 3 months ago, a Maryland State study commission concluded:

> The Maryland Congressional delegation should support the immediate creation of a national commission to study issues related to commercial gaming and should recommend that the commission complete its work within one year.
>
> States are unable to confidently make decisions about casino gaming because of competitive concerns about the decisions of their neighbors and because of the inadequate data and analysis available to them. *The Task Force believes that the proposed national commission on gambling, currently being considered by Congress, could make a significant contribution to public policy development.*

Final Report of the Joint Executive-Legislative Task Force to Study Commercial Gaming Activities in Maryland, December 1995, at xiv (emphasis added).

I also want to stress that I have listened to the critics of H.R. 497 as introduced, and they too have some valid points to make. In particular, they said that they do not fear the outcome of an objective study. However, they did express concern that the Commission as proposed in the original version of H.R. 497 might be biased against gambling per se and that it was only charged with looking at the negative effects of gambling.

I believe that this Commission can do the most good if its study is as neutral,

objective, and comprehensive as possible—considering the views of all sides of this issue. In that spirit, I proposed a committee amendment in the nature of a substitute to H.R. 497, which the Judiciary Committee adopted on a voice vote.

My substitute included the vast majority of the provisions contained in H.R. 497 as originally introduced, but it added language so as to assure that all points of view would be represented on the Commission. Specifically, the bill now requires that the appointing authorities consult together to ensure that the overall makeup of the Commission fairly and equitably represent various points of view. It also drops the requirement that one seat on the Commission go to a State Governor. I want to avoid going down the difficult road of specifying which group gets what seat on the Commission because I believe that is a decision better left to the collective wisdom of the appointing authorities—the President, the Speaker, and the majority leader of the other body.

In addition, the amendments add language that would require the Commission to study both the positive and negative aspects of the economic impact of gambling. I believe that the opponents of H.R. 497 will agree that these changes are a good-faith effort to address their concerns about the fairness and balance of the Commission.

At the Judiciary Committee hearing, I heard members of the committee express particular concern about the issue of advertising concerning gambling activities. Because of that concern, the amendment adds language that would require the Commission to study that issue. At the suggestion of our colleague, Congressman HOKE, we added even further specificity to the advertising language, and I appreciate his contribution and his willingness to work with us on this issue.

Senator DICK LUGAR, as well as the Governor of my own State of Illinois, Gov. Jim Edgar, raised the issue of gambling through the Internet and other interactive technologies. The amendment adds language directing the Commission to look at this aspect of the issue. We have also added language that will require the Commission to study the impact of revenue from State-sponsored gambling on State budgets. With respect to all of these changes, my thinking is that the more comprehensive the Commission's study is, the more useful it will be.

Another major change the amendment would make is to shorten the time period for the study commission from 3 to 2 years. The Maryland study commission urged that we make the time period even shorter. This will reduce the costs involved with this effort. The amendment also made changes of a technical and conforming nature.

During committee consideration of this bill, Congressman BONO, Congressman SCHIFF, and Congressman GALLEGLY expressed concerns about whether the proposed Commission would end up being overly biased against gambling operations in general, and Indian gambling operations, in particular. I worked with these members to craft language to amend H.R. 497 to address these concerns. These changes include: First, language to clarify that the Commission is to study all forms of commercial gambling include State lotteries, casino gambling, pari-mutuel betting, and sports betting; second, language that clarifies that the study of political contributions should include all political contributions that influence public policy on gambling, not just those of gambling operators; and third, language originally suggested by Congressman FRANK that would require the Commission to study the extend to which casino gambling has provided economic opportunity for Indians and residents of economically depressed areas. I also agreed to add language to the report that further addresses their concerns about the fairness of the makeup of the Commission.

Subsequent to our consideration of the bill, the Resources Committee sought and received sequential referral of the bill to review specifically its effect on Indian gambling. After its consideration, that committee made a suggestion of one amendment that would clarify the bill's description of the gambling regulatory policies to be studied so that it now includes tribal regulatory policy. I have accepted that amendment, and it is part of the substitute text we consider today. I want to thank Chairman DON YOUNG for his cooperation in this matter. I also want to note that by cooperating with the Resources Committee, the Judiciary Committee does not waive any of its traditional jurisdiction over Federal gambling statutes and gambling issues generally.

I think all of these changes make the bill more balanced and comprehensive, and I appreciate the contributions of all of these members in working with us to make this a better bill.

I have discussed the various changes contained in my substitute amendment, as well as the Resources Committee amendment, with Congressman WOLF, and he has indicated his full support for all of these changes.

I urge my colleagues to adopt the improvements embodied in the committee amendment and to pass H.R. 497 as amended.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise today in opposition to this legislation, H.R. 497, which would create a national gambling commission to study the impact of gaming on this country. My time is short and my opposition is well documented in my testimony last year before the Judiciary Committee.

But I believe, Mr. Speaker, what we are about to do here today goes against everything this new Congress is supposed to stand for—and that is limiting the ever increasing intrusion of the Federal Government into our everyday lives. Gaming and its regulation has been the sole responsibility of our individual States and it is my belief that this is where that responsibility must remain. Creation of a national gaming commission to study the impacts of gaming simply infringes on that right and we should be taking a very dim viewpoint of that action.

Quite honestly, Mr. Speaker, this proposed commission leaves the States out in the cold. The proponents claim that the purpose of the study is for the States to be well informed about the gaming industry. First, let me say that the States are extremely well informed about what their job is and they don't need Washington to tell them how to do it. After all, they deal with the regulation of gaming on a daily basis. But this proposed commission avoids the State's expertise by precluding our Governors, State legislators, mayors, and locally elected officials from a major role in the study. This is of such concern that in a recent letter, Governor Roy Rowland of Connecticut, cited his deep concern and specifically requested that State and local lawmakers have representation on the commission.

The approach taken by this bill is the usual Washington-knows-best syndrome. Let's just say, I object to that premise.

This legislation should also require that commission recommendations regarding State gaming policy issues must be directed to State and local governments. But it does not. Does this mean new costly Federal laws or regulations will be implemented on gaming at a time when we are working to reduce regulation? And, once again, when our States are the best ones to be handling this issue, why are we advocating more Federal intrusion?

A final point I'd like to make is that if we are going to have a study, this bill should be inclusive of all forms of gaming present in 48 of the 50 States including casino gaming, State lotteries, charitable gaming, Native American gaming, Internet gaming, sports betting, horse and dog racing and other pari-mutuel activities. Why does this bill exclude charitable gaming from its study? If you want a study on gaming, why are we picking and choosing, rather than including every type of gaming?

Mr. Speaker, we don't need another costly Federal study and we don't need more intrusion on our States' right to guide their existence. I urge defeat of this bad legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LAFALCE], a cosponsor of the bill.

Mr. LAFALCE. Mr. Speaker, I rise in support of H.R. 497, the National Gambling Impact and Policy Commission Act. I wish to commend my colleague from Virginia [Mr. WOLF], for his efforts and his leadership in bringing this legislation to the House floor today.

The legislation before us today addresses issues and concerns that I have sought to bring to the attention of Congress since 1994. As chairman of the Committee on Small Business, I conducted hearings in 1994 that documented the rapid proliferation of casino gambling throughout the United States and examined the economic impact of Government-sponsored gambling on small businesses, on individual communities, and on the Nation as a whole.

Based on the findings of those hearings, I introduced in 1994 the National Policies Toward Gambling Review Act to authorize a Federal study of the economic and social implications of this widespread growth of legalized gambling. This proposal, like that introduced by Mr. WOLF, creates a new national commission, along the lines of the commission that last studied gambling in 1976, and would expand its study to all aspects of gambling in all States and localities. I reintroduced my bill in the current Congress as H.R. 462, and was delighted to sign on Mr. WOLF as my first cosponsor. When he subsequently introduced his most similar bill, H.R. 497, I was pleased to sign on as his lead cosponsor.

The 1994 Small Business Committee hearings convinced me that widespread legalized gambling has raised serious questions that few local officials, and American society generally, are prepared to address. The hearings also confirmed what a New York Times article headline had proclaimed several weeks earlier, that gambling is now bigger than baseball as a national pastime. Some 125 million people visited casinos in 1994, a whopping 36 percent increase from 92 million in 1993. Annual attendance at professional baseball games averaged only 70 million. Casino revenues increased by a whopping 33 percent between 1993 and 1994, from $30 billion to $40 billion, and easily exceed the combined revenues for other major leisure activities, including movies, books, recorded music, spectator sports, theme parks, and arcades.

Americans wagered $462 billion on all forms of legalized gambling in 1994, more than the entire gross national product of Communist China. More than $360 billion was wagered in casinos in 10 States and on Indian reservations in 24 States, most of which were built after 1991. All but three States now permit pari-mutuel betting, slot machines, video poker, keno, bingo, or other forms of gambling. And 36 States actively encourage gambling with government-run lotteries.

This is a far different situation than existed when the last national commission issued its report on gambling in 1976. Legalized gambling was then confined to Nevada, and was under consideration in Atlantic City. The focus of the commission's study was the influence of organized crime in gambling, not the various economic and social implications of widespread gambling across the country. For Nevada, and later Atlantic City, gambling provided what experts termed a monopoly export economy—the popular conception of gambling as a model for economic development in which new jobs, higher tax revenues, and other economic benefits are created for a local economy by tourists from other locations. This model offered the added benefit of hiding the economic and social problems of gambling—including bankruptcies, gambling addiction and crime—which tourists simply took home with them.

As gambling has spread across the United States, and even to locations on our border with Canada, it has become clear that this model of gambling as economic development is no longer effective. States and localities now compete with Indian reservations, with other States and with other countries to lure potential gamblers or, at minimum, to keep their own gambling revenues at home. Casinos that were touted as bringing jobs and economic enrichment to communities in 1994 are now going bankrupt.

What we now have is an economic model of gambling that the casino industry itself refers to as "convenience" gambling. Rather than confining gambling to specific locations for purposes of economic development, gambling is made readily available to all potential customers. In a convenience gambling economy, discretionary spending is diverted from other forms of entertainment and consumer expenditures to casinos and other gambling establishments. Restaurants, hotels, and other competing local businesses lose revenues and fail. Scarce resources are diverted to the least productive local activities and economic wealth becomes concentrated in fewer and fewer hands. In short, rather than the economic panacea promised by gambling promoters, the opposite of economic development appears to be occurring in many communities.

The social costs of gambling also have become more visible as gambling has spread to more locations. However, there is little comprehensive data, for example, on the costs of gambling-related crimes, on personal losses and bankruptcies or on lost jobs and work time due to gambling. Nor do we know the costs inflicted on families in terms of gambling-related alcoholism, abuse, divorce, or suicide.

Recent studies in Iowa and Missouri found that between 3 to 6 percent of gamblers become compulsive gamblers and that a large percentage of compulsive gamblers resort to crime to cover their losses. Other studies have estimated the public costs of each problem gambler, in terms of treatment, services and court expenses, as between $13,000 and $35,000. Even at the lowest cost estimate, according to witnesses in our 1994 hearing, an increase in gambling addiction of only one-half of 1 percent of a State's adult population would translate into added costs of $73 million a year in a small State like Iowa and more than $780 million in new costs in a large State like California. Such costs could eventually nullify any economic gains from gambling.

Concern with the economic, social and moral implications of Government-sponsored gambling has created something of a public backlash against the gambling industry. In the November 1994 elections voters from Florida to Wyoming rejected 90 percent of all State and local referenda to legalize or expand gambling operations. Last November, gambling initiatives were defeated in Washington and Massachusetts, while special panels in Maryland and Connecticut rejected new casino proposals. This suggests a growing public consensus that the pace of future casino development should be more measured and that future growth of gambling generally must be given greater scrutiny at the local, State, and national levels.

A report issued in November by a special Maryland task force to study casino gambling is particularly instructive and highlights two of the most important issues in the legislation before us today. In recommending against casino gambling, the task force concluded that casino gambling is an issue Maryland cannot address on its own. Since the economic benefits of gambling come largely from reductions in other consumer spending or by attracting spending from other States, the task force said that the issue must be addressed on at least a regional, if not national, basis. The task force also concluded that, given the limited statistical and economic analysis available, it needed far more information to understand all potential consequences of initiating casino gambling.

Contrary to the arguments of some in the gambling industry, the bill before us today does not seek to restrict or regulate organized gambling, nor is it intended as a preliminary step toward such regulation. It merely responds to a growing public demand for more and better information about gambling. And it responds to requests by officials in Maryland and elsewhere for a broad analysis of gambling that can incorporate information from all States and from Indian tribal jurisdictions.

As State and Federal funding for social services and other programs continue to decline, local officials will come under even greater pressure to heed promises of new revenue and greater prosperity in legalized gambling. It is imperative that these officials, and the public generally, have all the information available to make reasoned and prudent policy decisions.

Nearly 2 years have passed since I first proposed legislation to create a national commission to study gambling. It was needed then, it is imperative now. I urge adoption of this important legislation.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF], the chief sponsor of this bill.

Mr. WOLF. Mr. Speaker, I rise in strong, strong support of this bill. The bill has over 150 to 160 cosponsors.

Let me begin by thanking Chairman HYDE personally for his work on this effort. I want to commend the gentleman. I appreciate the good work that he has done. I also want to thank Alan Coffey, who I have known for about 30 years, for his outstanding work; and lastly for Joe Gibson, your staff, and your other staff people who have done a superb job.

This is important. There are now 48 States that have some form of gambling, whether it be lottery, casino gambling, and whatever the case may be. This is important to stop and take a close look at it. Now, there are going to be many other things, and I have spoken from the floor on this issue many, many times.

I believe it is inappropriate, the spread of gambling that has taken place in the country. All you have to do is read the Washington Post series that was on Sunday and Monday and Tuesday and again tomorrow to see that from two States we have grown to roughly 48 States.

Let me just say—it is not in my statement—for the record, powerful interests in this city have been hired to derail this bill. Prominent people in the Republican Party and prominent people in the Democratic Party from the K Street corridor have been hired to detract and derail and stop this bill.

This bill is going to pass today by an overwhelming vote. There literally is very, very little opposition because it is a fair study that the American people want to see. What is the impact with regard to economic cannibalization, what impact does it have, and what is the impact with regard to corruption and political contributions? What is the impact to social aspects with regard to Gamblers Anonymous and things like this?

So we are going to watch it, and I appreciate the efforts in the House. It is bipartisan. We have the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. BONIOR]. I remember one day I was giving a 1-minute speech and the gentleman from Michigan got up and said, "I want to be on that bill." We have come together in the best interest of this body.

In closing, I appreciate the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH], making this a priority item to bring up, and also the gentleman from Texas [Mr. ARMEY] in not allowing some of these people that are—and I am reluctant to get into their names—who have been hired by the gambling interests to derail this bill.

My closing comment is, I personally care about this almost as much as I care about a lot of things that we are taking. I am going to watch what happens on this bill. I am going to watch and see what takes place over in the Senate.

What I would ask is those who have some problem with this bill, this bill ought to be allowed to pass, whereby we can set up a national commission, whether it be for 18 months or 2 years, whereby 9 men and women of decency and honesty who are not tied into any particular community can look at and examine this issue.

Again, I want to thank the gentleman from Illinois [Mr. HYDE] and his staff very, very much from the bottom of my heart.

Mr. Speaker, as the original sponsor of the pending legislation, I rise in ardent support of H.R. 497, the Gambling Impact and Policy Commission Act and appreciate your scheduling this important legislation for floor consideration. Also, I would like to take a moment to recognize the diligent efforts of the chairman of the Judiciary Committee and his able staff in guiding this legislation through the committee process. It was a pleasure working with Chairman HYDE in bringing this bipartisan bill to the floor.

Mr. Speaker, H.R. 497 is complicated. It would charge the National Gambling Impact and Policy Commission with the duty of making an objective, comprehensive, and impartial legal and factual assessment of gambling. Let me be clear. This legislation does not outlaw gambling. It does not tax gambling. It does not regulate gambling. It merely recognizes that gambling is spreading throughout the country like wildfire and it needs a hard look. This is our responsibility as Federal legislators to create a commission to bring together all the relevant data so that Governors, State legislators, and citizens can have the facts they need to make informed decisions.

In the early 1970's Congress was concerned about problems related to gambling, and it established a commission similar to the one pending before the House today. Since the Commission on the Review of the National Policy Toward Gambling issued its 1976 report, gambling has greatly expanded, and it has grown in many ways that are contrary to the recommendations of that early report. In 1976 only two States had casino gambling. Today, every State but two have some form of legal gambling. According to U.S. News & World Report, people wagered $482 billion in 1994 on all forms of gambling, 85 percent of which took place in casinos in 27 States, most of them built in the past 5 years. As gambling proliferates in casinos, on riverboats, on Indian reservations and elsewhere, problems such as crime, political corruption, cannibalization of existing businesses, gambling addiction, family breakups, and suicide appear to be a growing and unfortunate consequence. It is time for Congress to take a comprehensive look at gambling and its associated problems.

The gambling industry and its proponents argue that this study is not needed because this issue should be left up to the States. Well, Governors Lowry, Washington; Bush, Texas; Dean, Vermont; Carper, Delaware; Sundquist, Tennessee; Merrill, New Hampshire; Cayetano, Hawaii; Voinovich, Ohio; and Racicot, Montana disagree and support H.R. 497. I have heard from many State attorneys general and legislators who also support a national study of gambling. H.R. 497 has received wide editorial support as well from papers such as the Washington Post, Dallas Morning News, Los Angeles Times, Cincinnati Enquirer, Philadelphia Inquirer, Richmond-Times Dispatch, Capital Times, Madison, WS, Sacramento Bee, Chicago-Sun Times, Sun-Sentinel, Fort Lauderdale, FL. Also, this legislation is supported by the Christian Coalition, Traditional Values Coalition, Concerned Women for America, American Family Association, Focus on the Family, Family Research Council, and others. Recently, a coalition of 16 churches in America wrote the House and Senate leadership in support of this important legislation.

Why do so many Governors, State attorneys general, State legislators, and citizens support H.R. 497? The reason is that there exists little credible or reliable information about gambling, and much of the information that does exist is produced by the gambling industry itself. Joseph Tydings and Peter Reuter, chairman and executive director respectively of Maryland's Joint Executive Legislative Task Force to Study Commercial Gambling, in an opinion article which ran in the Washington Post, wrote:

> The problem of legal casino gambling is a national one. . . . The problem cries out for attention from the President and Congress. Unfortunately, the casino industry has mobilized cash and lobbyists to prevent Federal action on the issue.

Mr. Speaker, Congress can no longer turn a blind eye to the stories of poor mothers playing the slots with their children's lunch money or the Northeast Mississippi Daily Journal article that indicated that more money was bet in casinos, $29.7 billion, in 1994 than was spent on all taxable sales, $27.6 billion, in the State. No longer can we ignore reports of teenagers so addicted to gambling that they prostitute their girlfriends to pay off their mob debts. And Congress will no longer be able to disregard accounts of Americans so distraught over their mounting gambling debts that their only perceived recourse is suicide.

Mr. Speaker, America has begun to focus on the issue of gambling and its related problems. By passing H.R. 497 today, Congress will take a meaningful step toward bringing together all the relevant data so that Governors, State legislators, and citizens can have the facts they need to make informed decisions.

Mr. Speaker, I include for the RECORD four editorials in support of this legislation, as follows:

[From the Saturday Oklahoman, Oct. 28, 1995]

STUDY COULD HELP

The battle over legalizing casino gambling in Oklahoma apparently will be fought at the polls instead of in the courtroom.

Casino proponents have gathered 202,993 signatures on petitions to place the proposal on the ballot, the secretary of state says. A leading opponent says his group believes it would be useless to challenge the petition, based on past Supreme Court rulings. Instead, foes will focus on defeating the proposal, possibly at the time of the presidential primary on March 12. Casino boosters want to question on the November 1996 general election ballot.

In either case, Oklahomans will have time to study the issue and should try to get all the information they can to help them make their decision.

Of interest in this respect is an editorial in The News Journal of Wilmington, Del. It raises concerns about casinos due to open this year at Delaware racetracks.

News stories in the paper estimate perhaps $400 million will be poured into 1,200 slot machines the first year. But the profit to the state would be only $8 million, about 2 percent of the wagering. The slot machines would return 90 percent or more to the bettors, with the rest going to track owners, purses for the horses, slot machine leases and state administrative costs, according to the paper.

The editorial worries about the potential for abuse existing in all aspects: gambling contractors, casino employees, bettors, owners and operators. It notes that smaller operations like Delaware's are considered more susceptible to corruption than the big gambling meccas, like Atlantic City and Nevada.

"While much is said about the possible benefits from slots to racing and new jobs, businesses and revenue, how much is really known about the influence of organized crime, the potential for political corruption and the social toll on individuals and families?" the paper asks.

The editorial supports legislation pending in Congress to establish a National Gambling Impact and Policy Commission to help states evaluate the effects of legalized gambling. Such a study could also prove useful also for Oklahoma as it is confronted by efforts to expand gambling activities in the state.

[From the Indianapolis News, Feb. 29, 1996]

LOOKING AT THE FACTS

Since it's only a study commission, it might be pertinent to wonder why the gambling industry wants to delay or water down House Resolution 497.

This proposal, by Rep. Frank Wolf, R-Va., would establish a national commission to study the economic and social impact of legalized gambling.

The problem for the gambling industry is the fact that such studies tend to hurt their cause. Researchers who study this business keep finding unpleasant facts and information that make it harder for the industry to make its case to local and state governments.

University of Illinois economist Earl Grinols, for example, keeps coming up with studies showing that the economic development claims offered by the industry are exaggerated or false. He finds that off-track betting outlets, for example, do not generally bring new economic development to a community but transfer discretionary spending from retail businesses such as restaurants to gambling establishments.

Additionally, the facts on gambling addiction are devastating to legalized gambling promoters. The financial costs are difficult to pinpoint precisely, but they run into the billions of dollars when all factors are weighed. Families wind up on welfare when fathers or mothers get addicted. Crime increases as the addicted turn to theft, forgery and other such practices to feed this habit. But the human cost is harder to weigh. Some people have committed suicide. Others wind up all but abandoning their children in favor of this form of entertainment.

Wolf's proposal is timely. Critics claim the issue is a state or local matter. But the federal government allows Indian gambling initiatives to circumvent state or local government jurisdiction, and there are other national implications of legalized gambling's proliferation in recent years.

Sen. Richard Lugar, R-Ind., has made a proposal similar to Wolf's, offering it in his presidential campaign. Lugar and Wolf have been joined by many other members of Congress. In Indiana, newspaper publisher George Witwer, as a candidate for governor, has called for a state study commission, and legislation in the General Assembly may be adopted to provide for a legislative study committee on the subject.

The Washington Post warns that the gambling industry will be trying to stop or delay the national proposal in Congress. A recent editorial noted: "The gambling industry has a great deal of money, has been making large campaign contributions and recently hired some of Washington's most influential lobbyists. We have no doubt that the industry can bring a lot of pressure against this bill and construct some ingenious strategies to weaken it."

Congress ought to listen to Wolf, Lugar and others calling for a study commission on this issue. There is much at stake, as such a commission would point out.

[From the Los Angeles Times, Mar. 5, 1996]

TAKING A HARD LOOK AT GAMBLING

Rocked to attention by the explosion of legal gambling across the country in the past two decades, Congress is belatedly, but sensibly, considering legislation calling for a comprehensive national study on the social and economic effects of gambling. Lobbyists accuse government of trying to stack the deck to expand its regulatory reach. But without a study and reliable data, what conclusions can be drawn?

The bipartisan legislation, endorsed by 143 cosponsors in the House and 16 in the Senate, calls for the creation of a commission to conduct a two-year national study of the effects of gambling. Its recommendations are expected to provide guideposts for states and localities in dealing with legal gambling's transformation from sleepy enterprise to a national economic force.

As recently as 1984, just two states, Nevada and New Jersey, allowed casino gambling. Today nearly half the states have casinos on land, water or Indian reservations. Only Utah and Hawaii have no state-sanctioned gambling.

The increase in the number of gambling outlets clearly seems to have changed the public's betting habits. According to the General Accounting Office, between 1984 and 1994 the annual amount bet on legalized gaming—including casinos, lotteries, parimutual betting and sports books—jumped by 137%, from $147 billion in 1984 to $482 billion in 1994, more than twice the current annual budget deficit that consumes so much congressional attention.

Rapid-fire expansion of legal wagering has meant new jobs and tax revenues to state and local governments, but it has also resulted in serious problems. Though most of the evidence is anecdotal, signs of the social and economic downside are proliferating, from housewives blowing monthly household budgets to sharp-suited toughs showing up in town.

What is the extent of gambling addiction? Has its expansion increased criminal activity? Has political corruption become a problem? Is there a multiplier effect on jobs from gaming? Or does legal betting drain money away from other businesses and drive them into the ground?

As it now stands, there are no clear answers to these questions. Opponents, including the American Gaming Assn., argue that by involving itself in an expansive gaming study, the federal government is potentially interfering in local matters. But this is only a study. If gambling is the sure-fire winner that proponents say it is, there ought to be nothing to worry about.

[From the Washington Post, Oct. 3, 1995]

GAMBLING NATION?

On the opposite page, Rep. Frank Wolf (R-Va.) makes a strong case for his bill to set up a National Gambling Impact and Policy Commission. His point is hard to refute: If the United States' headlong rush into becoming Gambling Nation is a great idea—good for business, for the social order, for government revenues—surely a fair-minded commission would discover such a thing. And please, no talk about "undue government interference with free enterprise." As Mr. Wolf points out, there is absolutely nothing in his bill that involves taxing or regulating gambling. He simply suggests that states and localities that get inundated with pro-gambling propaganda—and politicians who get inundated with political contributions from gambling interests—get a chance to see how all the arguments for gambling pan out in reality.

What needs to be understood in this debate is that the central issue is *not* the end to all legalized gambling in America—this is not a replay of the arguments over Prohibition. For better or worse, most Americans seemed to accept the situation that existed some years ago in which large-scale casino operations were confined to the states of Nevada and New Jersey. This sent powerful messages: that casino gambling was not a routine activity and that communities had good reason not to turn themselves over to gambling. The nation effectively accepted that many people liked to gamble, but it also accepted that organized commercial gambling was not the sort of activity that ought to become a routine part of life. Implicit in this national compact was an understanding that the potential for crime and political corruption ought to be contained. Call it the enclave theory of gambling.

Several things have happened since. One is that popular resistance to taxes has moved governments all over the country to sponsor their own forms of gambling through lotteries and other games. The idea was that a portion of the public treasury would be filled with money "voluntarily" handed over in bets. Once Atlantic City got going, many economically strapped communities that saw no other way to support themselves figured they too should get a piece of the action. Jobs in casinos look mighty attractive

to the unemployed and underemployed, and local officials staring at huge local budget problems tend to look kindly on any new revenue sources. Finally, there was the 1987 Supreme Court ruling legalizing gambling on Indian reservations, which opened up whole new areas of the country to gambling—and gave a new moral justification to casinos as Native American leaders argued that their people were at last getting their due.

This is how large social changes happen—in small increments that no one notices much until a big transformation has taken place. Mr. Wolf and his allies are suggesting that on gambling, the country look ahead before it is too late, or too complicated, to turn back.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to engage the distinguished chairman of the committee in a brief colloquy.

Was it the intent of the Committee on the Judiciary to include the U.S. Territories, Commonwealths, and possessions within the meaning of the terms "United States," "States," and "political subdivisions of States" as used in section 4 of this legislation?

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

Mr. FALEOMAVAEGA. I yield to the gentleman from Illinois.

Mr. HYDE. Yes, Mr. Speaker, it is our intent that the U.S. Territories, Commonwealths, and possessions be included in H.R. 497, as the gentleman has stated.

Mr. FALEOMAVAEGA. I thank the distinguished gentleman.

Mr. Speaker, while having some reservations which I will note later, I rise today in support of H.R. 497.

Mr. Speaker, the amount of gambling has increased considerably in the United States over the last two decades. While before many Americans were confined to gambling in the States of Nevada and New Jersey, or to parimutuel betting, today fully 48 of the States of the United States participate in some form of gambling. This has provided a new stream of revenue for State and municipal treasuries, which has in turn provided additional services to the residents of those States.

The issues this legislation tries to address are very comprehensive, and I commend the chairman and members of the Judiciary Committee for trying to address these issues. For most Americans, gambling provides leisure-time entertainment. For a small minority, however, many of whom are those who least can afford to lose their limited earnings or savings, gambling is an addictive, destructive habit. The question is, as a matter of public policy, Are the drawbacks to permitting gambling so destructive that legal gambling should be restricted or eliminated?

While I am not a gambler, as I noted earlier, gaming activities are being used by almost all States for public purposes. Gaming operations are also now being used by American Indians throughout our country to raise money for improvements to schools, hospitals, and roads on their Indian reservations. As a member of the Committee on Resources, I am especially concerned that Indian gaming not be unfairly targeted should this legislation become law.

My concern is that there may be individuals who want to use this bill in an attempt to stop or curtail gaming throughout the United States, and that this opposition is centered on moral grounds but more particularly, that this is an attack on the successes which have been achieved by American Indians through gaming.

If this were truly a moral concern, why is the Commission being empowered to study only gaming? Why not also include the study of alcohol consumption, the use of cigarettes and tobacco among teenagers and adults, and abortion, too? Are those activities any more or less moral than gaming?

Again, for those who may be determined to eliminate Indian gaming, I find it very unfair to target only gaming in this Commission. Those of us on the Committee on Resources are familiar with the long-standing problems within Indian country. By most, if not all measures, our American Indians are at the bottom of the ladder when it comes to housing, income, education, or any other measure of economic development. Here are a few facts which portray the dismal conditions in which many of our first Americans live.

I ask my colleagues to keep in mind that the locations of the reservations on which many American Indians now live, are not locations of their choosing. Many tribes were forcibly moved to these reservations from much more desirable locations at which they could and did provide for themselves.

Fact: the life expectancy of an American Indian is 47 years; the life expectancy of all Americans is 78 years.

Fact: the 1990 census determined that 30.9 percent of our Nation's Indians live in poverty; the poverty rate for the U.S. population was 13.1 percent.

Fact: in 1991, the unemployment rate on Indian reservations was 45 percent; for the United States, when that number goes above 7 percent we take significant action to reduce it.

I could go on, but I think my point is clear: the Indians are in trouble, and they can use whatever assistance is available.

Mr. Speaker, through the judicious use of gaming operations, Indian country is slowly pulling itself up the ladder of life. Indian gaming is a well-regulated system that is serving its purpose remarkably well. No one is forced to gamble and all the profits received by the tribes go directly to tribal uses. The U.S. Government does not have the money to make all the capital improvements needed on the reservations, and through the Indian Gaming Regulatory Act, Congress has established a system to pay for improvements in Indian country through voluntary, private contributions. After 500 years of mistreatment, this is one Indian program I feel good about—it is voluntary, efficient, and privately funded.

I have heard accusations that Indian gaming is fraught with criminal activity including Mafia and other syndicate-type operations, but the truth is these allegations have been investigated by Federal authorities and they are unfounded. In fact, at hearings I helped organize, the Federal Bureau of Investigation testified before the House Subcommittee on Indian Affairs during the 104th Congress that there is no truth to these allegations. Indian gaming is a well-managed, highly regulated activity providing widely disbursed public benefit.

I appreciate the willingness of the Committee on Judiciary to remove some of the most egregious anti-Indian-gaming provisions contained in H.R. 497, as it was introduced. Given Congress' efforts over the years to monitor and regulate this activity, I am concerned that other amendments offered by the Committee on Resources were not included in the legislation to ensure Indian gaming received fair consideration. For example, given the extent to which Indian gaming is federally regulated, and the complexity of those regulations, I believe it would be beneficial to include on the Commission persons with an expertise in this area.

I also want to express my concern with the limited time in which the Committee on Resources was afforded to consider this bill. H.R. 497 was referred to the Committee on Resources for the period beginning December 21, 1995, through February 28, 1996, most of which time the House was adjourned or in pro forma session.

Finally, I want to express my appreciation to Chairman HYDE for his willingness to include the territories in this legislation.

□ 1200

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I would like to engage the gentleman in a brief colloquy.

Is it the intent of the Committee on the Judiciary that the Commission be free to study the public safety costs that gambling operations, including those operations on Indian reservations, impose on local government and local law enforcement agencies?

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

Mr. RIGGS. I yield to the gentleman from Illinois.

Mr. HYDE. Yes, Mr. Speaker, it is our intent the commission would be

free to study the public safety cost that gambling operations, including those operations on Indian reservations, impose on local law enforcement agencies. I believe that is implicit in subparagraphs A, D, G, H, and M of subsection 4(a)(2).

Mr. RIGGS. I thank the gentleman. I strongly support the legislation.

Mr. Speaker, I want to bring to Members' attention a matter of importance brought about from the proliferation of gaming operations in northern California.

Mr. Speaker, I am a strong supporter of the National Gambling Impact and Policy Commission Act. I believe, however that it is important to clarify one aspect of the legislation.

Like many other regions of the Nation, the Indian tribes in northern California are establishing gaming operations in order to provide a much needed source of revenue for depressed rural areas.

While, I support the efforts of native American communities to establish a self-sufficient form of revenue, the residual impacts of the gaming operations on local communities are having unanticipated consequences.

Not long ago, the Elem Indian colony, in Lake County, CA, erupted in 5 days of shooting over control of two casinos where video poker and pool are played. On more than one occasion, the county swat team and law enforcement officials have been called to the scene to prevent the continuation of hostilities between the two competing factions. Tensions on the reservation are high and are directly attributable to the operation of the gaming facilities.

The resulting hostilities have been a drain on local law enforcement. The county government is not recompensed for its services relating to the reservation.

I would hope that the Commission would study the financial and public safety costs of Indian gaming operations on county and municipal law enforcement.

Although the legislation does not directly address this topic, I have noticed that section 4, subsections D, G, and H, include reviews relating to crime and the effectiveness of law enforcement and regulatory polity as it relates to Indian Gambling. It would seem to me that the Commission should address the impact and cost of native American gaming operations on county law enforcement.

It is my hope that the Commission will address the concerns of northern California communities, and communities across the Nation that reside near native American gaming facilities?

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a member of the Committee on the Judiciary, I rise in support of H.R. 497, for it covers an area that provides information for all of us to move forward and to ensure that gambling is not hurtful.

Mr. Speaker, I am pleased to cosponsor this important legislation, which establishes a nine-member Commission to study gambling in the United States—including gambling on Indian reservations, State-sponsored lotteries, casino gambling and sports betting.

Gambling has become an important part of American life. Americans are betting and losing more money each year than it spends on all spectator sports combined. Gambling has also become a major source of revenue for many State governments. I am concerned, however, that we do not completely understand the impact of gambling on our society.

Just yesterday, the Washington Post reported the story of a Louisiana woman who became addicted to video poker. She described it as an addiction as powerful as any drug. This woman squandered her entire savings, including a trust reserved for her grandson's education, on the video poker games which are in many of the State's bars and restaurants. Do State governments that push gambling have any responsibility for people who become hooked was just one question that the article asked.

The Commission established by this bill would be required to conduct a comprehensive, legal and factual study of the impact of gambling on Federal, State, and Tribal governments in an attempt to answer some of the questions that have arisen from the Nation's new obsession.

The Commission would also study the influence of political contributions on the development of public policy regulating gambling, as well as the relationship between gambling and crime. The bill requires the Commission to review the effectiveness of existing practices in law enforcement, judicial administration, and corrections to combat and deter illegal gambling and illegal activities related to gambling. The bill also directs the Commission to study the effects of advertising and whether it increases participation in gambling activities.

America has become a gambling nation. This bill will study the effects, both positive and negative, of our new favorite pastime and I believe it is important to do so.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I do not come at this issue as a Pollyanna. I mean, I have on rare occasions bought a lottery ticket and played the ponies in my day.

I must be very frank with you, Mr. Speaker, I watch this gambling explosion now in the last two decades since 1974. It really has become something we as a country really need to look at and study.

Two decades ago we spent $17 billion on gambling in this country; in 1994, $482 billion. Americans lost $40 billion of what they bet, more than 6 times what they spent on all spectator sports combined, and while 70 million people attend professional baseball games each year, 125 million go to government-sanctioned casinos. Adults spend more money gambling than they spend on children's durable toys. Lottery ticket sales have increased 829 percent since 1982.

Something is going on, and you can relate it to a lot of different things; the stagnant wages of 80 percent of the population who have not seen an increase in wages basically, real increase, since 1979, may attribute to that. I mean, are we really to the point the American dream means pinning your hopes on a weekly basis on the lottery?

We have got to look at this. There are serious social implications with respect to gambling. Gamblers Anonymous, in Illinois, did a study. A third of the people said they lost or quit their jobs because of gambling. Seventy-six percent said they missed time from work because of gambling. Forty-four percent had stolen from work to pay for gambling debts. It goes on and on and on.

I am conflicted by this issue, because of how the native Americans in our country have been become resourceful and done well economically because of this, and I understand that concern, and it is a legitimate concern that we have to face.

But it seems to me, with all of this proliferation of gambling in the country, we need to really have a serious, rational look at it, and I support the efforts on the part of my colleagues bringing this up, and commend the gentleman from Illinois [Mr. HYDE] and the gentleman from Virginia [Mr. WOLF].

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Speaker, I rise in strong support of H.R. 497, the National Gambling Impact and Policy Commission Act, of which I am proud to be a cosponsor.

I want to commend the gentleman from Virginia [Mr. WOLF] and the gentleman from Illinois [Mr. HYDE] for their leadership on this important legislation.

Mr. Speaker, we dearly need a commission to study effects of gambling in the United States. One only needs to read the front page of last Sunday's Washington Post to understand why. Legalized gambling in the United States has exploded 2,800 percent in the last two decades, from $17 billion in 1974 to $482 billion in 1994.

As has been earlier stated, Americans lost $40 billion of what they bet, more than 6 times what Americans spent on all spectator sports combined. We need to ask ourselves what this explosive growth is doing to our economy, our communities and to our families.

There is disturbing evidence of urban decay, public corruption, despair and suicide among addicted gamblers. We must know for certain what the net effects of legalized gambling are.

The stakes are too high to let these questions go unanswered, and I urge my colleagues to support this important legislation so that we can have the facts as we make decisions about what role gambling should play in our country.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, the question we face today is not whether one is for or against gaming. The fact is that gambling has been part of our society for a long, long time—and it probably will continue to be that way. The question we face today is what role should the Federal Government play in regulating gambling. I am not sure what that role should be. I am not convinced that today's system of checks and balances is broken. Today, the States have been used as the primary regulatory body that oversees commercial gaming. Like my friend from Massachusetts, I thought the Republicans would be happy knowing that the States are regulating gaming operations—much like the Republicans want the States to regulate WIC, school lunch programs, welfare, and Medicaid.

But if this study is going to happen, it should not be used as a vehicle to attack Indian gaming and the sovereignty of tribal governments. Mr. Speaker, if one was reading the Washington Post this morning, they may be led to believe that Indian tribes who engage in gaming are basically unregulated entities operating casinos across the country. But as we know, nothing could be further from the truth. The fact is that Indian gaming is the most heavily regulated gaming industry in America. The tribes have three layers of regulatory bodies they have to deal with. The tribes themselves have their own law enforcement and court systems to provide oversight on the reservations. And tribal regulatory and control standards are generally equal or greater than State or industry standards. The tribes must also deal with a host of Federal regulators—including the Department of Justice, the FBI, the IRS, and the Department of Interior. And as a result of the Indian Gaming Regulatory Act of 1988, the States have also been given a role to limit Indian gaming during the compact process.

Mr. Speaker, another fact is that in Indian country, the money generated from gaming must, by law, be used for purposes to benefit the tribes. Today, the tribes employ 140,000 people nationwide, with about 85 percent being held by non-Indians. The tribes have used their gaming dollars to build schools, homes, and health clinics to better serve their members. But I have some real concerns about this bill. I am concerned that while this Commission will focus a great deal of its time on Indian gaming, there is no guarantee that a person from Indian country will even be a member of the Commission. I hope any Senate bill will include a provision requiring two members of the Commission be from federally recognized tribes who engage in gaming. Finally, Mr. Speaker, I remain deeply concerned that there are some people in the House who would like to use this bill as a vehicle to attach amendments that would be detrimental to Indian gaming. If this bill passes the House and moves over to the Senate, I would hope that body would reject any attempt to add such amendments to this bill. Such a move would be unwise and counterproductive. It would lead many people who support this bill, to actively oppose it.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

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

I rise in support of H.R. 497, which would establish a national commission to study the impact of gambling in America.

Numerous studies have been conducted on the impact of gambling, studies which have generated a variety of conclusions, largely dependent on who funds them.

This commission will be unique in that it will hopefully provide an objective and dispassionate view of the economic and social effects of gambling. This kind of information is vital if we are to make responsible decisions about commercial and governmental gambling.

If gambling continues to generate popularity as a revenue-generating mechanism, we will need accurate information in order to help State, territorial, local governments, and Indian tribes make decisions about gambling.

Earlier in this debate, the gentleman from American Samoa [Mr. FALEOMAVAEGA] and the chairman, the gentleman from Illinois [Mr. HYDE], entered into a colloquy to clarify the roll of territories in this legislation. I support the effort of my friend in that regard.

I am especially interested in what the commission's findings will reveal about the affects of gambling on our local economies. My home of Guam is considering legalizing casino gambling as a way to attract more tourists to our island. I do not think it is necessary, but we need information in order to make that decision better and more effective for our local community.

Support H.R. 497.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise against the bill because of its negative impact on native Americans.

Mr. Speaker, a National Gambling Commission is in many ways an unnecessary intrusion by the Federal Government into the business of State and local and tribal governments. It will cost millions of dollars to fund the Commission and its study, which can surely be put to better use.

There is no evidence that such a study is even necessary. The gambling operations of the native American tribes, which would be one of the subjects of this study, have shown no evidence of any connection with organized criminal activity. The bill does not provide a requirement that there be native American members of the Commission.

The bill's study does not cover all forms of gambling.

Indian gambling has produced hundreds of thousands of jobs, both directly and indirectly, and has been of tremendous economic benefit. This is the first time that the tribes have been able to bring in a significant amount of revenue, and they have used it for hospitals, schools, and other improvements to their communities.

Creating this Commission will create another Federal bureaucracy which will have subpoena power.

Regardless of one's position on whether gambling is a positive or negative force, the States and localities must decide for themselves, and they are already doing so.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Speaker, I proudly represent the Second District of New Jersey, which includes Atlantic City and the casino industry in Atlantic City. New Jersey also has a State lottery and racing and other types of legalized betting.

In turn, New Jersey is able to provide programs for senior citizens, programs for the disabled and programs for schoolchildren that would not be there if it were not for this source of revenue.

Mr. Speaker, this is not an area for the Federal Government to get involved in. It is an area that has been run by the States. It is an area that has been based on the approval by the people of those States.

Gaming includes a wide variety of activities in States. It involves racing, lottery, sports betting, charitable gaming, and the casino industry.

I would like to at least suggest that this study be completed by those involved in the industry at the State and local level, those who know it best, and that its results be shared with States and local governments, and that if Federal issues are to be examined, that the agenda should focus on Indian gaming and gaming on the Internet.

I can tell you, Mr. Speaker, what this study is going to find. It is going to find that there were a lot of jobs that were created because of the industry, good-paying jobs, with good benefits. It is going to find that has been a reduction in the welfare roles because people have been put to work. It is going to find a highly regulated industry that is extremely well run. It is going to find that services provided to the elderly and disabled would not have been there if this industry would not be allowed to flourish, and it is also going to find

that educational funds for our children have been enhanced because of the revenues that they receive from the gaming industry.

Mr. Speaker, I strongly urge a "no" vote on this bill.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

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

I would like to begin by saluting the gentleman from Virginia [Mr. WOLF] for his hard work on this particular bill.

We are hearing a lot about what this bill is and what it is not. I think one of our former Presidents once said, "Education is expensive, but ignorance is even more expensive." This bill is about educating the American people. It is not about mandating the States. It is about getting information out to the people about what the gaming industry and the gambling is doing to our small businesses and our families and our wages. That is what this is about.

I recommend the "Luck Business", by Robert Goodman, to see some of the devastating consequences that gaming is having in our small communities.

Second, this is about values. Our values in American society are not to say to our children, "Go out and win the lottery. We are going to go out to 7-Eleven and buy enough tickets and go gaming and gambling, and that is the way to make the American dream." It is about hard work and sacrifice and commitment.

So let us study and see what this proliferation of gambling is having on American families and American small businesses. That is all this bill does.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER], the ranking member of the Committee on Resources, which should have had jurisdiction over this bill.

Mr. MILLER of California. Mr. Speaker, I rise in support of this resolution, and I want to commend the gentleman from Virginia [Mr. WOLF] for bringing it to our attention and the gentleman from Illinois [Mr. HYDE] and the Committee on the Judiciary for reporting it.

I wish that our committee would have spent more time on it because of its significant impact on Indian gaming in this country.

But I think with the proliferation of gambling in the United States, we have got to ask these questions. We have got to start to have some answers as to the real impacts of gambling. There is a lot of impact that appears at first, and a lot of it appears positive, but there are obviously some ongoing studies, anecdotal evidence from communities that some of it that is so positive in the beginning maybe turns out not to be the case later.

□ 1215

I must also say that I am concerned that this resolution starts to get into a number of areas that are beyond those generic questions as to the impact of gaming on our families and our communities and our social structure. Many of the areas where States have made decisions, the people have voted to engage in this activity, and we do not get back into trying to create some type of Federal regulatory body.

But I think the resolution on balance is a good one. I would hope that the members of the Commission will remain sensitive to the unique status of the Indian tribes and the laws and the treaties governing those tribes and the laws that govern their ability to conduct gambling as a result of State activities in which those tribal lands reside.

So I hope that this Commission will be productive, and I hope that it will be able to report back to us, so that decisions can be made by us, I think individually, because I think we are going to find out most of these decisions reside with the States, as they have properly in the past. But maybe this national Commission will have enough status so that local communities and States can make informed decisions before plunging into the further expansion of gambling before they know the results and whatever the downside may be.

Mr. HYDE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this legislation. I might remark, as one from New Jersey, which has a strong gambling casino industry, nevertheless I believe this is a study that is long overdue. I rise in strong support.

Mr. Speaker, I rise in strong support of this legislation which would set up a commission to study the impact of gambling on our Nation. I also do this as one from New Jersey a State that has a casino industry that is nationally prominent. This study is long overdue and I commend my good friend from Virginia for his hard work on this important issue. In doing so, he has recognized what many of us have also grown aware of—that the moral, social, economic, and political ramifications of gambling are far too great to go unaddressed any longer. We must carefully evaluate what has become an uncontrollable epidemic that has destroyed peoples lives and families.

All we need to do is look at the staggering statistics on gambling. The amount of money legally gambled has skyrocketed by 2,800 percent since 1974—from $17 to $482 billion in 1994. Moreover, the $40 billion in revenue raised in 1994 from all gambling related activities is more than all of the combined revenue raised from movie theaters, sporting events, theme parks, cruises, and music concerts.

The economic impact of gambling on community businesses can be devastating. Money that would normally be invested into local economies is instead being thrown away at the nearby casino. Local merchants, retailers, and restaurantuers are seeing business dry up because the money that people used to spend on their goods and services is being gambled at the card table, the slot machine, the scratch off lotto cards.

The reality of individual and family owned businesses going out of business is exacerbated by the corporate structure of casinos. Casinos provide cheap food and entertainment on site in order to keep gamblers near the action, and to keep spending money. So, in order for restaurants to remain competitive and attract business, or just to take advantage of a State's liberal gambling regulations, many restaurants generate more money from their video poker machines than they do from selling food.

And, as individual dependency on gambling grows, so too do the loss of homes and jobs. Families are faced with bankruptcy and unpaid bills. Divorces increase, families break up, and chronic gamblers contemplate suicide. Theft and crime increase. Crime rates are twice as high in places with gambling. In 1994, towns with casinos saw a 5.8-percent jump in crime while the national average fell 2 percent. And, a 7.7-percent increase was seen at places with casinos in operation for less than a year.

People such as Betty Yakey, a 65-year-old woman from Louisiana, lose $190,000 to the lures of gambling. In doing so, she used up her grandson's college savings. Other people in Betty Yakey's position sell off possessions and file false theft reports to collect insurance to feed their habit. This habit not only destroys the life of the gambler, but also the lives of spouses and children, and in Betty Yakey's case, grandchildren. Gambling is not just an individual problem, but one that a whole family must face together. And, it is an issue that must be recognized and addressed by gambling interests.

However, the irony in all of this is that those responsible for making sure that gambling habits like Betty Yakey's continue to be fed are the same people who are responsible for writing gambling regulations and issuing casino licenses. These are our State legislators, many of whom have been corrupted by the gambling lobby.

State legislators facing sagging economies justify gambling with the argument that, without the revenue generated by gambling, they would be forced to either increase taxes or cut programs. But, they set gambling policy having already received huge amounts of money from gambling interests within the State. In Illinois in 1995, gambling PAC's contributed $1.2 million to State legislators, including almost $100,000 each to the Governor and the House Republican and Democratic leaders. In Louisiana, gambling put more money into campaigns than the next four industries combined. In 1994, gambling interests gave $3.1 million to parties and candidates, making them one of the top five special interest contributors.

Gambling is a drug, an addiction just like alcohol or cocaine. The bottom line is that the gambling industry and State legislatures do nothing to stop the promotion of gambling as

family entertainment. They are willing to watch small businesses fail, crime spread, and families fall apart—all to raise revenue, precious revenue. See, gambling is a State tourist attraction, as are theme parks and ski resorts. Mississippi generates two-thirds of its gambling revenue from out of State, mainly from Florida and Tennessee. People flood into Mississippi and spend their money, then they leave and take their problems home with them.

It is estimated that Gamblers Anonymous groups have almost doubled to over 1,000 since 1990. Is this what we want to perpetuate in the United States? State-supported addiction? Is it worth destroying peoples lives, families, the moral backbone of our Nation, just to make some money? I certainly think not.

We must move forward and scrutinize the impact of gambling on all levels. Support Congressman WOLF's legislation. Our Nation can't afford to do without it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding me time, and I appreciate the chairman for bringing this bill to the floor, and I appreciate the work of the gentleman from Virginia [Mr. WOLF] as well.

Mr. Speaker, I have a particular interest in one section of this that the committee was gracious enough to accept as part of this. I am on the committee and was glad to be able to add this.

It has to do with the effects of advertising concerning gambling. Because my concern with respect to gambling advertising, as with the advertising of other vices, such as alcohol and tobacco, is that what happens is something that is essentially negative and bad, for a person gets glamorized and misleads the public into thinking that there is something very positive and fulfilling and wonderful and glamorous about partaking in this.

What happens with our legislation is that it calls for a review, particularly, and an assessment of the effects of advertising concerning gambling, including whether the advertising has increased participation in gambling activity, the effects of various types of advertising, including the sponsorship of sporting events, the relationship between advertising and the amount of the prize that is going to be awarded, and an examination of State lottery advertising practices, including the process by which States award lottery advertising contracts.

I think it is terribly important, because what it strikes me is happening is we are undermining and misleading the public with respect to creating the false impression that gambling is a legitimate, bona fide, way to get rich quick. That is really what is behind so much of the advertising.

I would also like to say, Mr. Speaker, and I am very happy about this, there was an attempt in the telecom bill to make casino gambling advertising legal on television. That had been brought in from the other body. When in conference, and I was a conferee on that committee, I was able, with the help of the gentleman from Virginia [Mr. WOLF], and a number of other people, to make sure that that specific section was knocked out.

Mr. Speaker, we need this to find out exactly what the impact is of advertising on gambling.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, when the 104th Congress began, it was our mandate, it was alleged, to enhance the role of State government, to reduce the role of Federal regulations, to ease the burdens on industry. And now here we are, a year later, creating a new Federal commission to review an industry that has always been the province of the State government, an industry about which the Federal Government has never been involved and has no expertise. And, to compound the problem, this new Commission will all be named by elements of the Federal Government. No involvement by the attorneys general, who have enforced the laws for 200 years, no role by the State Governors, who have had this responsibility, and no role by tribal leaders, who now have the fastest growing element of this industry. We have managed to ask a recommendation uniquely from the one element of government in the entire country with no expertise, no knowledge, and no involvement.

Mr. Speaker, I see the realities that the Commission may carry the day. Let me at least suggest this: The other body has a chance to improve it, get the Governors involved, get the industry involved, get the tribal leaders involved, to make it a better report.

While I may still believe that it is the role of the Federal Government that is not appropriate and I oppose the Commission, let us at least for the record make this clear: The gentleman from Virginia [Mr. WOLF] in his statement earlier made clear, this Commission does not have a mandate for new Federal taxes. It is my belief it does not have a role in new Federal regulations. I have heard no Member come to this floor talking about new Federal taxes on this industry.

Let the record at least be clear on this: this is the most taxed, most regulated, most inspected industry in the United States today. In New Jersey alone we have 1,000 inspectors for 12 casinos. The petroleum industry, the chemical industry, the drug industry, none of them have that level of involvement. If you own any part of any company involved in casino gaming in New Jersey, you, your family, your finances, your holdings, are inspected.

I hope, Mr. Speaker, in the other body we can make this a Commission that really involves the industry and our States in what is a State industry.

Mr. HYDE. Mr. Speaker, I include for the RECORD a letter from the chairman of the Committee on House Oversight with reference to this legislation.

COMMITTEE ON HOUSE OVERSIGHT,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 1996.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN HYDE: On Tuesday, March 5, the House will consider on the suspension calendar, H.R. 497, to establish a Commission to study the impact of gambling in the United States.

A portion of this legislation directs the Commission to study the impact of campaign contributions on public policy related to gambling.

Under House Rule 10(h) 12 and 15 the Committee on House Oversight has jurisdiction over matters pertaining to "corrupt practices" and "the raising, reporting, and use of campaign contributions for office of Representative. . . ."

The parliamentarian has indicated in consultations with the Committee that the consideration of this bill on suspension does not constitute any precedent for avoidance of this Committee's jurisdiction in future matters that relate to campaign finance as a matter of Federal public policy.

I would appreciate your entering this letter as part of the record during the floor consideration of H.R. 497.

Thank you very much for your cooperation on this matter.

Sincerely,

BILL THOMAS,
Chairman.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Speaker, I have several contentions with this bill. First of all, I have heard testimony over the last year about that this bill is just a study, and what is wrong with a study? One of the reasons for this study is just to give States the information so that they can make the decision about whether they should have gambling legalized or not, because there is the assertion made that the States do not have the proper information to make that decision at this point.

The sponsor of this bill, the gentleman from Virginia [Mr. WOLF], his own State defeated a State measure that would have legalized gaming in Virginia, even though they were outspent, I think it was something like 16 to 1, by the casino industry to try to legalize it in that State.

State after State after State is defeating legalized casino gaming. It seems that they do have the information to make the decision that is proper for their own State. And that is my biggest contention with this bill. Where in the Constitution can anyone point out to me that this body has oversight over legalized casinos that are regulated by a State? Nowhere in the Constitution.

Now, if one wants to regulate Indian gaming or regulate Internet gaming,

that is interstate commerce, we certainly have the constitutional jurisdiction to do that. But we do not have the jurisdiction in this body over regular casinos.

Second, this legislation should require that the study commission make recommendations regarding purely State gaming policy issues, and that those recommendations be directed to the States, not to this body. Because our biggest fear is that people will take this information into this body and make either taxes, which the gentleman from New Jersey [Mr. TORRICELLI], referred to, or more regulations. We feel that this is a thinly veiled disguise for future regulation of the gaming industry. This is purely a State issue that should stay at the State and local level.

Last, let me conclude by saying that to improve this bill we should at least have local and State input. People on the gaming commission should at least be local mayors, legislators, and State Governors.

Mr. Speaker, I rise in strong opposition to this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania, even though the gentleman is bitterly hostile to what we are trying to do.

The SPEAKER pro tempore [Mr. ROGERS]. The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 2 minutes.

Mr. GEKAS. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, the cost of this venture into the inquiry on gambling is going to be about $4 million. It occurred to me that this Congress, and I approve of its measures to a large extent, is seeking ways to cut spending, so the $4 million you might say means nothing. We can gamble that away in 2 minutes.

But this same Congress, which is now about to vote $4 million for this gambling commission, has eliminated the Administrative Conference of the United States, a little, small bureau that was very useful, which only cost $1.5 million. We zeroed it out to save $1.5 million. And now, in a double or nothing mode, we are doubling the expenditure for the purpose of this commission. That is a little odd, and it gives me a great discomfort about the priorities that my own leadership is trying to set in cutting the budget. That is No. 1.

Mr. Speaker, I just wanted to make one other observation. When the gentleman from Michigan [Mr. BONIOR] was at the well, he very properly enumerated a lot of different statistics about what others had learned and other studies have created about the evils of gambling. That is the point.

We all know what the evils of gambling are. We can call the Library of Congress and in 6 minutes get every single report and analysis ever made on gambling and have it on this floor for final consideration of what evil gambling poses to the American public, and we need no commission at all. We have the information at hand. We know it is bad when gambling becomes a vice, not just a play thing.

So I am eager, if at all, to defeat this resolution and go about the business of cutting the budget.

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

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 3½ minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, this has been the month of self-repudiation by the Republican majority. Last week, the Party of Free Enterprise brought forward a bill which said that while the free enterprise system can handle telecommunications and computers and automobiles, it is not quite up to peanuts or sugar. So peanuts and sugar remain exempt from the free enterprise system in this Republican bill.

Now the party that talks about States' rights is planning to spend millions of Federal dollars on a study that will, among other things, look into the enormous national question of, and I quote from page 6, "an examination of State lottery advertising practices, including the process by which States award lottery advertising contracts."

Apparently the States, now we are going to test them. We are going to let them experiment with easier issues like Medicaid, welfare, a few things like that. Once they have shown that they can handle Medicaid and welfare, then maybe we will let them handle the tough issue of lottery advertising contracts.

Now, how do people who purport to be advocates of States' rights tell us we are going to spend millions of Federal dollars to investigate the way the States issue lottery contracts, and tell the States how to do it better? Because on page 5 it says this commission shall look into gambling and make such changes, it says, existing Federal, State, and local policy and practices with respect to legalization and propose such changes in those policies and practices as the Commission shall deem appropriate.

Here come big brother and sister, not out of the goodness of the heart, by the way, under this fiscally responsible Congress. These people will be paid at an annual rate of $115,000 a year for 2 years, depending on how many meetings they have. They can self-pay. They can generate meetings for themselves until they myth the $115,000. And they will be investigating the States and proposing recommendations and changes in what the States do.

This confirms my view that there is not on the other side any consistent belief in States' rights. The people on the other side believe that the issue should be decided at that level of government where they will like the outcome.

□ 1230

There are many over there who do not think that people should gamble. The States have, from their standpoint, been lax. So forget about the States rights stuff. We will stick Thomas Jefferson back on the shelf. We will spend millions of dollars to make these recommendations of what the States are doing. I presume we will probably be then asked to act on these things.

By the way, whatever happened to the notion of government not interfering with individuals? How dare these adults earn money and go out and gamble. How dare they offend the morality of some of our friends on the other side who do not think it is right.

I read the Washington Post series. Do my colleagues know what it sounded like yesterday? Prohibition of alcohol. Sure, we can find in any human endeavor people who abuse it. There are people who smoke too much and drink too much and gamble too much and they buy more expensive cars than they ought to buy, and there are people who watch too much C-SPAN and become adversely affected.

But in a free society, in a free society, particularly people who purport to distrust government do not answer that by saying, The government will tell you what to do with your money; you are not doing it wisely. That is obviously the premise behind this.

Then, of course, we have the Indians, who have been running casinos quite successfully. And they listen to these kinds of assaults on them and, as I have said before, I believe that this kind of legislation further convinces native Americans that the only mistake in Pat Buchanan's immigration policies is that they come 300 years too late, because the native Americans have been running the gambling quite successfully and they have been benefiting from it. And here comes big brother and sister, millions of dollars, forget about the States, forget about the Indians, forget about individuals rights. We know better and we will tell you what to do. It is wholly inconsistent.

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

The SPEAKER pro tempore (Mr. ROGERS). The gentleman from Illinois [Mr. HYDE] is recognized for 4 minutes.

Mr. HYDE. Mr. Speaker, I hesitate to quote Shakespeare, and probably inartfully, but me thinks "thou doth protest too much" seems to hang over this Chamber today.

I have never heard so many Members defending States rights. This is virgin

territory for them, and I welcome them to the ranks of States rights defenders, but I almost began to imagine the Stars and Bars were being waved over there with some vigor because, God forbid, the Federal Government cross into a State to examine its gaming industry.

First of all, there is no proposal to regulate here. There is no proposal to tax. The only proposal is to recommend changes. We do that every day in the thousands. We are great change recommenders. But that would be based on a study made of an industry that is indeed an interstate industry. It is a national phenomenon, and it deals with big, big money. It has an impact on commerce.

Money that is spent in a casino is not money that is spent in a local store or retail outlet, and that is fine. Let people spend the money the way they want. Let them gamble up a storm. I once heard about a slot machine that took wristwatches when you ran out of money. That is all right. Let it happen. But let us know about it. Let us study it. Let us find out what the impact is on our society, on our commerce, and on the people engaged in this activity.

It is a legitimate activity. I would never want to declare it illegal. But what is wrong with learning something about it? I do not think there is anything wrong with it.

All this bill does is set up a commission. We assume and hope and expect that it will be fairly constituted by people of intelligence and integrity, and at the end of the 2 years we will know something about a major industry dealing with important money in this country. I do not see anything wrong with that.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to support H.R. 497, legislation to establish a National Gambling Impact and Policy Commission to study gambling in the United States and recommend any appropriate changes in public policy in light of the Commission's findings. The results will provide an objective body of data about the gambling industry which does not currently exist.

This issue is certainly worthy of examination and H.R. 497 is a reasonable step on which to proceed. Over the past 10 years various types of gambling have spread to most every State. The expanded availability of gambling has greatly increased the number of people participating in and the amount of money spent on gambling on a regular basis. Such a large increase over such a short period of time certainly warrants a study of the issue.

It should be noted that this legislation in no way targets one type of gambling over another. Nor, for example, is it intended to concentrate on Indian gaming more than charitable gambling or keno more than video poker.

Mr. Speaker, this Member urges support for H.R. 497.

Mr. PACKARD. Mr. Speaker, as a cosponsor of H.R. 497, The National Gambling Impact and Policy Commission Act, I would like to encourage all of my colleagues, both Democrat and Republican to support the establishment of such a Commission.

With the recent explosion in the number of casinos across the country, concerns have been raised about the effects of expanded gambling Advocates of legalizing gambling promise economic growth, jobs, and windfall of tax revenues. However, we must also consider the negative impacts which include regulatory costs, lost productivity and more importantly, the social costs.

This legislation would create a blue ribbon panel charged with the duty of conducting a comprehensive and objective study of gambling in the United States. Negative impacts of gambling on State and local economies, small businesses and families can no longer be ignored. Crime and social problems related to gambling could add to already overburdened criminal justice and social welfare systems. This issue is of particular concern to myself and my district because of largely unrestricted Indian gaming and its impact on the community. But this is more than a local issue. It is an issue of National social and economic importance.

Mr. Speaker, the States, local governments and citizens need unbiased and factual information about gambling. Gambling must be carefully studied to provide citizens with all the information they need when deciding whether to allow legalized gambling in their communities. I strongly urge all of my colleagues to support H.R. 497.

Mr. HYDE. 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 Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 497, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 497, the bill just passed.

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

There was no objection.

REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

As required by section 108(b) of Public Law 98-373 (15 U.S.C. 4701(b)), I transmit herewith the Sixth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1994 to January 31, 1996).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996.*

REPORT ON DEFERRAL AND PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-182)

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

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $91 million, and two proposed rescissions of budgetary resources, totaling $15 million.

The deferral affects the Department of State U.S. emergency refugee and migration assistance fund. The rescission proposals affect the Department of Agriculture and the General Services Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 1 p.m.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until approximately 1 p.m.

□ 1301

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore. [Mr. ROGERS] at 1 p.m.

THE CIVIL RIGHTS COMMISSION AMENDMENTS ACT OF 1996

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

Mr. FOLEY. Mr. Speaker, last year the U.S. Commission on Civil Rights subpoenaed members of the Florida proposition 187 committee, a grassroots organization interested in curbing illegal immigration. The Commission went so for as to subpoena all of the group's internal documents, including reports, memos, and computer-generated printouts. In the words of one housewife who was paid a visit by a

U.S. marshal, she felt intimidated and harassed by the Commission and felt like she was living in the land of the Gestapo.

By statute, the Commission is granted subpoena power to conduct fact-finding hearings on discrimination and racial tensions. But whose civil rights are they protecting? It certainly does not appear to be the rights of those Floridians who were exercising their constitutional rights of free speech and free association.

Regardless of any individual's personal beliefs or political associations, no one should be subjected to this type of intimidation by Federal agencies. It is for this reason that I am introducing the Civil Rights Commission Amendments Act of 1996 to prevent further fishing expeditions at the expense of law-abiding citizens. The bill would allow the Commission to subpoena only government officials, or in cases where a person's right to vote has been violated.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

PROMOTING GREATER EDUCATIONAL CHOICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise today to focus on a very serious debate that has been going on back here in Washington over the last several weeks. In fact, it is a debate that reminds me, the longer I serve in Congress, the more convinced I become that Washington just does not get it.

Mr. Speaker, I am referring to the fact that the District of Columbia appropriations spending bill is now held up in the other body under the threat of a filibuster, and for one simple reason. That is because Senate Democrats are opposed to the notion of giving low-income students, those students who come from low-income families here in the District of Columbia, educational choice.

The House version of the District of Columbia appropriations bill contains language that appropriates funds for a demonstration program, the idea being to grant scholarships or educational vouchers to these particular students.

Bear in mind a couple of facts: One, the District of Columbia schools have the worst performance record of any inner-city school district in the country in terms of test scores and graduation rate. Only 56 percent of the students in the District of Columbia public schools graduate from those particular schools. Yet, our political opponents here in the Congress remain vehemently opposed to the notion of even trying or experimenting with school choice right here in our backyard in the District of Columbia public schools through the partnership that we are trying to create between the Congress and the District of Columbia public schools.

Despite their adamant opposition, we have a message, those of us who believe in real educational reform, we have a message for those in the other body and here in the House who have been fighting our plans to try to reform and improve the District of Columbia public schools, and for that matter, public education across the lands.

That is that voucher programs, the idea of promoting educational competition through a greater choice and the idea of giving parents the full range of choice across all competing institutions, that is an idea whose time has come. Voucher programs are moving ahead around the country, certainly in Wisconsin, where Milwaukee public schools have now expanded their particular educational choice or voucher program to include 15,000 inner-city students, and in my home State of California, which will have a statewide initiative on the November ballot providing for educational choice through a voucher system.

This is a terribly important debate going on back here in Washington. Let me tell the Members what is at stake here is nothing less than the success of the U.S. economy. According to a James Glassman article in last Tuesday's Washington Post, languishing wages, which is obviously an issue that keeps cropping up in the Republican Presidential primary, languishing wages, this idea of income stagnation in America, can be linked directly to a poor education and training system.

That deficiency begins in our primary and secondary schools, especially in our high schools, where high school test scores and a high school diploma have been watered down to the point of almost becoming meaningless in terms of predicting a student's ability to go on to a higher education institution, or to obtain a good-paying job in the workplace.

Therefore, we are trying to promote greater educational choice. We realize private schools cannot replace public schools, but we believe that the model for U.S. secondary education should be the U.S. higher education system, which is the best in the world. One of the reasons it is the best in the world is because we have robust competition between private and public universities, and that has raised the quality of both. How ironic that we have educational choice in preschool and in higher education. The only place we do not have it is in our primary and secondary schools.

Why is that? Really, U.S. News & World Report last week, I think, points up the reason why we do not have greater educational choice in this country. That is the militant opposition of the teachers unions, which have become the campaign arm of the national Democratic Party, and which are still operating based on an old-fashioned 1940's and 1950's industrial union model.

The largest union is the National Education Association, the NEA. The other union is the American Federation of Teachers. Both of these unions, according to U.S. News & World Report, are "driving out good teachers, coddling bad ones, and putting bureaucracy in the way of quality education." Both of these unions are fiercely opposed to the idea of educational choice and promoting greater competition in education.

They also, of course, donate millions of dollars to the Democratic Party and their candidates. In fact, a second article in the Washington Post last week pointed out that the NEA, the National Education Association, is the largest union in the country, with 2.2 million members. They are the richest, with a nearly $800 million budget. They are also intertwined in Democratic politics, really the campaign arm of the National Democratic Party.

I will conclude, Mr. Speaker. I want to talk more about this in later special orders. I just want to conclude by quoting Stephen Jobs, the founder of Apple Computers, who said he has probably spearheaded giving away more computer equipment to the schools than anybody on the planet, but he has come to the inevitable conclusion that the problem is not one technology can solve, it is a political problem. The problems are unions. You plot the growth of the NEA and the dropping of test scores, and they are inversely proportional. He concludes: "I am one of those people who believe the best thing we could ever do is go to the full voucher system."

EXPRESSING APPRECIATION FOR CONGRESSIONAL SUPPORT FOR EVERGLADES PRESERVATION LEGISLATION, AND ADDRESSING TOPICS WHICH CREATE HAVOC IN THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, first of all, I want to thank the Congress for their excellent efforts on behalf of the Everglades in Florida, with their resounding 299 vote of support for the $210 million appropriation for our National Park, the Everglades.

Particularly I would like to thank the Speaker of the House, the gentleman from Georgia, NEWT GINGRICH,

for appearing in the well and debating this issue with me for the preservation of our endangered Everglades. I think Congress sent a message across America that this is a bipartisan effort to preserve and protect our environment, and I again applaud the Speaker and the gentleman from Texas, [Mr. ARMEY], and others who valiantly supported our efforts, as well as the gentleman from Florida, [Mr. DEUTSCH], and members of the Florida delegation, for their strong, steadfast belief that in order to preserve the quality of life of Florida, we must protect our natural resources, including our water supply.

I would also like to take a moment to commend the Caring Foundation in West Palm Beach, FL, headed by Larry and Betty Brown, who are dear friends of mine. They put on a performance called We the Living, which was produced by the School of the Arts and the South Area High School. It is a play reflecting the problems faced by our youth today regarding drugs and violence.

The young people put on this performance to display the concerns that are expressed in the school environment: the peer pressure, the degradation of life, and all the tragedies that result in the abuse of narcotics. It is important today, as we have many closeup students in the gallery, to understand how destructive drugs are and how destructive violence is in our school system.

"We the Living," the play, exemplified why students are fighting, fighting for survival in the classroom, fighting for survival in the streets of our communities, all recognizing that the one fundamental problem that is so difficult for them to overcome is the influence of drugs in our society and the influence peer pressure has in the first attempt to use drugs.

Again, I applaud the Caring Foundation, and I urge all of our schools and all of our youth to do what they can to not make it cool to be involved in narcotics or illegal activities, but in fact, that it would be cool to say no. As in the DARE Program and the Just Say No Program, stand up and be counted against the destruction of human life, the destruction and aggravation of human suffering which drugs provide.

I would also like to speak about child abuse today, because that is another topic that is creating tremendous havoc in our Nation. Our children are abused daily. We are reading about more shocking details of abuse and abandonment, both sexually and otherwise, and it just has to stop. As a nation, we have to lead the charge against child abuse, most strictly penalize those that would bring about child abuse, especially sexual abuse, and fight for the rights of our children, because once they are abused, it is a very difficult and tragic way to come back into society. Palm Beach County is starting a Home Safe project, which will give children a chance to be in an environment safe from the dangerous opportunities they experienced in their homes.

I would also like to take a moment and look at the headlines "Hamas Bomb Kills 13 at Mall in Tel Aviv; Bomb Ravages Israel." The war in Israel is a tragedy. The New York Times did a wonderful editorial today, basically outlining the problems: The suicide bombings, the difficulties that are being experienced by the people of Israel. We in America, and I know my colleague, the gentleman from Pennsylvania, JON FOX, joins in a strong condemnation of these attacks, a strong condemnation against violence, not only in Israel, but in London and in other places around the globe.

□ 1315

But the one thing they stress in the editorial, the war in Israel, the war between a small group of fanatics who want to destroy the chances for peace and the millions of Israelis and Palestinians who want to live side-by-side in peace, prosperity, and security, the fanatics must not be allowed to prevail.

Both sides, the Israelis and the Palestinians, want peace. There are a few radical groups that are trying to dislodge that peace. We must remain calm and committed to peace in Israel. We must remain calm and keep the PLO and others at the table to ensure the survival of the Middle East. We cannot condone or tolerate terrorism, and we certainly cannot condone it in Israel or, as I mentioned, in London. It simply must stop.

The hatred, the violence, the antisemitics in this country must stop. The campaigns that are being waged for the Presidency, the dialog needs to change and we need to focus on the future of America, not dividing people by color, race or ethnicity, not dividing people by differences of opinion, but thinking of what unites this country together in a spirit of independence and democracy.

This is the greatest Nation in the world. We have so much to be proud of, and at the same time we seem to be destroying everything we have worked for for 200-plus years by divisive, nasty, mean-spirited debate. It needs to stop, and it needs to stop by arguments by both sides of the aisle that for democracy to prevail, men need to think with their heads clearly, committed to compassion and to people's rights.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROGERS). The gentleman is reminded that Members are not to make reference to visitors in the gallery of the House.

THE 104TH CONGRESS PROMISES BRIGHT ECONOMIC FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I join with Congressman FOLEY in his astute remarks regarding our need for prayer for the families of those who were killed and those who were injured senselessly in Israel in recent days and weeks at the hands of the Hamas. We certainly cannot tolerate this kind of violence in this country or any other country, including Israel, one of our greatest allies in this world.

I do hope, as Congressman FOLEY pointed out, our work will continue with this country and with Israel to make sure the peace process moves forward, and the senseless acts of a few fanatics will not deter us from our mission to restore peace to the Middle East. And whatever we can do as a country, working together with the White House and our President, there is a resolve within this House and within this Congress that we do everything and anything we can to make sure that peace is brought to that region of the world and that we support Prime Minister Peres in his efforts to continue the peace process.

I have today the opportunity also to introduce legislation which goes to much of what the 104th Congress on a bipartisan fashion has been working on, and that is to create jobs, have a pro-growth Congress which will sustain not only the economic future of America but make sure there are better chances for more jobs. That is why I have introduced today legislation dealing with creating and providing tax credits for investment and research and experimentation. These are pro-business, pro-people measures which I think will help create the jobs and the investment that is important.

Specifically H.R. 2984 will extend the research tax credit through December 1997, expand the definition of start-up firms, allow taxpayers to elect an alternative incremental credit process, and treat 80 percent of research as qualified instead of the 65 percent limit we now have. In addition, the 10 percent investment tax credit will be reinstated and have the effect of reducing the tax burden on new investment, speeding up the growth of the economy, improving competitiveness of the U.S. business firms, and laying the foundation for a future rise in the United States' standard of living.

I would ask that the Congressman from Florida [Mr. FOLEY], and the Congressman from California [Mr. RIGGS], join me in this special order with regard to the kinds of things that we have been trying to do in this Congress, in this historic 104th House, to get our fiscal house in order.

I am speaking of balancing the budget, having a line-item veto passed, my legislation to sunset review Federal agencies that have outlived their usefulness or should be privatized, downsized or consolidated, the kinds of things we have done to help businesses by having deductibility for health insurance, regulatory review so it is easier for businesses to operate. And also our legislation has already brought $190 billion in spending reductions and $190 billion in deficit reduction.

So I would ask the gentleman from Florida [Mr. FOLEY], to tell us with regard to the interaction you have had with your constituents in Florida, have they discussed with you the benefits they see of having a balanced budget, one that would be bipartisan and one that would embrace collectively what the White House and the Congress wants with regard to our children's future and the country's future and a balanced budget.

Mr. FOLEY. Mr. Speaker, I appreciate the gentleman from Pennsylvania [Mr. FOX] yielding. One of the things that I hear from my constituents when I return home is the fact that the balanced budget is first and foremost in their minds. They are not necessarily interested in what party gets credit, but they want this Government to learn to live by the same standards our society imposes on the average citizen. Balancing your checkbook, that is normal. I mean if you do not, as you know, Mr. FOX, if somebody issues a worthless check, it is rejected by the bank.

Mr. FOX of Pennsylvania. Right.

Mr. FOLEY. If you overcharge on your credit card, they will cancel your card. If you do not pay your home mortgage, they will foreclose your home. But the Federal Government somehow spends $200 plus billion a year that they do not have and they call that compassionate and good Government.

Well, they are telling me, "MARK, seek out a solution. The rhetoric needs to stop. We don't want to hear anymore about during the Reagan years and the Bush years, those Presidents ran up the budget because you know the that Congress is the one with the checkbook, not the Presidents."

So it is our incumbent responsibility as legislators to focus on where the spending is occurring and how we alleviate the spending, and I think we have done a yeoman's job of attempting to portray that. You know, the other outside influences try to paint us as noncaring, wanting to destroy the fiber and safety net of this Nation. But to the contrary, when you read some great editorials, I think Mr. RIGGS referred to one earlier, Mr. Glassman has been great in portraying the fact that Republicans are not cutting near what is being accused, 7 percent growth rate in Medicare, 7.5. All of the programs grow in excess of CPI.

Mr. FOX of Pennsylvania. Mr. Speaker, reclaiming my time, to expand on that, people might be listening and saying, some of my colleagues, what is the advantage of a balanced budget?

Well, the advantage, according to Alan Greenspan with the Federal Reserve, is by having reduced interest costs it will be easier to afford a mortgage, easier to pay for a college loan, easier to pay for a car expense. Those kinds of things are in real dollars going to be decreased in cost if we can in fact pass a balanced budget, and also create about 300,000 new jobs a year. So the overall boost to our economy will be terrific.

Mr. FOLEY. People do not realize the nexus. The Government is out bidding for dollars like a private consumer. So while the Government drives up interest costs with its ever-excessive appetite for credit, it is driving up comparable mortgage costs.

A plain example by Mr. Greenspan is the fact that with current rates at about 7¼ to 7⅝ on a 30-year fixed home mortgage, we could see those rates decline to 6 percent, maybe below. A 2-percent difference in a $100,000 mortgage is $200 in savings in the consumer's pockets from interest savings alone, $2,000 per annum, which is about $180 per month in the homeowners' pockets to spend on their families, vacations, children's savings account, and what have you. So clearly, clearly the balanced budget will provide an economic windfall, not only for the taxpayers of having to pay fewer dollars into the public treasury, but more yield back home in their individual accounts.

Mr. FOX of Pennsylvania. Mr. Speaker, reclaiming my time, I think it is also important to note that frankly this can be done easily if we put our heads and minds and hearts into working together. We have seen since the beginning of this balanced budget debate that the majority side of the aisle has added $440 billion more funding for Medicare, for Medicaid, for the environment, for education, and for the earned income tax credit.

So those kinds of cooperative ventures by the Republican side certainly have gone without notice in some quarters, but are certainly not lost on those of us who are still speaking today in the well of the House, because we believe that there can be, in fact in the not too distant future, an actual agreement on the balanced budget. The President has actually said, under different year points he has talked about, we can have a balanced budget in any number of years. I think if we can just get to the table and talk about removing gridlock, getting away from finger pointing and not worrying about who gets the credit, it is amazing how much we can get done.

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Florida.

Mr. FOLEY. That is the sad part of the political debate, people need credit for everything. We were sent here from around the country, 435 individuals, 100 Members in the Senate, and the President, Vice President, elected by the people of America to lead, not to take unnecessary advantage but to solve the people's problems.

So again, I think we have got to put beyond our debate who eventually gets credit for the legislation. It is more important that the American public sense a victory here, that the consumer senses a victory.

Mr. FOX of Pennsylvania. I agree.

Mr. FOLEY. That the public at large senses that Congress is acting responsibly, that they are no longer going to send or return Members of Congress to this great body just simply because they said, "Look at all that I have done for you, and look at all the bacon and pork that I have brought home to our district. Isn't that reason enough to reelect me?"

It is about saying, "What have you done to reduce the burden on the American consumer, reduce the burden on business? What have you done to make it easier for us to educate our children?" I think these are the questions in the debate that is going to rage in November, not about whose party is right or whose party is wrong. It is about what did you personally do as an individual that we sent here to represent our great district, to make a difference in America.

Mr. FOX of Pennsylvania. Mr. Speaker, I would ask if the gentleman from California [Mr. RIGGS] would join us in this discussion regarding the balanced budget and its benefit to the country. From California, as a favorite son, he might want to give us a little bit of his insights into what his district believes and what he thinks is appropriate as we move forward in this debate.

Mr. RIGGS. Mr. Speaker, I very much appreciate the gentleman yielding, and taking the leadership initiative in organizing this special order.

What I would really like to do is compare the Clinton crunch with the balanced budget bonus; that is to say, the benefits to the average American family that will result from putting our fiscal house in order back here, eliminating deficit spending and balancing the Federal budget, versus the present economic predicament that we as a nation find ourselves in.

As both gentlemen will very well remember, the President back on January 23 visited our Chamber and stood at this podium right behind me to deliver his annual State of the Union Message, and in that speech just less than 2 months ago he told us that our economy is the healthiest it has been in three decades and he proclaimed the era of big government over.

We have all learned to expect, particularly from this President, some fairly outrageous statements. In fact, I think it was Jay Leno that pointed that out the other night. I guess we can sort of plagiarize from Jay Leno, because once he says it on The Tonight Show, it is out there in the public realm.

Jay Leno said the other night, "Republicans have the choice of eight presidential candidates." But then he went on to say, "But you know, the Democrats have much more than eight when you think about it. They have got the old Clinton, the new Clinton, the big-government-is-over Clinton, the highest-tax-increase-in-history Clinton, and so on."

Well, I think when we scrutinize the President's comments, we realize that, No. 1, the economy is not by any stretch of the imagination the healthiest it has been in three decades. And second, we realize that if the President really ended or would join us in ending the era of big government, and if he really helped us in turning over Washington power to individuals and communities, the American people would not now be experiencing the Clinton crunch: higher taxes and stagnant wages.

The reality behind the President's rhetoric is that in each and every year of his presidency, the typical American family has had less income than when President Clinton took office. Last year alone, the typical family earned $790 less than in 1992, according to the Census Bureau. But while family incomes have fallen, the family tax burden has risen in America and, that is a result obviously of policies adopted by this body prior to the Republican Party becoming the majority in Congress, and policies that were signed into law by the President during the first 2 years of his administration.

So we have had this Clinton crunch, this double whammy of stagnant wages and rising taxation, including payroll taxes rising on the backs of American workers. We all remember that back in 1993 the President and the liberal House Democrats or liberal congressional Democrats enacted the largest tax increase in history, and the result is that the typical family now spends 24.5 percent of its income in Federal taxes, a greater share of its income than at any other time in America's peacetime history. And we will remember, of course, that that Clinton democratic tax increase passed the Congress without a single Republican vote.

□ 1330

When you add up Federal, State, and local taxes, families today are paying more than 38 percent of their income in taxes, according to the Tax Foundation, and in many families that ultimately means one spouse has to work, not to support the family but simply to support the government and the burden of taxation.

So I want to talk a little bit about here over the next few minutes again those two factors, falling incomes and rising taxes, and how that has created the Clinton crunch versus the bonus that every single American family would receive from balancing the Federal budget.

I appreciate, again, the gentleman organizing this special order.

Mr. FOX of Pennsylvania. Reclaiming my time, I appreciate the gentleman's remarks. I think that you have been one of the leaders, along with the gentleman from Florida [Mr. FOLEY], in moving ahead in a fiscally responsible balanced budget debate and one that embraces, I think, what most Americans want, and that is more money in their pocket and less money in the Government's pocket, and that makes a big difference.

In addition to having a balanced budget and removing, you know, fraud, waste, and abuse from the Government, we are talking about tax reform, and that it is what the President campaigned on. He said he wanted to give us three things in 1992; he wanted to have a middle-class tax reform, balanced budget, and he wanted to end welfare as we know it. We have sent him three bills, and he has vetoed three of them. Hope springs eternal. I still believe in the long run he is going to sign bills we in a bipartisan fashion can agree on.

Mr. RIGGS. There is a certain irony in a new Republican congressional majority trying to help a Democratic President make good on his fundamental campaign promises. That is exactly the case.

Mr. FOX of Pennsylvania. It shows the cooperation we are giving.

Mr. RIGGS. That is right. Yet, as the gentleman points out, the President campaigned on promises of balancing the Federal budget, ending welfare as we know it, as you pointed out, cutting middle-class taxes. The middle-class tax cut was the centerpiece of his economic plan, which he called Putting People First. He certainly did not make good on any of those promises during the first 2 years of his administration, when he had a Democratic majority in the Congress to work with.

He has turned around, of course, in this session of Congress, vetoed legislation that would accomplish all three of those fundamental promises to the American people that we, the Republican majority here in the Congress, enacted with very little support from the other side of the aisle. There is a certain irony, again, in a Republican majority of Congress trying to help a Democratic President make good on his fundamental campaign promises.

Mr. FOLEY. I am anxious if somebody can tell me what is right with our welfare system today. For a President to veto what I believe is a bipartisan effort to reform a tragic situation that perhaps people in a welfare system, with no means of exit, how anybody can defend the current status quo and not be seriously concerned about not only the future of this Nation but those we pretend to care for is beyond me. I go home to the district. I would be interested if the gentleman from California [Mr. RIGGS] or the gentleman from Pennsylvania [Mr. FOX] have any other indications. When I go home to the district, my constituents resoundingly say, "MARK, help people with the Association for Retarded Citizens, help those mentally or physically challenged who have not been given the full tools to do what they need to do to function in society. But, by God, get healthy, capable, able-bodied people out of the welfare rolls and out in the workplace." What is good about the proposed legislation, not adopted by the President, but certainly, hopefully, in the near future will be, under that legislation you spoke of, there are some or many good points with it, the able-bodied people to be in a job within 5 years, with the Federal Government assisting with job training, job counseling, job placement, day care, if necessary. That is certainly, in a sense, moving ahead, still leaving a safety net for those who are unable to work, or have to take care of a child, and increased enforcement by Governors to collect child support.

I always love the example about the State of Maine, where they threatened to take away the drivers licenses of those deadbeat dads who have not paid child support, but all but 50 out of 21,000 paid within a record period of time. This is legislation that is going to make sure child support is paid, to make sure food, nutrition programs, frankly, we feed more children, we also do so with quality standards that the Federal Government is going to enumerate, so I think that, you know, the welfare reform we discussed and proposed and passed in the House in a bipartisan fashion certainly will, hopefully, come to life again in this second session of the 104th Congress.

Perhaps the gentleman from California [Mr. RIGGS] could shed some light on why he feels this bill, the revitalized bill, would be beneficial, what your take is from California.

Mr. RIGGS. I appreciate the gentleman yielding to me. He just described a version of welfare reform that received the unanimous bipartisan endorsement of 45 of the 50 Governors, or Nation's Governors, meeting back here in Washington in February.

You know, I think the President has revealed his true colors on the question of welfare reform. Not only has he twice vetoed the welfare reform legislation sent to him by the House and the Senate, but he is now saying, after initially encouraging this bipartisan

group of Governors to help us craft a bipartisan compromise, he is now pulling the rug out from underneath them. He has indicated through his Cabinet Secretary, Secretary of Health and Human Services Shalala, last week the administration's disapproval of the unanimous Governors' agreement. I just want to again stress how rare unanimity is in American politics today. We had 45 of the 50 Nation's Governors meeting back here in February. Again, they unanimously supported and endorsed these welfare reforms which the President is indicating that he opposes and will veto.

So it is very clear to me that this President, who as a candidate promised to end welfare as we know, is not sincere in that promise. He would, furthermore, have a real political problem with the far left wing of his party if he were to meet us somewhere in the middle in trying to craft bipartisan welfare reform legislation.

So it is very disappointing again to see the President fail to make good on one of his fundamental campaign promises from 1992.

Mr. FOX of Pennsylvania. I wanted to reclaim the time because one of the other items I thought was very sensitive in the legislation dealing with welfare reform, that is, making sure teenage moms who need health care, formulas for their children, clothing, under the present program they would get cash assistance. Unfortunately, some of those teenage mothers frankly do not have the wherewithal to understand we cannot use those funds for drugs or alcohol and have been doing so. Under our legislation they would get vouchers instead, not for drugs or alcohol but vouchers for formula, health care, clothing for the child and the baby or child, and frankly this is a much more humane way of making sure we take care of those truly in need and not waste the money for what it was not intended.

So, while some may cast that this Congress is being tough, we are not being fair in making sure the benefits that those who are in the safety net must be saved, and we are going to save them. We do not want people milking the system and taking the money, using it for purposes other than what was intended.

Mr. RIGGS. Very clearly we have to reform the welfare system that fails too many of our fellow citizens and too often subsidizes illegitimacy, really, with our current welfare system, and this political constituency of dependency that has been created back here in Washington over the last three to four decades created a welfare state, if you will, where too many families now find themselves also dependent on welfare over several generations, and again that has led to soaring rates of illegitimacy and family disintegration in America.

I think the American people know the welfare system is broke. They certainly have every right to expect of us that we will acknowledge the problem and attempt to fix it in a bipartisan manner. Again, that is exactly what we have done. That is the legislation the President vetoed. That is the legislation that is heartily recommended and endorsed by 45 of the Governors meeting back here in February.

Mr. FOLEY. It is not just the public that is upset. I met with a young girl, 22 years old, in Belle Glade, FL, in a course sponsored by the Private Industry Council to learn to be a nurse. She came up to me at a graduation reception, where she had gotten her degree for nursing all on her own. She said, "Mr. Foley, I am 22. I have five children. I am not married. The welfare system has encouraged me to stay in the welfare system and have babies." This is not a made-up story. This is an absolute occurrence that happened in my district.

She said, "For the first time, the Private Industry Council is giving me some hope for my future and for my children. But I am telling you it is a tragedy what we do as a Nation to encourage people to have additional babies out of wedlock, that they will get additional food stamps, AFDC and housing allowances if they simply add another child to the roster." She said, "This has got to stop." She said, "I am a sad example of what is wrong with the system. I am 22 years old, with five kids." I was amazed. She said, "You have got to do everything you can to not hurt children, to make sure I or others like me are not encouraged to proliferate additional children to the society, knowing more money is coming your way."

Mr. RIGGS. I think our fellow citizens know the American welfare system today too often discourages the very things that we want to promote as societal ideals. It is a system that is riddled with perverse incentives that discourage working, marriage, savings, investment, and that is why it is so important that we reform the welfare system.

If the gentleman would just yield further, because unfortunately I am going to have to leave and I want to kind of complete this idea of the Clinton crunch versus the balanced budget bonus.

I want to stress, because I think the gentleman from Florida alluded earlier, there is really nothing to be gained, going back and revisiting the 1980's. I think if we look at economic policy, fiscal policy in the 1980's, there is plenty of blame to go around. We have no intention here, as the new Republican majority in Congress, of repeating those same mistakes, and that again the perverse notion that we could cut taxes and increase spending, which gave us these enormous deficits that have ultimately left us with a staggering national debt which our kids and grandkids are going to inherit.

Instead, when we passed the balanced budget, the balanced budget, the first balanced budgets in 26 years, the balanced budget the President vetoed, we had tax cuts for working families. We believe that it is possible to cut Federal spending and cut taxes, and that the combination of the two will give the American people a tremendous economic dividend, what we call the balanced budget bonus.

So let me just tell you what every American family would have realized had the President signed our balanced budget bill into law, the same bill that he instead vetoed. Again, remember that we want incomes to go up while taxes go down so that every American family can earn more and keep more of what they earn. So here is the balanced budget bonus, because I do not think that you will get much disagreement here in Washington or across the land. Most economists, and I recognize that economists can often be wrong, but I believe this is one case where, as Mary Chapin Carpenter said, the stars might lie, but the numbers never do, the economists widely agreed the balanced budget would have led to a drop in interest rates by as much as 2 percentage points. That would save the typical American family between $1,600 and $1,800 annually on an average home mortgage. It would save the typical American family $174 on an average car loan, $216 on the average student loan, and if you add to that the $500 per child tax credit, a typical family of four, that is, two adult parents and two children, that typical family of four would have received a balanced budget bonus of $2,990, so let us call it $3,000.

If I ask you, my colleagues, when was the last time that an American family got a $3,000 average bonus, 29 million American families would have benefited from our $500 per child tax credit, and nearly 4 million American families would have had their entire Federal tax burden eliminated? And that is real relief from the Clinton crunch.

But the President stood in the way of this balanced budget bonus for families. He vetoed the balanced budget and tax cuts for families and economic growth. Far from feeling our pain, as again he promised back in 1992, the President has become the cause of it.

So I wanted to just remind my colleagues that while President Clinton promised a middle-class tax cut when he ran for President, again he made that the centerpiece of his economic plan, Putting People First, he raised taxes instead.

So, again, as I said earlier, there is a certain juxtaposition or irony in the fact that President Clinton promised a middle-class tax cut and Republicans want to deliver one.

What we got from President Clinton and congressional Democrats, we all know now, was the largest tax increase in history. As I mentioned earlier, it passed without a single Republican vote.

Later President Clinton himself admitted that tax increase was a big mistake. He actually told an audience of major Democratic Party donors in Houston that he realized in hindsight that he had made a mistake by raising taxes so high, but then he went on to infer that somehow the Republican minority in Congress had forced him to raise taxes. Nothing could be further from the truth, because again not a single Republican voted for that Clinton Democratic tax increase back in 1993.

□ 1345

His tax increase not only raises taxes on the rich, but on the middle class, the poor, senior citizens, and American small businesses, which are the backbone of our economy. These are the very businesses which create most new jobs in America. These are the small and very small companies that give us most of our new job creation, most of our economic growth in the private sector. These are companies typically with 10 or fewer employees accounting for 70 percent of all American businesses.

The President and congressional Democrats like to claim they only raised taxes on the rich. But according to the Internal Revenue Service, nearly 87 percent of tax returns showing $200,000 or more in annual income were filed by small businesses and family businesses. These are business owners. Many times these are family businesses, but these are business owners who are organized as a partnership or sole proprietorship or sole corporation. So when the President talks about raising taxes on the rich, he is not talking about General Motors. These business taxes most impact that hardware store owner on Main Street.

Second, the President's tax and spend policies have turned a healthy economy into an economy that is on the verge of recession. More jobs were created in the last 6 months of the Bush administration than in the last 6 months of the Clinton administration. The economy was growing 3 times faster in President Bush's last year in office than it did under President Clinton last year. In fact, for the last quarter of 1995, the most recent economic statistics, the economy grew barely at all, a growth rate of 0.9 percent annually, according to the Commerce Department.

So I go back to my original premise. The failing Clinton economy, with its income stagnation and economic insecurity, is the direct result of the Clinton-Democratic high tax, big-government policies. We have record high taxes, record high spending, excessive regulatory costs, and 25 consecutive years of deficit spending that have sucked trillions of dollars out of the economy.

So it is really little wonder that wages are stagnant, because the Government got your pay raise. So I believe that unless we reverse these policies, the policies that President Clinton and the congressional Democrats put in place, there will be no relief from the Clinton crunch. They believe, the President and the liberal congressional Democrats, believe higher taxes, increased Federal spending, and more Federal programs will lead to more and better jobs and higher pay.

We Republicans, on the other hand, believe that lower taxes, less government, and a balanced budget are the surest way to more jobs and more take-home pay for the average working American.

So we are working hard back here in Washington, and that is why we wanted to take this time to present a special order on the House floor, to emphasize we are working hard to reverse the economic effects of the Clinton crunch on the average American family and the average American worker. We believe again that the right approach is tax cuts for families and for economic growth, an end to the excessive regulations that stifle wages and increase prices and create a constant drag on economic growth and job creation, and a balanced budget, which is just terribly important, to make it easier ultimately for American families to balance their own budgets.

So again I thank the gentleman for organizing the special order and yielding the time to me.

Mr. FOX of Pennsylvania. Thank you, Mr. RIGGS, the gentleman from California. Your comments were right on when it comes to the fact that most citizens want to make sure the raise they get stays in their pocket so they can spend it for their family, their community, in the ways they have to, and not have big brother, so to speak, take their funds and use it and waste it. We have seen a lot of waste.

Under your proposals, the probusiness, projobs legislation you have filed, I am hopeful that Congress will pass it, and not only will your district benefit in California, but the whole country will. We appreciate your leadership on continuing the dialog and getting the legislation adopted.

I go back to the gentleman from Florida with regard to some issues dealing with keeping jobs and making sure that Government is decreased in responsible ways. We discussed jointly our interest in having sunset review of Federal regulations, which has been introduced in the House, and also sunset review of Federal agencies.

I know that in Pennsylvania we had legislation like that adopted, and we were able to sunset agencies that were not doing their job, or consolidate them, privatize them, eliminate them, because they were not meeting their original mission from 50 to 100 years ago.

I wanted your thoughts on what you have heard from your Florida constituents with regard to properly downsizing those programs which have outlived their usefulness.

Mr. FOLEY. I thank the gentleman for yielding. First of all, I think it is important in every level, every walk of life, for a review. When you create an agency or commission or a study or a rule, I do not think it was ever meant to be perfected in its entirety throughout its lifetime. I think in Florida we always would call back a commission or authority or issue for a 5-year review, to find out if it is doing what it was established to do. Is it operating within the guidelines? Is it spending appropriately the public's funds? Obviously that is the No. 1 component. Are they spending the public resources correctly?

These are the things I think a sunset review would provide for us. Think about it: the Department of Energy established in 1978 under the Carter administration because of the fuel crisis, and we were to set our thermostats to 68.

Look at what that agency has become. Now, are we indeed saving energy in America? Consumption is up almost in every category. Has it fulfilled its usefulness? I do not think there is anything wrong with analyzing agency-by-agency on a frequent basis its need, its necessity, and cost effectiveness for the consumer.

Mr. FOX of Pennsylvania. If the gentleman would yield, that is exactly what we do in private industry. When companies look each year or each 5 years to where they are going and where they have been, they analyze every department, every single activity, to see whether the cost benefit is there, whether they have achieved their original goal, and whether there is a way to change.

Frankly, we can take a page out of business and make Government more responsive, giving the people their money's worth, and making sure that tax dollars are being spent wisely. Because frankly, some programs are best handled by of the private sector.

You only have to look at Habitat for Humanity and other good organizations like that that are community-driven and people-driven that do not depend on taxpayer dollars, but rather on sweat equity, and the involvement and caring of clergy and community and citizens, in making sure that they take abandoned houses and turn them into homes, and they really make a difference.

So we need to be reaching out, applauding, supporting, and buttressing

the private sector everywhere we can, and making sure we realize that not every need is answered by a Federal program, but maybe sometimes through a private sector initiative.

Mr. FOLEY. If the gentleman will yield, you mentioned Habitat for Humanity. That is a prime example. People say, when we go looking into HUD, that we, the Republicans, are evil, mean-spirited, we do not want to provide housing.

You just mentioned Habitat. In Okeechobee County, the McArthur Dairy Foundation deeded over 35 former housing units, single-family homes, to the Habitat for Humanity. About 2 weeks ago I went to the dedication of a home that a woman and her four children were about to move into. Through sweat equity, determination, perseverance, she was now in a single-family home, the girls and boys had their own bedrooms, and they had a home to call their own, pride of ownership. They worked on it. It was their home. It was in the neighborhood. It was not something HUD did for them.

It was not something they were trapped in. Here, this is your rental quota and this is what you get every month and you can't move, and this is not really your home, it is a rental home and subsidized. You feel these constant strings attached by government.

Habitat has given people the willingness to succeed, to own, to be proud of, and to prosper. That is the difference in what our philosophies are when we start talking about where we want our Nation to go.

Privatization in Florida: The Department of Commerce is becoming the "Enterprise Florida," which is made up of large corporations. If corporations think it is great to promote the State and its opportunities, that is a role for corporations. Not the State or Federal treasury to prop up organizations that do not really promote.

The Commerce Department, you are only lucky enough to get on a Commerce trip if you have donated significantly to either a Democratic or Republican President. You do not get to go because of a novel or unique opportunity or invention.

So when we talk about downsizing, Mr. FOX, I think we have to be very, very aggressive and outline what we hope for the outcomes, that we are in fact liberating companies, businesses, individuals, to seek their own opportunities, rather than stifling them.

Mr. FOX of Pennsylvania. I think that will come with our legislation to have sunset review and also working with Congressman MICA in regulatory review, because many times I have seen where we have had Federal regulations introduced, there are already State agencies that do that. So there is no reason to have duplicative legislation, which puts a further burden on business, and we put a further burden on business that is already being covered, the safety hazard has been addressed. Why should we put the further burden on business to do more forms that do not help safety, but add to the cost of a product and therefore make it more difficult to hire.

Mr. FOLEY. Think with about your own family. When you are planning something for your future, I am certain you and Judy sit down and go over the pros and cons of a situation, you review where you are currently, where you hope to be, but you do it through a deliberative fashion. In Government it is we who have set it up, we have done our job, let us leave it alone and forget it. And that I think is a significant problem, because there is no oversight, no checking up on the kind of initiatives that were proposed and whether they yield any benefits.

So sunset review, your initiative to push and pursue this legislation, it is vitally important for Congress to become more efficient and effective.

Mr. FOX of Pennsylvania. I want to change gears if I could to go back to something I heard you speak about on the House floor recently, and I helped vote and work for the bill that you introduced to save the Everglades. While the Everglades are not in my part of the country in the sense it is not in Pennsylvania, we, who have to be stewards of the environment and conservation for future generations, have to look at the country as a totality and try to help and make sure we preserve natural areas. So I have to applaud you for your leadership in having your legislation adopted, which will in fact make sure the Everglades are maintained in their present form.

You might tell me further illustratively what was due to happen with regard to the Everglades for which we had the legislation come up to begin with?

Mr. FOLEY. As everyone knows that follows the environment and particularly the Everglades, because of growth, 5 million population in south Florida, 41 million visitors to our State last year from Pennsylvania, New York, and all throughout the great 50 States and throughout the entire continent and the globe, visited our State, and obviously that impact has greatly affected the water quantity and quality going into the Everglades.

The Everglades is one of the motion unique National Forest Park water systems, and one we are all immensely proud of. What we are doing with the $210 million appropriated last week is acquiring additional lands to buffer the Everglades, almost acting like a kidney in a body, to filter the water as it comes through these areas, and then taking the nutrients or phosphorus contents away and allowing cleaner water to flow into the Everglades and the Florida Bay.

It is vitally important for the sustaining of life. No human life, no plant life, no animal, can survive without water. So basically this is a step in the right direction of helping the Everglades.

But what I wanted to fundamentally point out, and you mentioned Mr. MICA from Florida. Mr. MICA stated very clearly in a press account that the Republicans are not against the environment. Clearly by their vote for this $210 million, we have stepped up to the plate of committing Federal resources to a vital, national interest park.

But what we are tired of spending our money on is study after study, report after report, consultants, lawyers and others, giving us ideas that are never carried out. Here we have for the first time dollars allocated to the project for actual construction and work, for something we can go back and talk about tangibly, as a result of Federal action rather than inaction.

So one of the things that I want to stress when we talk about the environment is that we are not antienvironment. The Speaker of the House came to the floor and spoke of the Everglades, announced we had to do this, the time had arrived for us to work together collectively for the Everglades. It is about making certain that the monies we are appropriating actually end up in the critical areas that need our attention.

So that is why I was proud. You marshalled the troops from Pennsylvania and your northeast corridor, because, again, as you clearly stated, this is not a Pennsylvania issue, but it is a national issue. It proves for all that enjoy the vast wonders of our continent, the Grand Canyon, you name the desert, the parks, the Allegheny Forests, all of the things we enjoy together as a nation, our pursuit of the preservation of those national resources should be first and foremost on our minds. Not whether we are getting rated on a vote, this is a good environmental vote or what have you. It is about are the dollars we are spending as a nation being applied effectively to solving problems.

Mr. FOX of Pennsylvania. With regard to Florida generally, is there a conservation board within the State with which you work?

Mr. FOLEY. Actually there are a number of things. We have a number of initiatives. We have the Preservation 2,000 fund, the Carl Land programs, we have obviously the Audubon, Everglades National Park, a number of different groups that are very intricately involved in the process. South Florida Water Management, Corps of Engineers, Fish and Wildlife, all are looking for solutions.

That is another thing that I think is important, is to look at the broad opportunities we have as a nation to solicit input from a variety of groups. Not any one individual or group has

the right answer for any given question of the day. It is seeking compromise, seeking consensus, and getting the agencies all together in the same room and saying we have a common mission, we have a common problem. Let us solve it with a common solution, rather than 100 different solutions that end up not getting the problem addressed.

Mr. FOX of Pennsylvania. I am sure your colleagues would want to have updates on a regular basis of what is happening with the Everglades, and it will be important to the body.

Mr. FOLEY. It is essential they be forthcoming, because after I have asked for that commitment of resources, that is the largest single appropriation ever in our Federal history toward the Everglades, the dollar amount. Two hundred was allocated by the Senate, Mr. DOLE specifically, and Senators MACK and GRAHAM, both Florida members Democrat and Republican, led the initiative in the Senate. Of course, we had a bipartisan coalition in the House. I think they deserve the followup to that expenditure, to see that the dollars they spend in fact are working. I know they will.

□ 1400

Mr. FOX of Pennsylvania. You know when we talk about the environment; you know Earth Day is coming up in April; it occurs to me that for us to continue the environmental movement started some years ago and to carry on the issues that Major Carson, an environmental leader, started in the years before that by other conservationists, I am wondering whether we are doing enough to inform, educate, and inspire youth to go into fields that deal with conservation, that deal with community participation, even if it is not going to be a profession, in those areas of environmental preservation, and whether you had thought about programs in your district and for the country which would accentuate that and would promote it.

Mr. FOLEY. Yes, I spoke to Forestdale High School yesterday, and they have a class, an actual magnet program, on environmental studies. It is the youth of the community working in a classroom setting, learning about the environment.

Again, one of the things that I want to stress, too, is the fact that one of my concerns with the Government is the fact that we do have so many agencies doing similar functions with different agendas and different mandates. I think the young people need to get involved and look at the practical applications of environmental sciences because there is a cause and effect. I have always suggested that farming and the environment can coexist with the right guidelines and the right tools. I think it is important that we train our young people to understand, yes, recycling is a viable method of preserving our Earth and also to consider all of the other aspects of how can a business coexist with an environmental movement and not look at them as enemies. And ofttimes you try to draw lines, if you are for business, you are against the environment; if you are for the environment, you are against business; and I think we have clearly indicated with our cooperation with the gentleman from New York [Mr. BOEHLERT] and others to try and make that connection that we can make it happen.

The EPA has a tremendous program in Louisiana, which is a fast-track approach to permitting. They are doing a good job, and I will commend them for that. It is a leadership environmental movement within the EPA, but they actually work hand and hand with business, they get together with them and get their executives on board early so they can streamline the permitting process and in fact encourage that dialog so, No. 1, the company's resources are not expended unnecessarily. It is a cooperative effort, so you got both sides working for harmonious relationships, and the reports from both the corporation and from the EPA were a resounding success.

There are things in our Government that I think we need to work on to exemplify and highlight so the public says, you know, these people are serious about helping the environment, but they are not just going to sit there and throw billions of dollars at it and say now we feel good in our conscience because we have spent money and that should solve everyone's problems.

Mr. FOX of Pennsylvania. If the gentleman would yield, what you say about fast tracking we see in Pennsylvania under the leadership of our new Governor, Tom Ridge, who was a former member of this body, where he has taken a leadership role on restructuring our State Department of Environmental Resources such that fast tracking for permitting and working with industry and the environmentalists is taking place. That cooperative role where government is becoming user friendly is what Governor Ridge of Pennsylvania is all about, and I think that is going to go a long way, hopefully, toward getting government more responsive to people's needs.

Speaking of being responsive, I wanted to highlight one of the legislative initiatives that you and the gentleman from Idaho, Mr. CRAPO, have worked on, and that is the lockbox for savings deficit reduction, and remember there is an interesting story you had in committee where you were able to reduce a budget item that you felt was wasteful only to find that the funds taken from one wasteful item was given to another pet project for someone else's district, and I believe that your lockbox legislation with Congressman CRAPO will in fact ameliorate that problem, and if you can outline that further for our colleagues, I would appreciate it.

Mr. FOLEY. Just a quick summary for those listening:

I went to an authorizing committee of the Committee on Science and withdrew an amendment for 25 million of spending. I had not a unanimous, but a majority support for the cancellation of this wasteful spending, 25 million. It turns out a day later one of my colleagues found the 25 million that I cut and immediately inserted it into another program.

Now, I would work very, very hard in order to save the taxpayers 25 million. In this process everybody says, "Oh, MARK, 25 million, that's no money. You're not talking serious dollars. That's a nickel and dime." And I thought to myself never let me think that 25 million is not significant money. But they went and put the 25 million on another project.

Well, at that time I heard about Mr. CRAPO's lockbox, which is a phenomenal technique meaning I could cut that 25 million, but before it goes anywhere I designate it to the lockbox. That means just like a Christmas club account, or a savings account, or a travel account that a family sets up. That money is earmarked for deficit reduction only. So basically the mechanism would take the 25 million, put it in the expense account but, more importantly reduce the appropriations authorized for that committee by a like amount so no longer would they have the wherewithal to bump up other projects since you save money, and that is critical in order to bring the deficit down.

If we do not establish some mechanism for savings where a Member can actually not only take credit for wasteful spending, but can take credit for deficit reduction, then all of our work and efforts is for naught because you start competing against regions and areas.

The 25 million was important to certain districts, they were upset, but bottom line: everybody recognized it for what it was, a wasteful spending. But if we do not have a mechanism by which to save those dollars, to put them aside and to reduce the Federal deficit, this Nation will never achieve any fiscal sanity.

So the lockbox is critical. We are working to get it into House legislation overall and to get the Senate to adopt it, and thereby, if a Fox amendment is offered to reduce spending in a unwarranted project, if it reaches the majority consensus that the spending is unwarranted and that it should be in a lockbox, we can achieve those victories one at a time. With a $1.6 trillion budget we have got a long way to go based on $1.4 trillion of income and the rest excess spending, we have got a long way to go to reduce our Federal dependency on dollars and to wean us off of a natural addiction toward spending.

Lockbox is the only answer that I have found in all of my budgetary pursuits that works, and the gentleman from Idaho [Mr. CRAPO] is to be commended, as are other Members, the gentleman from Oklahoma [Mr. LARGENT], yourself, the gentlewoman from North Carolina [Mrs. MYRICK], a number of people that stood up and fought for this initiative, and we do not want to see that initiative lost in this Congress.

Mr. FOX of Pennsylvania. I appreciate your leadership in that and others in moving forward on it. I know that we can achieve, as far as I am concerned, the balanced budget that we talked about at the top of this hour if we continue making sure that we find the common ground, that we work overtime in making sure that the issues that we hold so dear, whether it be Medicare, Medicaid, environment, education; those are not just one party's issues or one branch of the Government's issues. They are everyone's issues, and we are working on them as well as anyone else is, and on Medicare I might say I think we have made some real progress. When the original debate started out on Medicare, we only learned this past April that in fact the President's trustees told us there was going to be a shortfall, Medicare would be out of business in 7 years.

So I think we have done the bipartisan, correct thing in advancing legislation which will in fact make sure that Medicare is preserved, protected, and extended, but doing it; the way we take care of the problem I think is legislation that is going to eliminate the fraud, abuse and waste. I was amazed to find; I do not know if you were; that there is $30 billion a year now wasted in fraudulent, inflated claims and billing for services not rendered by providers, and I do not know if you have researched that as well and found that to be the case.

Mr. FOLEY. Well, that is what we know about. I mean the problem with Medicare, the fraud and abuse that is being perpetrated on the taxpayers is so pervasive and so difficult to track that I think in my heart if we merely went after that with the full force and weight of the Federal Government and put the resources behind it we would probably save enough to hopefully balance not only Medicare, but lead us to a balanced budget in our Nation. There is a lot of waste and fraud. But I will tell you one thing about Medicare because there is a hue and a cry by the other side of shame on you, and GOP stands for get old people, and you are destroying Medicare.

When I went to the district, and I am the first among freshmen Congressmen with the largest number of Medicare recipients I am No. 7 in the Nation of all Members of Congress with the most Medicare recipients, we would have often 150 to 200 people attend the hearings, and when I explain the program, stay in traditional Medicare, do not change premiums, stay the same, no different than they would have been, they become more comfortable, they find that they can go to a managed care physician, care network or a medical savings account more and more comforted. The fact is if they choose a product that they do not like, the following year they can disenroll in that and reenroll in something else or go back to traditional Medicare, and the options and ranges of options created in the plan do not deny benefits, in fact encourage opportunities for seniors.

One person at a town hall meeting said, "You know, I like chiropractic care and it is not covered under Medicare; why not?" I said, well, in the medical savings account you could make that discretionary choice with the moneys we provide in your account to spend on the health care you think best suits your appropriate condition, 7.5-percent increase. I mean, everything, when I finished the hearings I did not get but one or two persons still disapproving, and often that was more of a partisan than it was a practical disagreement.

What they were saying was you know you have comforted me knowing, first of all, it is not going out of business if you get your bill enacted. Second, choices. Third, competition. Fourth, we are not creating a new commission for fraud, waste and abuse; it stays with Donna Shalala, it stays with HHS. We are getting a hotline and increased enforcement in penalties, but the Medicare bill for the first time provides a road map for our system to make certain that seniors, ourselves included some day when we make that golden year, are in fact provided for, not a Band-aid, not a political let us ignore it until it really becomes a crisis. Let us look at it now strategically and make certain Medicare is something we can all be proud of in the year 2010, 2020, and beyond.

Mr. FOX of Pennsylvania. What is interesting is the President and the First Lady a couple a years ago said the way to solve the Medicare crisis is to make sure we control the rate of growth, and that is exactly what the majority proposal was and is, so hopefully we can work together with the White House, and both sides of the aisle and both Chambers, the House and Senate, to make sure we save Medicare for our seniors. We want that quality health care to be there for them and to make sure it is a system that is not just going to stop in the year 2002.

Mr. FOLEY. One other item, line-item veto. That seems to be a significant legislative initiative passed by this body. I hope we are going to be able to flush that out and get it passed by the Senate and onto the President for his signature.

Mr. FOX of Pennsylvania. Well, we passed a version early on in the 104th Congress, first session. The Senate passed a slightly different version. But I am hopeful that this bill will get to the President and a compromise version after the conferees have met because line-item veto like 43 Governors have in the country, the chance to eliminate waste, fraud, and abuse, that exists. My own Governor, Governor Ridge, has a chance in Pennsylvania to eliminate those programs that are just pork barrel, just in there for one Representative or Senator and not really there to have permanent, long-term value for our Nation. And the line-item veto is an idea whose time has certainly arrived.

Mr. FOLEY. Well, if you think about the debate that can occur, and when people say line-item veto, what power does that give the President? Well, just like you mentioned with your Governor, they can strike through the appropriation as wasteful pork spending without having to veto an entire bill. But the safeguard for Congress is if a President, and a lot of people say, well, they can take retribution against a Member. If the President does not like Congressman FOLEY, he can strike out all of his projects. Well, if my projects are so good, I can go back to the floor after the veto and defend them among my colleagues and get an override within the next couple of days to restore the project.

So I do not sense this disastrous consequence of a line-item veto. In fact, I sense that there could be a bigger opportunity for us to really tighten the rein of Government, and give the President an active hand in budgetary negotiations, and in fact strike through some of these things you read about, these studies, asparagus studies, or, you know, this and that study, none of which lead to any better prosperity for anyone that has a response to the study. It is just another give-back to communities, a little pork barrel spending that I think has to stop. Line-item veto is the only mechanism in which to do that.

Mr. FOX of Pennsylvania. And with two other programs which have been adopted, that one is soon to be signed by the President hopefully, as soon as the compromise version is agreed to, but two other bills I think of note that this 104th Congress has passed and the President has signed, one would be the accountability law which says all the laws we pass are now also applied to the Congress. Prior Congresses said, well, the fair labor standards, civil rights law, family leave does not apply to our employees.

Now, how can we in heavens understand the bills if they do not affect us too? Well, now those laws do apply to us, and we, as well, passed legislation dealing with unfunded mandates, local government, State government. We are all told by prior Congresses, well, look, we are going to send you this bill, you

are going to have to do it. If it costs money? That is too bad, we are not sending you any.

Well, this new Congress has said, and the President agreed and signed the bill, saying no more unfunded mandates. If we think it is such a good idea, then we are going to send the money back to local districts so we do not bankrupt townships and towns and burroughs and villages just because we think here in Congress it is such a good idea.

Mr. FOLEY. If the gentleman would yield, if you can imagine how in name the process is that allows the memberships to pass bills onto other people and not have them impact their own lives or their own offices.

When I first toured the Capitol complex after being elected, I go to many offices looking for which one I may potentially select in the draw, and in front of every door that had, you know, the exits out into the hallways were books and computers and desks blocking the exists. There was generally in most offices one exit remaining open.

Now in a business, OSHA, the fire marshall, everyone would have cited that facility for not having a proper escape for an employee.

□ 1415

Here in Congress they can do whatever they want, clog up the offices, junk everywhere, and they consider that fair.

Civil rights laws, fair labor standards, all the things that we impose on small businesses, Members of Congress sat back and said, "Oh, no, but I am holier than thou. I do not need to enforce those laws on ourselves, because we are in fact the Congress. We are the superior body of mankind." I think it was that attitude that got this Congress into such trouble.

Mr. FOX of Pennsylvania. Mr. Speaker, I think the gentleman from Pennsylvania [Mr. WELDON] would be glad to know that we will now have a change in that, as the person who started the firefighters' caucus in the Capitol. I am sure he will take the initiative to work with the appropriate authority to change that.

It is also interesting to note that we have taken not only reform measures when it comes to fiscal responsibility, but we have changed how we run the institution. We have one-third less committee staff. We have in fact also made sure that the pensions that Members receive are now not special, they are the same as any other Federal employee. We have eliminated the right of lobbyists to give us gifts. Our constituents do not get gifts, except at holiday time and birthdays. Why should we have anything special as well? We also have passed lobbying disclosure, and campaign reform is in the offing, very shortly to be passed. There are several good bills out there, I think, to make campaign reform a reality.

So this Congress is different. We are getting our fiscal house in order with a line item veto, with a balanced budget, stopping the unfunded mandates. But the reforms of the Congress itself have also come about when it comes to how we operate the institution. Hopefully that will continue as we move forward.

Mr. FOLEY. Mr. Speaker, if the gentleman will continue to yield a final moment, I want to thank him very much. I thank him for this excellent opportunity to portray the things we are trying to do, to balance the budget, and for his leadership on a number of issues.

Mr. FOX of Pennsylvania. I thank the gentleman, Mr. Speaker. I appreciate the opportunity to address the House and my colleagues.

RECESS

The SPEAKER pro tempore. (Mr. ROGERS). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 3 p.m.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess until approximately 3 p.m.

□ 1501

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS) at 3 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to clause 5 of rule I, the Chair will now put the question on approval of the Journal and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which the motion was entertained.

Votes will be taken in the following order:

Approval of the Journal; de novo;
H.R. 2778, de novo; and
H.R. 2853, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

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

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

SPECIAL TAX TREATMENT FOR UNITED STATES TROOPS IN BOSNIA

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2778, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2778, as amended.

The question was taken.

Mr. BUNNING. 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 416, not voting 15, as follows:

[Roll No. 44]

YEAS—416

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)

Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Abercrombie
Brown (FL)
Chenoweth
Collins (MI)
DeFazio
Durbin
Ehrlich
Kaptur
LaTourette
Lipinski
McCarthy
Morella
Ortiz
Stokes
Wynn

□ 1523

Mr. SCARBOROUGH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today the House considered on the suspension calendar, H.R. 2778, a bill to give special tax treatment to United States troops in Bosnia. As a strong supporter of the members of our Armed Forces I strongly support this measure. Had I been present on roll No. 44 I would have noted "aye."

PERSONAL EXPLANATION

Mr. LATOURETTE. Mr. Speaker, unfortunately, I was unavoidably detained. As a result, I was unable to vote on rollcall No. 44. However, had I been able to vote, I would have voted "yes."

MOST-FAVORED-NATION TREATMENT FOR BULGARIA

The SPEAKER pro tempore (Mr. ROGERS). The pending business is the question of suspending the rules and passing the bill, H.R. 2853.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 2853.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NAMING OF THE HONORABLE JIM BUNNING TO BASEBALL'S HALL OF FAME

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

Mr. HYDE. Mr. Speaker, I have a very special announcement to make. One of our colleagues, the gentleman from Kentucky [Mr. BUNNING], was just named to the Baseball Hall of Fame.

Mr. Speaker, I am sure that my colleagues all know that the gentleman from Kentucky [Mr. BUNNING] is the only major league pitcher ever to pitch a no-hit game in both the National League and the American League and that his selection to the Hall of Fame was not by baseball writers, but by the veterans themselves, which makes it, it seems to me, a little loftier in stature.

□ 1530

Mr. Speaker, I might trespass upon my friendship with the gentleman from Kentucky [Mr. BUNNING] to tell the Members a true story. I think I have the year right. 1958. Maybe it was 1968, but I am going to say 1958. The gentleman from Kentucky [Mr. BUNNING] was pitching for the Detroit Tigers against the New York Yankees. The New York Yankees had a first base coach named Bob Turley, a former pitcher who was very skilled at stealing signs. Every time JIM would throw a fastball, Turley would whistle, and the batters knew what the pitch was.

Now, the first batter up was Bobby Richardson, and JIM got him out. The second batter up was Tony Kubek, the shortstop. JIM got him out. The third batter stepped in, Mickey Mantle, and JIM walked over to the first base coach, Turley, and he said, "If you whistle, I am going to hit him right in the back with a pitch." JIM took the mound. He got his sign and he was at the top of his windup when Turley whistled. JIM decided to cross everybody up. He threw a slider. It got away from him, and hit Mantle right in the back. Mantle headed toward the mound with his bat, but decided better of it, and trotted down to first base.

The next batter was Yogi Berra. Yogi stepped in, pounded the plate, looked at JIM BUNNING and said, "Hey, JIM, if Turley whistles, I ain't listening."

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, it is hard to top what our good friend, the gentleman from Illinois, has said about the wonderful gentleman from Kentucky, JIM BUNNING. But I know that our friends in Philadelphia, like the gentlemen from Pennsylvania, CURT WELDON and JIM GREENWOOD, and many others, BOB BORSKI, TOM FOGLIETTA, all the other Members, know that the gentleman from Kentucky, JIM BUNNING, is a hero not only on the field of baseball, but JIM BUNNING has been a hero as a congressional leader and as someone who has held the great family principles of life, someone who is fair dealing, someone who cares about others, and someone who, in his lifetime, has really made a difference.

Mr. Speaker, I would ask my colleagues to stand and rise to this great American hero, the gentleman from Kentucky, JIM BUNNING.

Mr. HYDE. Mr. Speaker if I might yield very briefly to the gentleman from Pennsylvania, CURT WELDON, who formerly was the Congressman of JIM BUNNING.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding to me.

Let me just say, Mr. Speaker, that there is no one that the members of the Pennsylvania delegation would fear more in coming back to our State and running for elective office than JIM BUNNING, because he is adored by all of our constituents, whether they be in the district of the gentlemen from Pennsylvania, TOM FOGLIETTA, CHAKA FATTAH, or BOB BORSKI's district, or whether they be over in the district of

the gentleman from New Jersey, ROB ANDREWS, or the district of the gentleman from Delaware, MIKE CASTLE, or in our suburban districts around Philadelphia.

JIM is adored because the gentleman from Kentucky, years ago, and I will not say how long ago, was my boyhood idle when I was a Phillies fan growing up in the suburbs. I have told him that many times. But JIM BUNNING, years ago, represented the same ideals that Cal Ripken stands for today.

Mr. Speaker, while we acknowledge JIM BUNNING's leadership as a professional baseball player, let us also acknowledge his stature as a human being and as a father and as a husband and a man. As the proud parent of nine children, and who knows how many grandchildren, JIM BUNNING really epitomizes what is right with this country. I am proud to call him not just a colleague, but someone that all of us can look up to in this country as a true role model for America.

Congratulations, JIM. The people of Philadelphia are real proud to call you their own.

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

Mr. HYDE. I yield to the gentleman from New York.

Mr. BOEHLERT. I thank my colleague for yielding to me.

Mr. Speaker, I would like to tell my colleagues, as the Congressperson who was privileged to represent Cooperstown, NY, I would like to welcome the gentleman from Kentucky, JIM BUNNING, to my constituency. I would like to point out to my colleagues that his election came from his peers, people like Ted Williams and Stan Musial and Yogi Berra and Pee Wee Reese and Bill White. The greats of baseball recognized another great.

For those of you who have dreams of coming to Cooperstown, NY, I would like to welcome you all to come up to that magnificent community to see the induction of the gentleman from Kentucky, JIM BUNNING, this year.

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

Mr. HYDE. I yield to the gentleman from Pennsylvania for a brief comment.

Mr. FOGLIETTA. I thank the gentleman for yielding to me.

Mr. Speaker, not only is this an honor for Pennsylvania and for the city of Philadelphia, but the fact is that the gentleman from Kentucky, JIM BUNNING, achieved his greatness in the First Congressional District of Pennsylvania, in Philadelphia, that I now represent. JIM, it is a good, solid Democratic district.

The heritage in south Philadelphia was from Joe DiMaggio, and most of the kids in south Philadelphia were Yankee rooters, so we were thrilled when JIM finally came to Philadelphia with the Phillies, rather than with the A's, so he would not have to pitch against the Yankees anymore. But when he came to Philadelphia, all Philadelphia became fans of JIM BUNNING's.

Only last week in the article, letters to the editor, young people were writing praising the exploits of JIM BUNNING, and urging those who were going to vote to elect him to the Baseball Hall of Fame. I am so happy that they did. We admire you, JIM. You are a great, great, great Philadelphian.

Mr. HYDE. Mr. Speaker, I wonder if I might yield to the gentleman from Kentucky [Mr. BUNNING] for a few comments.

Mr. BUNNING of Kentucky. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. HYDE].

Mr. Speaker, it is hard to speak after 25 years. I have been retired from baseball for 25 years. None of the numbers that were on the back of my card have changed in that time. They are all the same numbers that I retired with, so it has been a long waiting process. Thank God it happened while I was still on my feet. Sometimes it happens posthumously, and I really deeply appreciate the veterans committee. As the gentleman from Illinois, HENRY HYDE, said, "Those are some of your peers that voted you in."

Particularly I talked with Yogi Berra, who was on the committee, and I talked with Peewee Reese, who was on the committee. I talked to Bill White, one of my teammates from Philadelphia, after the vote was taken today. So it is deeply appreciated. I would be remiss if I did not mention Alan Lewis, who happened to be a writer, a beat writer in Philadelphia, when I was playing. It was through his efforts that this happened, nobody else's. Thank you very much.

Mr. HYDE. It was through your efforts, JIM, not anybody else's.

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

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, Michigan would be remiss if it did not add its words of congratulations. I have the privilege of sitting on the Committee on Ways and Means with the gentleman from Kentucky, JIM BUNNING. I just want to say to you, to JIM, he is still throwing strikes, and now and then a curve ball. I am sometimes the recipient, and all I can say is I am glad I am receiving them in the Committee on Ways and Means, rather than on a baseball team.

JIM was a terrific person and a terrific pitcher for the Tigers, and brought moments of great glory to our State of Michigan. JIM, if I might speak on behalf of a lot of people, I think, from the State of Michigan to congratulate you on an award long in coming and more than richly deserved: Congratulations.

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

Mr. HYDE. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, I had the honor to have the gentleman from Kentucky, JIM BUNNING, in my congressional district. I represented Ted Williams. Ted Williams being a constituent of mine, he wanted to meet with JIM BUNNING, so the two of them met in my congressional district at a dinner, and we had a wonderful time. I would point out to my colleagues here that JIM BUNNING struck out the greatest hitter of all time, Ted Williams, three times in one afternoon. He has that kind of staying power and that kind of pitching power.

But one thing that Ted Williams did say to me confidentially is that "JIM BUNNING should be in the Hall of Fame, and God willing, JIM BUNNING some day will be in the Hall of Fame," so I think Ted Williams was forecasting what has occurred. I congratulate him, and I think, on behalf of Ted Williams and others, we wish JIM BUNNING the best. We are glad that he was finally recognized.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963 AND H.R. 1972

Mr. FILNER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1963 and H.R. 1972.

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

There was no objection.

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, I was unable to be present for a number of resent rollcall votes.

Had I been present, I would have voted as follows: rollcall No. 20, "no"; rollcall No. 21, "yes"; rollcall No. 22, "yes"; rollcall No. 23, "no"; rollcall No. 24, "yes"; rollcall No. 25, "yes"; rollcall No. 26, "no"; rollcall No. 27, "no"; rollcall No. 28, "no"; rollcall No. 29, "no"; rollcall No. 30, "yes"; and rollcall No. 43, "yes".

SPECIAL TAX TREATMENT FOR UNITED STATES TROOPS IN BOSNIA

The SPEAKER pro tempore. Without objection, the title of H.R. 2778, to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone, passed earlier today, is amended.

There was no objection.

The title was amended so as to read: "A bill to provide that members of the Armed Forces performing services for the peacekeeping efforts in Bosnia and Herzegovina, Croatia, and Macedonia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.".

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
March 5, 1996.

NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Committee on Small Business.

Very truly yours,

CHAKA FATTAH,
Member of Congress.

CALLING FOR REFORM OF THE CRIMINAL JUSTICE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, I also serve on the Subcommittee on Social Security, and I am honored to call the gentleman from Kentucky [Mr. BUNNING] my chairman, and it is indeed with honor that I serve on his committee.

Mr. Speaker, today I want to talk about another issue. If I have learned anything over the past year in Congress, it is that there are two opposing views on crime in our country. There are those who believe that crime is not necessarily an issue of personal responsibility, but of environment. They tend to believe that the slick criminal trial lawyers, the liberal jurists, and endless death penalty appeals have been a good development for our criminal justice system. They advocate rehabilitation, lenient sentences, and legal loopholes, often in the name of compassion.

Then there are those like myself, those who are sick and tired of criminals preying on our families and children. We are tired of our kids being afraid to walk to school alone, we are tired of illegal drugs that are poisoning our youth, eating away at their futures. We are tired of slick criminal defense lawyers pushing criminals to freedom through legal loopholes. We are tired of seeing our prisoners treated better than the working men and women of this country.

I would like to give you just one recent example of what those of us in the silent majority are tired of. A recent decision by Federal Judge Herald Baer illustrates what is wrong with the liberals' view on crime, and why it is so important that we put justice back into our criminal justice system.

Judge Baer was appointed by President Clinton, due to, in President Clinton's own words, "his outstanding record of achievement." One wonders if President Clinton would stand by those words today, after reading Judge Baer's recent opinion.

□ 1545

This is an account of his recent opinion.

During the early morning hours of April 21, 1995, police officer Richard Carroll and his partner, Sergeant Bentley, were assigned to plainclothes duty patrol on the north end of Manhattan, an area well known for being a hub for the drug trade. At about 5 in the morning, these veteran officers observed a woman slowly driving a car with out-of-State license plates. The woman stopped the car, double-parked, and waited.

Soon four men approached the car, walking single file. Without saying so much as one word to the female driver, the men lifted open the trunk of the car and placed several duffle bags into the car.

For obvious reasons becoming a little suspicious, Officers Carroll and Bentley drove up to the four males. Immediately the four males began running. Unable to apprehend the fleeing men, the officers immediately pulled over the woman's car.

Upon opening the trunk of the car, the officers discovered more than 80 pounds of cocaine and heroin in the trunk with a street value of over $4 million. The woman admitted that she was purchasing drugs, even stating that she had expected to be paid $20,000 for the trip and that she had made 20 similar trips in the past.

Now, where I come from in Nebraska, common sense tells us that people like that should go to jail. These trained officers clearly had a reason to pull over the car. You had an out-of-State car, it was moving slowly, in a drug-dealing neighborhood, in the wee hours of the morning, four men put duffle bags in the trunk without speaking to the driver. The four men took off running when approached by the police.

Well, unfortunately, that did not happen. After the slick criminal trial lawyers and liberal Judge Baer got through with the case, the court ruled that the officers did not have a reasonable suspicion that the woman was involved in criminal activity. Judge Baer, in his infinite wisdom, suppressed all of the evidence, and now it appears that yet another drug dealer will go free.

Why? Because Judge Baer decided that it was normal for people to run from the police in this drug-ridden neighborhood. According to this Clinton appointee, quote, had the men not run when the cops began to stare at them, it would have been unusual, end of quote. Well, maybe our men in blue should start arresting everyone who does not run, then.

The bottom line, I believe, is this: It is high time judges stopped looking for ways to protect criminals, and it is high time our leaders started looking for ways to protect families. We can and we must restore safety to our streets and sanity to our justice system.

We are fighting hard here in the 104th Congress to protect the American dream, but an essential part of that dream is restoring freedom from fear in our streets in America. We must have safe streets and secure schools, and I believe we can achieve this on a bipartisan fashion here in the 104th Congress.

TRUTH IN ADVERTISING FOR STATE-RUN LOTTERIES

The SPEAKER pro tempore Mr. (FOX of Pennsylvania). Under a previous order of the House, the gentleman from Texas, Mr. PETE GEREN, is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, today I introduce legislation requiring State lotteries to inform consumers of the statistical probability of winning the lottery prize as a part of all radio and television advertising.

As a general principle, the Federal Government has been quite aggressive in requiring truth in advertising from those who use our Nation's airwaves. However, it has neglected to act in one of the Nation's fastest growing industries, that is, State-run lotteries.

In 1994, nationwide, consumers spent $34.4 billion on lottery tickets. In Texas alone we spent almost $3 billion. These billions were spent in spite of the fact that the chance of winning the lottery grand prize is less likely than getting struck by lightning.

Mr. Speaker, there were 1.178 billion lottery tickets bought for the Lotto Texas grand prize last year. There were 74 grand prize winners. Statistically, the chance of winning the Lotto Texas grand prize is 1 in 15,890,700.

Mr. Speaker, if a medical product offered one person in 15,890,700 a chance of growing hair on a bald head, the FDA would not approve it and the FTC would not allow it to be advertised on TV as a cure for baldness. Unfortunately. If a stock broker, price indexer, advertised an investment where 1 person gets rich and 15 million get nothing in TV ads showing only the person who got rich, the SEC would shut him down.

The duty of a State to its people is higher than I would ask of private citizens or a business. If a State is going to be in the numbers business and use the

Nation's airwaves to market the chance of living the life style of the rich and famous, it has the duty to tell those people their chances of winning that life style.

For most of our Nation's history lotteries and other numbers games were illegal. They were illegal because they were deceptive and tricked people out of their hard-earned money. Times have changed, and today lotteries are an accepted fact of life. We have a duty to ensure our Nation's airwaves; we have a duty to ensure that the people get the facts.

In Texas, every ad that brings the smiling face of our State's newest millionaire in the living room should conclude with the tag line, "The chances of winning are 1 in 15,890,700."

FARRAKHAN'S MIDDLE EAST TRIP CHALLENGES NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

Mr. BARR of Georgia. Mr. Speaker, recently a gentleman named Louis Farrakhan toured over a dozen African and Middle Eastern countries, including Libya, Nigeria, Iraq, and Iran. During Mr. Farrakhan's trips abroad, and specifically during his trip to Libya, Libyan strong man and known terrorist Mu'ammar Qadhafi pledged $1 billion to Mr. Farrakhan's Nation of Islam to be used here in this country to, I believe, improperly influence the American political system.

By the pledges and statements made by strong man Qadhafi, the following laws may have been broken, and further may have been broken by Mr. Farrakhan himself: the Foreign Agents Registration Act; the Libyan sanctions regulations; restrictions on campaign contributions and expenditures by foreign nationals; passport travel restrictions; and the Logan Act.

Mr. Speaker, this is a direct challenge to the national security and national interest of the United States of America and her people. Mr. Qadhafi has himself stated that this is one way to infiltrate America. Moslems from abroad, through these various political organizations, are calling to unite with those in this country in subversion of the U.S. Government and its governmental systems.

Mr. Speaker, further, Iranian Prime Minister Rafsanjani has stated regarding Mr. Farrakhan's visit to his country, also on the list of terrorist nations, "Let our enemies call this export of revolution. We do not fear this."

Congress must hold hearings and the appropriate law enforcement agencies in the executive branch must investigate these matters. We cannot turn a blind eye to blatant disregard of our Nation's laws and national interests.

Questions must be answered as to the legality of Mr. Farrakhan's actions, and this administration's apparent unwillingness to pursue Mr. Farrakhan for an explanation of his actions must not be allowed to lie.

Did this administration send a letter to Farrakhan stating it was illegal to travel to certain of these nations? What steps has this administration taken, if any, to investigate possible violations of U.S. law? Why did this administration allow Mr. Farrakhan to reenter the United States, knowing of his activities and statements abroad, without even checking his passport for a Libyan stamp?

Mr. Speaker, I have called for hearings, as have others. I have written to Secretary of State Warren Christopher and Attorney General Janet Reno calling for an immediate and in-depth review of these matters.

Mr. Speaker, I include the following correspondence for the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 1996.

Hon. WARREN CHRISTOPHER,
U.S. Department of State,
Washington, DC.

Re Louis Farrakhan's trip to Iran and Libya.

DEAR MR. SECRETARY: I write to urge you as the Secretary of State to investigate Louis Farrakhan's recent trips to Libya and Iran, which are listed on the United States' terrorist list for their roles in state sponsored terrorism. By engaging in such travel, it is my understanding that Mr. Farrakhan may have violated several federal statutes, including the Foreign Agents Registration Act, various passport travel restrictions, sanctions regulations and the Logan Act.

An investigation by your department is critical to determine the means by which Mr. Farrakhan traveled to Libya and Iran, what economic contributions he may have made to these countries, whether there exists any financial relationship between these terrorist governments and Louis Farrakhan's Nation of Islam, and answers to other relevant questions.

It is unconscionable and unacceptable for our government to stand idly by, while federal laws may have been disregarded with impunity by this man.

I respectfully urge your department to take whatever action is necessary, including comprehensive investigations to fully disclose Louis Farrakhan's travels and interaction with the terrorist regimes in Libya and Iran.

Thank you for your consideration and cooperation in this matter, and I look forward to working with you in this regard.

With kind regards, I am,

Very truly yours,

BOB BARR,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 1996.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice,
Washington, DC.

Re Louis Farrakhan's trip to Iran and Libya.

DEAR ATTORNEY GENERAL RENO: I write to urge you as Attorney General of the United States to, as soon as possible, investigate Louis Farrakhan's recently trips to Libya and Iran, which are listed on the United States' terrorist list for their roles in state-sponsored terrorism. By engaging in such travel, it is my understanding that Mr. Farrakhan may have violated several federal statutes, including the Foreign Agents Registration Act, various passport travel restrictions, sanctions regulations, and the Logan Act.

An investigation by your department is critical to determine the means by which Mr. Farrakhan traveled to Libya and Iran, what economic contributions he may have made to these countries, whether there exists any financial relationship between these terrorist governments and Louis Farrakhan's Nation of Islam, and answers to other relevant questions.

It is unconscionable and unacceptable for our government to stand idly by, while federal laws may have been disregarded with impunity by this man.

I respectfully urge your office to take whatever action is necessary, including comprehensive investigations to fully disclose Louis Farrakhan's travels and interaction with the terrorist regimes in Libya and Iran.

Thank you for your consideration and cooperation in this matter, and I look forward to working with you in this regard.

With kind regards, I am,

Very truly yours,

BOB BARR,
Member of Congress.

Mr. Speaker, to say that Mr. Farrakhan is, quote, cavorting with dictators, close quote, as one presidential spokesman initially said, is not enough. Our laws should be the rule of the land, not political interests of the moment.

Even beyond, Mr. Speaker, the immediate questions about whether Mr. Farrakhan has violated U.S. laws, looms the broader issue of whether U.S. laws purporting to guard against U.S. citizens conspiring to work against U.S. national security interests have any meaning whatsoever. Do our laws, which prevent U.S. citizens from serving as conduits for foreign money being interjected into the U.S. political system, have any meaning or not?

These fundamental and basic questions about the scope and strength and rule of U.S. laws guarding our national security and guarding the integrity of our political system must be addressed. We must have the backbone to ask these questions through appropriate congressional hearings and through appropriate law enforcement review by the Department of Justice.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104-470) on the resolution (H. Res. 370) waiving points of order against the conference report to accompany the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government

leading to a democratically elected government in Cuba, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONDEMNING VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, for the fourth time in 9 days, a savage suicide bomber has attacked the people and the state of Israel, seeking to terrorize its people and destabilize the Middle East peace process. The latest bombing, outside Tel Aviv's largest shopping mall, struck a crowded center filled with families and many children dressed in costume for the Jewish holiday festival of Purim. At least 12 were killed and 120 wounded in yesterday's bombing, only 1 day after a bus bombing in Jerusalem killed 18 people. The latest terrorist attacks bring the death toll of this 9-day siege to 59.

The United States and the world must stand with Israel in this time of crisis. The actions of Hamas, the militant Moslem group which has claimed responsibility for these bombings, should not be tolerated. We cannot allow these terrorists to undermine the peace process and reverse the tremendous progress that has been made. More importantly, we must do all we can to stop these terrorist attacks and all who would support them militarily and financially.

Israeli President Shimon Peres reiterated yesterday that Israel would not surrender to terrorists, and I have no doubt he will bring the nation's full weight to bear on Hamas and their allies who would threaten the very existence of Israel.

I am pleased that President Clinton has moved swiftly to assist Israel in its efforts to battle this deadly wave of terrorism. The highly sophisticated bomb detection equipment and technical experts the United States sent to Israel today will support Israel's efforts to bring the killers to justice and to prevent future bombings.

While these attacks have been portrayed as acts of revenge for Israel's killing of a Hamas terrorist leader, there can be no doubt today that these attacks are designed to undermine the peace process between Israel and the Palestinian authority led by Yasser Arafat. The actions of Hamas should not be tolerated nor should they be allowed to sway our commitment to peace.

We here in the U.S. Congress must not waiver on our own commitment to this effort. Domestically, we must do everything within the law to ensure that Hamas and other terrorist groups do not receive financial support from within the United States. Internationally, we must lead the world in taking strong action against any nation that harbors or supports terrorists.

We must also demand that Chairman Arafat and Palestinian Authority use the police powers granted under the peace process to bring these terrorists to justice. Finally, we must endorse the Israeli Cabinet's position of troop deployment as an allowable exception to the Peace accords to address an inexcusable action on the part of a terrorist organization.

Today, all Israel mourns the loss of its friends and family, and the entire world grieves with them. We can best honor the victims of these bombings by recommitting ourselves to a comprehensive peace for Israel and the entire Middle East. But we must also recognize there can be no true peace until the terrorists behind these attacks are brought to justice. They must not succeed.

I urge my colleagues to join me in condemning this senseless campaign of terror against the people of Israel and in sending our condolences to the families of the victims of these horrible attacks. America stands with you and will support you throughout your fight against terrorism and for peace.

□ 1600

A TERRIBLY SAD DAY FOR HUMANITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I welcome the eloquent comments of my colleague from Texas who just spoke. This is for all who care about the best instincts of humanity, a terribly sad day.

The people of Israel, a democratic society represented by a democratically elected government, have been in the process for the past couple of years of taking risks for peace, of reaching out in ways that societies do not always do. The Israelis have shown a willingness to cede control of territory that was hard-earned in wartime and in a war forced on them by the intransigence and hostility of its enemies, and the effort by the Government of Israel to bring about this peace has tragically been responded to by a minority, but unfortunately a significant minority, within the Arab world, by a campaign of vicious murder.

No society, and certainly no democratic society where the people rule as they do in Israel, can tolerate this sort of assault on the citizenry. We should make very clear from the outset that the Government of the United States is fully supportive of the decisions that have been made and will be made by the government of Prime Minister Peres. No one has done more to show his dedication to true peace and by that very fact, as well as by the right of self-defense inherent in any state, and particularly for a democratic society, Prime Minister Peres and his colleagues have earned the right to take the steps that they need to in self-defense with our full support, and that will include sending Israeli security forces anywhere in the area where they are required to go, because you cannot sit back and let dozens and dozens of your people be slaughtered defenselessly. You have the absolute, not just right, but obligation to defend them, and the United States should make very clear that it will be supportive of this.

Arguments that somehow this is incompatible with the peace process cannot be given any weight, because what could be less compatible with the peace process than the systematic brutal murder of dozens of innocent people by the Hamas terrorists.

People should understand that, again, Israel being a democratic society, it cannot go forward with a peace process until and unless its security can be provided.

I thought the chance for genuine peace in the Middle East was one of the finest hours we have seen. I still hope that we will get the benefits of that. But people must understand that protecting the innocent citizens of Israel against this sort of butchery is an absolute precondition to any further progress in the peace process.

No democratically elected government would try, and it would not succeed if it did try, and it would not deserve to succeed if it did try, to go forward with a peace process without securing the defense of its citizens. And an especially important burden lies with the leadership of the Arab world, of Yasser Arafat, who has clearly done far too little, we now learn, to enforce the law and true peace. The Palestinian leadership cannot at the same time profit from the steps toward peace and then fail to use the authority they are getting to put an end to this murder.

If the Palestinian authority cannot put an end to this systematic, organized murder that comes from within their ranks, they will not have a moral claim and they will not have a legal claim and they will not have a claim anyone will recognize to control the territory.

But it is also important for us to talk to our Arab friends, the Saudi Arabians and others. It is not enough simply to dissociate themselves from these murderers, it is simply not enough to look the other way unless there is a sustained willingness on the part of the Arab leadership to cut off funds. These are not people who are earning a living by some honorable means. They cannot go forward with this terrorism without substantial subsidies in which governments are complicit.

The President of Syria, a great defender of terrorism, must be told any dream he has of regaining control of the Golan Heights totally evaporates now and for the foreseeable future until he begins a reversal and says, "We will crack down on terrorism."

I believe the peace process was one of the finest hours of mankind. I believe the Israeli government was distinguishing itself. I was hopeful there was within the Arab world the kind of responsible leadership that would reach out and meet that. Today that is in question. It is not enough to condemn and wink and look the other way. It is important that we get a full commitment from the Arab leadership to cooperate fully with the Israeli leadership in putting an end to these murderers' ability to murder. Otherwise, one of the things they will have murdered will be the peace process.

SECRETARY OF COMMERCE AND SECRETARY OF ENERGY MUST ACCOUNT FOR WASTED MONEY

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, this country and this legislative body and the administration have been struggling to achieve a balanced budget. The people really do not understand this problem, and, frankly, I do not either.

The working Americans balance their checking accounts monthly. I cannot think of a business in Kansas, where I am the Fourth District Congressman, or a nonprofit organization or an individual that has not balanced their budget over the last 26 years, nowhere except right here in the Federal Government.

This Congress has also been striving to be a House of the people, bringing common sense from the common people back to Government. But we have had many obstacles in achieving that.

The administration has submitted multiple budgets that did not balance. The President personally lobbied against the balanced budget amendment, which passed in the House and failed by only one vote in the U.S. Senate, and the President, in his last budget, which was scored as a balanced budget by the CBO, has 95 percent of the savings in the last 2 years, which would be after his administration, assuming that he would be successful next November.

Perhaps the most confusing, though, is how the President condones actions that are directly in opposition to achieving a balanced budget. I am speaking of the waste and the abuse and the potentially fraudulent activity that have been occurring in the Department of Commerce and the Department of Energy. The President's Secretary of Commerce, Secretary Ron Brown, has allowed the excessive issuance of Government credit cards; for example, half of the employees at the National Oceanic and Atmospheric Agency, NOAA, as it is called, have been issued Government credit cards. Even nongovernment employees have been issued Government credit cards. Reportedly, there have been 600 instances where they have taken Government credit cards and used an automatic teller to receive cash, cash benefits, unaccountable for. I wonder how long do people like Tim Schwilling, who works at the Boeing Co. delivering parts, or Craig Faroh, who works for Sedgwick County, how long do they have to work to pay in tax to the Federal Government to just have it taken out in cash benefits, unaccounted for?

There is Mr. Clinton's Secretary of Energy, Secretary O'Leary, who has been known for her excessive travel. Some call her a congenital flyer, over 100 domestic trips, 16 overseas trips. The gentleman from Ohio [Mr. HOKE] and myself asked for a General Accounting Office audit of two overseas trips, South Africa and India, and the GAO found out Secretary O'Leary could not account for $255,000 of taxpayers' money, a quarter of a million dollars. We have called for her resignation.

This Congress has wanted accountability from the administration, accountability to the people, because it is the people's money.

It is known that the President has opposed a balanced budget during his administration. You cannot balance the budget when the presidential appointees, like Secretary Brown and Secretary O'Leary, waste taxpayers' dollars and remain unaccountable for their actions.

I ask for the President to ask them to account for the money that has been wasted and resign from their office.

KEEP THE GOVERNMENT OPEN ACT OF 1996

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, as we all know, for 3 weeks part of the Federal Government was shut down. I do not want to dwell in the past and worry about who was to blame for this shutdown. I want to look to the future and try to prevent another shutdown.

On February 6 I introduced a bipartisan bill to prevent another shutdown if there should be another lapse in appropriations. H.R. 2963, the Keep the Government Open Act of 1996, amends the Anti-Deficiency Act to permit Federal employees to continue to work and to be paid during a lapse in appropriations, if the President determines that a sufficient appropriation is likely to be made before the end of the fiscal year.

The recent shutdown of the Federal Government wasted one billion taxpayer dollars. We ended up paying 285,000 Federal employees who were ordered not to work for 3 weeks. This shutdown also imposed a serious financial hardship on many of the 476,000 Federal workers who were not paid during this period even though they were ordered to work.

The shutdown of the Federal Government hurt many private firms, both those that normally sell to Federal employees and those that have Federal contracts. They were unable to recoup the business they lost during the shutdown.

The other cosponsors of this bipartisan bill are Mr. DAVIS, Mr. HOYER, Mrs. MORELLA, Mr. MORAN, Ms. NORTON, and Mr. WYNN.

I urge all my colleagues to support this insurance against another failure to enact funding bills.

SUPPORT ADEQUATE FUNDING LEVELS FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. SAWYER] is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, I rise today in support of maintaining adequate funding levels for education, because as we end, as we near the end of another continuing resolution, I think we all agree that the improvement of public education is one of the greatest challenges facing our entire Nation on every level of government and in every locality.

Investment in the learning capacity of this and future generations is crucial to both our long-term economic strength and our continued cultural growth. It is at the heart of what many families mean when they talk about personal economic security and the stability of their families themselves.

I think we all recognize that education has traditionally been, and should remain, a local function and a State responsibility, but Federal support for education as an overarching national concern can make a crucial difference, especially where local resources are strained or where a coordinated effort can help achieve national objectives; in short, where we can begin to unify our Nation in common purpose.

□ 1615

Poll after poll today shows education as the highest economic priority for voters, more than crime or the budget deficit, Medicare, moral issues, Federal taxes, and welfare reform. Education stands at the top of the list for 82 percent of the Americans who oppose cutting education.

To that end, Mr. Speaker, on February 1 of this year I introduced House Concurrent Resolution 144, a sense of

Congress resolution that demonstrates support for education funding at this critical time. The bill calls for an appropriation for education programs by March 15 that is no less than the amount spent on those programs in 1995. I am pleased to tell you as of today 192 bipartisan colleagues of ours have joined me in cosponsoring this resolution, and I am confident that more will join.

I am hopeful this showing of unity, of purpose, will send a message to the people of this Nation and the leadership of this Congress that America is serious about protecting our children's education. School districts that do not receive notification by March 15 that they will have adequate funds for the upcoming school year will have to start planning which teachers to lay off, which programs to cut, which classes to eliminate. These kinds of choices will be grim reality in many school districts around the country.

But March 15 is only the deadline for the schools most immediate needs. A commitment to education funding in the future is necessary to satisfy longer term needs, funding for things that include the basic tools of learning as well as technology adaptation, to professional development, and an elevated curriculum for all kids. All of this comes at a time when we really need to talk about investing in education.

In the fall of 1996 we will have more students enrolled in K through 12, elementary and secondary education, than at any other time in our Nation's history. This will surpass the previous record of the baby-boom years. It is going to come at a time that will necessitate the hiring of about 50,000 new teachers, at the very same time that the cuts proposed through the continuing resolution, if extended throughout the year, would cause the loss of between 40,000 and 50,000 teachers and teachers' aides throughout the United States.

This increase is not a 1-year anomaly. It is expected to continue. These demographic changes are no one's fault. This is not a matter of throwing bombs from one side of the aisle to another. They really come at a time when we all need to recognize that the force of demographic change is at the heart of what is driving policy imperatives throughout the Nation. We need to recognize that this investment is an investment in the security of all of us, and I would urge all Members to consider the consequences of our decisions over the next several weeks. They will undoubtedly reverberate through our population for decades to come.

ORDER OF BUSINESS

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to take the time allocated for the gentlewoman from Texas [Ms. JACKSON-LEE].

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

There was no objection.

ALL NATIONS MUST JOIN IN QUEST FOR MIDDLE EAST PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, the tragic events in Israel in the last several days, the bombings by Hamas, are not simply actions taken by a handful of extremists. These extremists function because they have economic support that comes from countries and individuals around the globe.

It is time that the efforts to attain peace be broadened beyond the United States, Israel, and the PLO. It is time for our Western Allies to join the American effort to isolate forces in the world that support terrorism.

Our Western European Allies continue to do business as usual with the Government of Iran, that is probably the most central supporter of Hamas and its terrorism. Our Western European Allies, like England, France, and Germany, continue to buy oil and provide technical assistance to that Government that provides the economic support and often the direction for these terrorist movements. Countries that Americans have bled for, like Saudi Arabia and Kuwait, also send a large portion of the funds that go to Hamas. Several months ago when Yasser Arafat was here in this Capitol, he complained it was easier for Hamas to get funding from some of these groups than it was for Yasser Arafat trying to lead the Palestinians toward a lasting peace with the Israelis.

United States leadership has existed historically around the globe. That is why much of the world turns to us when there is a crisis. In Yugoslavia it was clear the world could not deal with that crisis unless America played a central role. The United States led the effort to end the apartheid in South Africa.

It is now time for the Europeans to join the Americans and for Americans to take the lead in isolating the Government of Iran, that continues to be the single most destructive force of the peace process in the Middle East. The extremism that they breed, that they teach, that they finance, continues to threaten not only the peace process between Israel and the Palestinians, but governments that have been supportive of the peace process, like the Government of Egypt, led by Mr. Mubarak.

American efforts will not succeed if we are isolated from our Western friends. Business as usual with the Government of Iran continues to provide the billions of dollars of revenue that they can divert for terrorism. The blood that lays on the streets of Jerusalem and Tel Aviv is simply not the fault of those who actually built the bomb. It is not simply the fault of those who brought the bomb in. It is the fault of those who provide the financing to buy the chemicals, to fly the materials, to energize these deadly destructions and this attempt to bring the peace process to an end.

The world has paid a heavy price for these conflicts. Both the Government of Israel and the Government of Egypt have paid prices that most countries are shaken to their roots by, losing their leaders, seeing their citizens on a daily basis being the victims of terrorism.

The Palestinian leadership of Yasser Arafat may not be perfect, may not have total control of the West Bank, but it is the only hope for peace at this point. They need to do a better job, but the rest of us need to provide them the support they need.

Western Europe sits back with its continental coolness thinking that somehow it is above the fray. Let me tell the Governments in England and France and Germany and others, if you do business with the terrorists in Iran, if you do business with the Government of Iran, then the blood of those on the streets of Tel Aviv and Jerusalem is on your hands. If the peace process fails, it is on your hands. You cannot simply go on and do business as usual with the single worst government in the Middle East.

For Syria, if it wants to enter the peace process, it has to renounce its support of Hamas and terrorism as well. Before we take you into the family of nations that operates on the legal and respected basis, we need to know that the Syrian leadership is ready to reject its support for terrorism.

War has a terrible price. The cost of peace has been dear as well. We dare not turn away from it. The alternative is so much worse and so much more devastating. But the Israelis and the Palestinians cannot do it alone. They alone cannot succeed in this effort if the richest of all of Western Europe go to Iran and then a portion of that is transferred to terrorists to take their toll on the peace process.

The Governments of Israel and Egypt, the leadership of the PLO have made their effort. It is now our turn to support that effort more seriously.

PROPOSED CUTS WILL HURT EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, I rise today with my colleague, the gentleman from New Jersey [Mr. PALLONE], during this special order to really call some attention to an issue that I think is near and dear to the hearts of every American family, everyone in this country, and that is the whole issue of education and educating our children and providing for our children that opportunity, that first start, if you will, on the road to what their lives will be about in terms of opportunity, of economic ability, their ability to compete, to succeed in this great Nation of ours, something that, in fact, has been part of the American dream.

What we want to try to call attention to in this time period is the fact that there are, as proposed by the congressional majority, devastating cuts to education. In fact,there are cuts that have been passed into law by our Republican colleagues.

Congressional Republicans are on the brink of making the largest education cuts in our Nation's history, and thereby are on the brink of harming, truly harming, our Nation's children. At a time when Americans are rightly anxious about their job security, at a time when we all know that a good education is the key to a good job, we have congressional Republicans who are launching an assault on American education.

Last week, Secretary of Education William Riley delivered his annual state of American education address. In those remarks he said, "American schools are where the future of America is being created each and every single day." That, in fact, is so true about what goes on and is supposed to go on in our American schools.

In fact, public education is the great equalizer in this country. It allows children, all children, regardless of their economic status, to be able to go as far as their God-given talents will allow them.

That is what we are here to talk about, the fact that public education is under attack in this Congress. Ensuring a bright future is a basic part of the job that we have here, Mr. PALLONE's job, my job, each and every Member of the Congress who is given that public trust, to come here. What we need to try to do is to ensure, in fact, a bright future for our children.

Part of our sacred trust as elected officials is to honor those who have come before us, for example, by ensuring that our seniors have a dignified retirement and making the investments in our future so that the generation that comes after us can live a full and a prosperous and a secure life.

Despite this obligation, we have congressional Republicans today who are making times tougher for kids who are trying to get a good education and for their parents, hard-working parents, I might add, who want to see their kids get ahead in life. They are making the largest cuts in the history of Federal aid to education.

The temporary spending measure that they have passed that funds education, what is known as the continuing resolution, cuts basic skills training, which is known as title I, by 17 percent. Funding to keep our schools safe and free of drugs is being cut by 25 percent. Before we can expect our kids to do all of the great things that we wish them to do and they are anxious and excited to do, we need to provide them with some essentials, training in the basic skills, a safe place in which they can learn. But it is in these areas where my Republican colleagues have made the most crippling cuts.

This temporary spending measure expires on March 15 so that Congress will soon have to face a choice. Will my Republican colleagues extend these cuts through the end of the fiscal year, or will they restore the funds that they have taken from America's classrooms?

Let me tell my colleagues about what happens in my State of Connecticut. These cuts spell disaster. Yesterday, I met with parents and educators at a school in my congressional District, and we had represented there both urban schools and suburban schools.

I will tell my colleagues what the parents and the educators are concerned about. They are concerned that these cuts will hurt school kids who are trying to build their basic skills, stay off the streets, and stay away from drugs. Under the Republican proposals for basic skill training, funding would be cut by $8.6 million in Connecticut, affecting 9,200 needy students. Schools in my district will lose $1.5 million. Under the Safe and Drug Free School Program, $729,000 would be cut in Connecticut.

Let me read a quote from one of the parents who was there yesterday. Carolyn Jackson, who met with me, said the proposed cuts would eliminate students' chances of being competitive. This is her quote.

"They won't make it, they won't be trained, they won't be able to go on to a trade school or to college," she said. These after school programs that would be cut keep kids off the streets. It keeps them occupied, it gives them something positive to do. If they cut that out, the only place that they have left to go is to the streets.

□ 1630

The teachers, the administrators, both again from urban and suburban schools, talked about having to cut math and reading programs, remedial programs, programs that provide our young people with being able to be ready to learn when they go to school. If these cuts go through, how, in fact, will we be able to deal with these issues?

Mr. Speaker, what makes these cuts so wrong headed is that our Nation now stands at a crossroads, and I know my colleague, Mr. PALLONE, understands that. We have been listening to and talking to people about if our people in this country do not have the basic skills to compete to win in the global workplace, how can we allow our people, our kids and their futures, to fall further and further behind as they try to compete with low skilled workers around the world for low skilled jobs? That is not what we want to do. We want our young people to have all of the advantages that they need and all of the tools that they need to be able to compete in a world order, in a New World order, to be able to compete right here in the United States so that they can have highly skilled, high paying jobs so that they can make their way for the future.

Getting a good education has always been a big part of what enabled the people of this country to stake their claim in the American dream. My parents, other parents, have worked hard to see that their kids get the opportunities that they need so that they can serve, that they can have good paying jobs. We are taking away this American dream for parents today, but also for youngsters. These cuts will dash that dream for too many of our children.

For generations, as I have said, public education has allowed children, regardless of their economic status, to go as far as their God-given talents will allow, but despite that public education is under attack today in this Congress. This week, as Congress considers a new spending measure for the rest of the year, I urge my colleagues, Democrats and Republicans and Independents, to remember the children in classrooms all over America and their hard-working parents, parents who have bright hopes for their kids' future. Please remember these people. We need to restore the Federal funds that enable our children to make those dreams a reality.

And what I would like to do is to ask my colleague from New Jersey, FRANK PALLONE, to talk about his concerns about this issue and what effect it has in his own community and for us to have a conversation and a dialog about this issue.

Mr. PALLONE. I want to thank my colleague from Connecticut, Ms. DELAURO, for raising this issue again this evening on the floor of the House of Representatives, and I guess you know I approach the education issue from two perspectives in the House.

First of all, I think most people realize that maybe it needs to be stated again that the amount of money that the Federal Government contributes for education is really very minuscule. I think if you look at your local school budget, for example, in the municipalities that any of us represents, you will

find maybe 7 or 8 percent of their budget is Federal dollars.

So we are not really talking about a tremendous amount of money that the Federal Government actually does contribute, particularly on the local level, and if that is cut significantly, as is being proposed by the Republicans, then the Federal role, the Federal commitment to education, will even be more minuscule.

The other thing, I think, is a lot of people believe that because of this budget battle that we have had between Democrats and Republicans over the last year and because it is not resolved at this point, perhaps that the status quo continues and that the money continues to flow to local districts for various educational functions, and that is simply not true. As you pointed out, the level of funding under this continuing resolution, if that level of funding were to continue through the rest of this year, would be about a 20-percent cut overall in Federal education funding on every level. That is a significant cut from 1 year to the next, and the impact on local school districts, on colleges and universities will be severe.

Already I know that in my own area State and local officials have told me that they are unable to plan for the coming year in terms of their education budget. They do not know whether or not they can keep as many teachers as they have. They do not know whether or not they can offer certain courses, you know, whether their curriculum is going to change. So this uncertainty, if you will, that exists out there because we are operating under these continuing resolutions, where we have to keep extending the funding every 2 weeks or every month or so, really is having a terribly negative impact on the ability for local and State officials to plan for educational purposes over the next year.

The other thing that I guess disappoints me a great deal is that if you think about the effort that President Clinton has made in trying to highlight education, when he was first elected and in the first few years of his administration he established a number of initiatives on the Federal level that really have already started to make a difference in terms of improving education at every level, and those initiatives are right now very much in limbo because of the Republican leadership budget.

I just wanted to mention a couple of them because, for example, the National Service Program, which allows students to work in the community when they are in college and then use the money that they earn to pay for their college tuition or their college education. He actually came to Rutgers University, which is in my district, and announced that program a couple of years ago, and Rutgers and students in my district have taken advantage of that to the hilt. I mean basically it was a supplemental program where right now you can get some grants for scholarships, you can get some student loans from the Federal Government. But this now allows a whole other area where I think you can earn up to about $4,000 a year, which is a significant amount of money, you know, given the cost of tuition and the cost of higher education today, and the community benefits because the students are back in the community working either in hospitals or on environmental projects or in schools, whatever it happens to be. And this is the program, this National Service or AmeriCorps, which the Republican leadership wants to eliminate outright. Their budget actually just kills the program completely.

The other thing is if Goals 2000——

Ms. DELAURO. Let me just interrupt my colleague for a second because I think the AmeriCorps Program is a perfect example of how we have, how they have, our values backward, what AmeriCorps is all about, and just to say that about 691 young people in Connecticut would be denied the opportunity to participate in the National Service Program if the funding is eliminated.

But this says to young people you have an obligation to give back to your community. You need to participate in the life of your community, get involved with helping, whether it is in education, or in health, or in some other area, because if we are going to provide you with some help, you have got to do something for that. This is not, you know, just without any kind of responsibility. This is a way in which we try to instill responsibility in our people.

And so many times today you hear from people about we do have, in whatever segment, if it is for young people, with adults or so forth, that people just do not have the responsibility that they had in the past, they do not take on areas where they need to demonstrate that they are willing to put their heart and soul into something, but they only want to grab a handout and not give something in return.

This program epitomizes the values of work, responsibility, and community, and if you engage in those ways, then, yes, we will give you a tool, if you will, to help you meet your goals. But it is a two-way street. This is not just one way, and this is what is so incomprehensible, that on one side of their mouth they want to talk about how we want to stop this handout for people, which is right. But they also want to take away the opportunity for young people to contribute as well as to be able to engage and to move forward with their own objectives, and that is wrong.

We need to have people be responsible and take on a direction or an action and get involved before we are willing to do something for them.

Mr. PALLONE. Absolutely, and I think you are pointing it out, and again this is not pie in the sky. I have talked to students, as I know you have, college students who were involved in these various national service programs, and they are working, and they are in the schools, out in the community, they are in hospials. They are doing all kinds of things.

The other thing that the President established was the direct loan program. Now again maybe it sounds a little bureaucratic, but it is important because again Rutgers University in my district has taken advantage of it where traditionally student loans, when I was in college and until recently, you had to go to the bank, and the Government would guarantee the loan. Well, some of the universities, including Rutgers, went to the administration and to the Congress and said, look, if we administer this program directly, if the money comes directly to us and the students apply directly for the student loans from us, then we eliminate the middle person, if you will, and we can expand opportunities and give out a lot more direct loans.

Ms. DELAURO. Costs you less money.

Mr. PALLONE. Exactly, and they started it on an experimental basis at certain colleges and universities, Rutgers being one of the first, and at Rutgers it expanded the number of student loans that they can give out. Now all of a sudden we are hearing as a part of this budget that they want to cap the direct loan program, I think it is at 10 percent, and not allow it to be expanded to other colleges and universities.

In my district, my college, for example, which was a 4-year institution, would not be able to establish a direct loan program under this Republican budget or proposal, and again it makes no sense. I mean it is essentially nothing but a special interest effort to say let us go back to the old way where the middleman, the banker, or financial institution, makes the money and no one is proposing that this makes any sense. It is certainly going to make it harder to get a loan for individual college students and obviously eliminate a lot of opportunities that students would have to be able to go to college. It makes no sense.

Ms. DELAURO. Let me just comment on that one because I think that there is—you made a very, very good point, which is that they are willing to do harm to young people who want to again further their education and go to college, hurt working families who are struggling to get their kids to school. I could not have gone to school without student loans. My folks could not have afforded it. This was, you know, they killed themselves to, you know, to see me through college and to utilize the

student loan program to do that. But it is doing harm. But at the same time, and particularly with this one, is to cater to a special interest because the banks are up in arms about the direct lending program.

Mr. PALLONE. They are not——

Ms. DELAURO. Because they are not going to make their percentage. That is what this is about. This is not saying to hard-working middle class families you get the advantage, you get the incentive. Banks are doing OK. They can live without this. We want to give you a break, Mr. and Mrs. America. You want to have your kids get ahead. Do not take it away from hard-working families to cater to special interests and wind up hurting the family and the youngster.

In that program in the State of Connecticut we will see 14 schools forced out of the direct lending program, losing over 14,000 loans.

Mr. PALLONE. Exactly.

Ms. DELAURO. And an opportunity for people and young people.

Mr. PALLONE. And again what we are really talking about here is the recognition of the fact that today, unlike maybe 10 or 20 years ago, it takes a lot more money to go to college, and so if you do not have a national service program, if you do not have direct loans, if you do not have innovative ways of trying to pay for college tuition, you are not going to be able to make it.

Now, the President in his State of the Union Address talked about families, parents, being able to pay up to $10,000 in tuition for their students and that that would be tax deductible. As you know, in the process of this budget debate the Republicans and the Democrats have talked about some sort of tax cuts or tax breaks. But again I would suggest that if you look at the tax breaks suggested by the Republican leadership, they are mostly for large corporations and for the well-to-do, whereas the President now is saying here again education is a major issue. If we allow that kind of tax deductibility, it expands the ability of parents to help pay their kids' education, and if we are going to do any kind of tax cut or tax break, that should be the kind of tax cut or break that we should institute because it is an investment in the future of the country.

□ 1645

Ms. DELAURO. That makes enormous sense, Mr. Speaker, because it is probably one of the areas that most parents are worried about, after a job or the increase in their wages, because they have not seen a raise for a number of years. But if you could target the tax cut to working families, to take the education costs as a deduction, it makes enormous sense.

What you are seeking in that tax break package at the moment is that the richest corporations are winding up with the elimination of the alternate minimum tax getting a windfall again. You are seeing that special interest effort do very, very well. That is a $17 billion windfall for the richest corporations, if you will eliminate the alternate minimum tax.

Mr. PALLONE. Exactly.

Ms. DELAURO. Mr. Speaker, to try to make it a little easier for working families to be able to see some realization of their dreams and their aspirations for themselves and for their children, this is the direction that we ought to go in. On that score, it is my hope that we will have an agenda over the next several months where we will introduce legislation in this body here, and that we can get it on the floor for a vote.

Mr. PALLONE. Again, I do not want to prolong this, but we talked about higher education. If you talk about primary and second, as I pointed out before, the Federal contribution to local education is not very much in dollars. It is about 7 percent or 8 percent of the budget. But the Federal Government has traditionally, and again, President Clinton has talked about trying to create incentive programs that will basically try to improve the quality of education, with the few Federal dollars that go to the local districts.

One of the areas that he has been a champion of is Goals 2000. Basically, this is where you set standards, if you will, for the quality of education, for curricula, whatever, within the school, and then you give the schools, on a competitive basis, a certain amount of Federal dollars to try to implement some changes, some innovations, that would improve the standards of the curriculum or the education. That, again, is something that is significantly cut back, almost eliminated in the Republican leadership budget.

The other thing is that traditionally the Federal Government, I guess for at least 10 years or more now, has been involved in providing new equipment or high-technology type things, whether it is computers or ways of trying to improve the sciences; things that, as you know, many schools simply cannot afford to buy that kind of high-technology equipment or whatever, because they do not have the budget for it. Again, that is another area where there are significant cuts that are being proposed, and the President is talking about trying to come up with some innovations.

Ms. DELAURO. Yesterday when I went to visit the school I was in three kindergarten classes. You just see these little bits of kids, it was just astounding; there they are, in terms of the equipment, and they have these computers in front of them, and they are there with their earphones or their listening program, where they are listening to the story in order to prepare them to move on.

But these kids with the computers, it is just really mind-boggling. There they are with the mouse going back and forth, and several of them were showing people how they were learning the alphabet, and they had the letter D, and then they were using the computer to point to a deer or a duck, and so forth, or using a C and pointing to a cake and so forth.

Here they are, again, these little bits of kids, getting proficient in a technology which is our future, but it is their future more than it is ours. Why are we trying to be in the business of taking away these tools from them?

One program that I wanted to mention was something called School-to-Work. The heart and soul is being cut out of the School-to-Work Program. This is a program that says to young people who are seniors in high school, who do not want to, cannot afford to, or maybe do not have the skills to go on to a 4-year liberal arts college, and God knows, we probably have enough history and English majors to last us a lifetime, but these young people want to go on from school to work. They want to be gainfully employed, they want to get some skills.

This program has allowed that bridge from school to work, really, the first piece of legislation that in so many years has recognized the aspirations of these young people, and their dreams of moving from school to work, without having a 4-year college education. That is truly the fate of most of our young people in this country. The largest percentage do not go on to a 4-year college.

But this program is going to be cut and decimated, and we just say one more time to these young people, "Sorry, you really do not make any difference. Do it on your own." Why are we not in the business of trying to provide a bridge from school to work; again, responsibility? "We will give you some tools so you can carry out what you need to make your way."

We cannot do it for you. That is not what anybody is saying here, nor should we. We do not have the resources to do that. But how do we enable young people to move ahead? This is a program that works, it is gaining all kinds of endorsements from the academic communities, from the business community, because they are seeing the fruits of the labor here, because they are getting these kids who are well-trained, who have the skills, who can make it in their jobs. Now we are saying, "Sorry, we are just going to close the door on this effort." It is wrongheaded. It really is wrongheaded.

Mr. PALLONE. You talked about programs that work. Just the last one that I wanted to mention, of course, even earlier is the Head Start Program, preschool Head Start Program, because from 1992 to 1995, which is, of course, the span of the current administration,

we have had an increase of 130,000 children that were able to participate in the Head Start Program over the last 3 years, because we were expanding a very successful program, which is enjoying—it really had support under President Bush, President Reagan, as well as President Clinton and President Carter. It has always been very bipartisan. Now all of a sudden this Republican leadership budget would deny Head Start benefits to 180,000 children over the next few years. So again, we are talking about misplaced priorities here.

When I go out of my district, when I am in the State of New Jersey and I talk to people, they all tell me that education is paramount. Everyone understands that. I really for the life of me do not understand why the Republican leadership in this House does not get it. Education is crucial. If we are going to start talking about cutting education 20 percent here over the next fiscal year, it just makes no sense. It is totally out of sync with what the American people want.

Ms. DELAURO. Just in terms of translating that 20 percent, and I think you have made the excellent point that there is a minuscule amount of Federal aid in education—sometimes people do not realize that or understand that—from this minuscule amount of money, we are looking at, roughly, if things continue the way they are with this, at this level, we are looking at about a $3.1 billion cut from those funds. We are looking overall, in terms of the college loan programs, you know, at almost $5 billion over the next few years in terms of cutbacks in college loans, to say nothing of what is going on in the Pell Grant Program. In the Pell Grant Program, what they did, the bill eliminates assistance to students who qualify for grants of less than $600; about 250,000 students in this Nation are going to be eliminated from the program.

Perkins loans. Again, these are not great amounts of money that are being put in play at the moment, but the removing of that kind of money has an unbelievable effect on how many young people can look to a brighter future.

I think you would agree with me that we are at a crossroads. We truly are at a crossroads, because we have never seen the level of cuts in education that we are seeing today. Education has always been the way for people to expand their horizons, move forward, and have a brighter future. That has been true with succeeding generations.

This is the first time in the history of this country that if you talk to American families, working families, that today they do not see a bright future for their kids. They do not believe that their kids will have the same kinds of advantages that they had. That is a sad commentary on what our values are in this Nation and what our priorities are.

So that there is a full-scale assault, whether it is on Head Start and you are looking at preschool programs, readiness; whether it is in a school lunch program that they would like to away with; whether it is in a summer jobs program that is being cut out so kids can make some money, go back to school, and then, again, demonstrate some responsibility; whether it is in education, skills training, and school-to-work, or whether it is in moving kids forward in terms of higher education.

I do not understand it. I think it is outrageous. My hope will be in the next 2 weeks, as we discuss what is going to happen before March 15, that when it comes to the issue of education, that we are not about the business of doing harm, and doing harm for the special interests of this Nation, but that we are in the business of doing what people sent us here to do. That is to do something for the public good and particularly for the kids and for the future of the youngsters in this Nation.

Mr. Speaker, I thank my colleague for joining with me this evening. I am sure that we will be engaged in this conversation over the next few weeks.

Mr. PALLONE. Absolutely.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1823

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCINNIS) at 6 o'clock and 23 minutes p.m.

INVESTMENT IN EDUCATION VITAL TO RESPOND TO TECHNOLOGICAL REVOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we are now in our second week following the recess, a recess where every Member had an opportunity to consult with his constituents, and I think that most of the Members had the same kind of experience that I had. That was an experience of talking with constituents who displayed in their commonsense reasoning far greater wisdom than is often displayed here in this institution.

This body seems to have lost touch with common sense. Common sense of the people says clearly that education is a No. 1 priority. They have been telling us this in many ways for the last 5 years. For the last 5 years, education as a spending priority has ranked in the top five priorities as designated by the American people in public opinion polls. They clearly have shown that education is very important.

Seventy-two percent of the people recently interviewed said that if there are going to be cuts made in the Federal Government, then the cuts should not be in education. Education should not be one of the areas where you streamline or downsize. They clearly stated that this was not desirable.

We have common sense repeating over and over again what ought to be clear to everybody that is in a decisionmaking position in Government. We have a crisis.

We have a situation that ought to be clear by now, where technological change is escalating. Technological change, the telecommunications revolution, the information age revolution are all upon us. As they take hold, it is quite clear that we need more and more educated people. It is quite clear that the people who are educated now need to have an upgrading and different changes in their education.

In order to meet the present upheaval, in order to be able to deal with it, the minimum need is a massive education and job training program. Common sense tells us we need a massive education and job training program. Without any further research, that is quite clear.

Nobody knows where this technological information is going, this age of information, the age of telecommunications. Nobody can really predict where it is going to go and what we should do. Nobody can lay out a detailed plan as to exactly where we are going to be able to take hold of the situation and not have it wreck our economy.

It is a revolution that is displacing large numbers of workers. We have seen large numbers of blue collar workers displaced over the last 20 years, but now we have the middle-management workers, clerical workers. Large numbers of them are being displaced, certainly temporarily dislocated, and there is no solution in sight to this.

Large amounts of money are being made in a booming economy. The economy is booming if we look at it in general. These are very prosperous times. So if in very prosperous times we are losing large numbers of jobs and there is a great deal of dislocation and upheaval in the job market, then what is going to happen if we fall into a recession and the boom is no longer there? We have a boom which is unprecedented, in that profits are higher than ever on Wall Street, and yet at the same time people are less secure than ever before. More jobs are being lost than ever before.

I would certainly call to the attention of all the Members of this House

an article which is must reading. It is a series of articles that started in the Sunday New York Times, March 3 New York Times. It is called, "On the Battlefields of Business, Millions of Casualties." That is the title for this particular article which is the beginning of the series: "On The Battlefields of Business, Millions of Casualties."

This is a series which is called "The Downsizing of America" and this is the first of 7 articles. It is must reading for all Americans, must reading for decisionmakers in Washington, and must reading for Members of the House, because it talks about mostly middle-class people, mostly people who were employed as of 2 or 3 years ago in very good jobs, and the kind of suffering they are going through and have gone through as a result of this technological escalation, the age of computers and telecommunications displacing large numbers of people.

It has not yet moved to the point where they are offering remedies, but I think previous editorials in the New York Times and a few other of our leading newspapers have quite clearly come down on the side of more education. Nobody understands all that has to be done, as I said before, but everybody who is thinking about the problem clearly understands that there will have to be a greater amount of investment in education, a greater amount of investment in job training. It is self-evident. If the experts cannot see what is self-evident, then certainly the common sense of the American people has repeatedly reinforced and underlined the fact that it is self-evident to them that we need a greater investment in education and a greater investment in job training.

National security now must be defined not in terms of our military strength and not in terms of our economic prowess, but the things that support that military strength, economic prowess, leadership in the world. Underneath it is an educated populace. Nothing is more important than an educated populace. Nothing is more important for the security of the country.

□ 1830

Nothing is more important to the quality of life in the country. Nothing is more important in terms of maintaining our central humanity than a massive investment in education.

Instead of a massive investment in education which is going forward, this present Congress is proposing that we disinvest, that we deescalate, that we downsize the commitment in education. Part of that disinvestment argument is that the Federal Government should get out of the business of education.

We have had the Republican majority propose that the Education Department be totally dismantled, that we get rid of the Department of Education. They put zero in one of the budgets for the Department of Education.

You know, no sane industrialized nation walks away from its commitment to education to that extent. Every industrialized nation, on the other hand, really has a far greater commitment to education at the central government level. There is not a single industrialized nation that does not have a substantial commitment to education, and it is reflected in some kind of single government coordinating body at the top, whether they basically are highly centralized, as they are in Japan and Germany, France, or whether they are moving away from a centralized model and having more flexibility and greater innovation at the local level, as they are in Great Britain, and they still have very strong centralized departments of education to give some kind of guidance and direction.

In this country, traditionally we have had a strong central department of education. I am certainly not advocating that we have one now. I am not advocating that we go to the other extreme, that we have zero, nothing, because our involvement at the central government level in education is minimal. At its very height, when the Department of Education was even funded at a higher level than it is funded at now, we had a very minimal commitment to education at the central level, and the operation of education in this Nation remains in the hands of local education agencies and local school boards. It still does.

Our commitment to education at this point at the Federal level is less than 8 percent of the total amount spent on education, 8 percent of the total. You know, more than $360 billion was spent on education last year, and of that $360 billion, most of it was spent by State governments and local governments. Only 7 percent, between 7 and 8 percent, was provided by the Federal Government. A large part of that 7 to 8 percent provided by the Federal Government comes in the form of commitments to higher education through the loan programs and grant programs at the higher education level. So, when you are talking about Federal commitment to education at the elementary and secondary level to the schools across America, you know, at the local school boards and local school districts, you are talking about a very minimal commitment. That minimal commitment, however, sets a tone. It sets a direction, a sense of direction, a sense of tone. It has been very important in the last 10 to 15 years in stimulating reform, in stimulating more activity that is positive at the local and State level.

The fact that our national government, the Federal Government, now is choosing to back away from that commitment and to downsize and to cut education at the Federal level has set off a domino reaction at the State levels and at the local levels to cut education fiercely in some places, and in my home State of New York, large cuts are being proposed in education aid from the State to the city of New York and in the upstate district also, but greatly the cut impacts most on the city of New York.

In the city of New York itself, the city government, the mayor has waged a war against the board of education, and in his attempt to balance the budget of the city, the board of education is being made to pay a higher price than most other city agencies.

So, what started at the Federal level has set off a chain reaction which has been carried through devastating proportions at the State and local level. I give New York as an example, but across the country this phenomenon has taken hold in most big States. There are cutbacks in most big cities. There are cutbacks, and we are going in just the opposite direction than we should be going. There should be an escalation of investment and an escalation of activities in the area of education, and we are going in just the opposite direction.

Today the Education and Economic Opportunity Committee, the Committee on Economic and Educational Opportunity, what we used to call the Education and Labor Committee; the new Republican majority went to great lengths to take out the word "labor," not have "labor" appear anywhere. I am glad they at least left "education" in the title of the committee; the Committee on Economic and Educational Opportunities, Democratic members held a hearing, a forum, you cannot actually call it a hearing; it was a frustration forum, because out of frustration, the Democrats had to set aside time and recruit witnesses for an unusual kind of exercise. It was not an official hearing, because the people that we have sought to call for all of the official hearings have not been accepted by the majority. In fact, the majority, not following the tradition and the pattern set by the Democratic majority, which always allowed a reasonable number of witnesses from the minority in ration to the majority witnesses, the majority has chosen to limit the minority, the Democratic minority has been limited in our committee to no more than one witness at each hearing. You know, one witness has been all we have been limited to as we proceeded to discuss revolutionary changes in education, and even the number of hearings has been limited.

The hearings that are stacked in favor of the majority witnesses and opinions that are only favored by the majority have been all too few. So we are proposing revolutionary changes, gigantic budget cuts, changes in structure, elimination of the Department of

Education, the restructuring of the School Lunch Program, the restructuring of the careers program, total revamping of education for individuals with Disabilities Act, all of those sweeping changes have been proposed and are under way without any reasonable number of hearings.

We have spat upon the democratic process. We have just denigrated the democratic process, which at least called for an opportunity for controversial ideas and new proposals to be discussed. The Republican majority has not permitted that.

So we had to have our own hearing out of frustration, and large numbers of people were called on one day, kind of an overwhelming enterprise that we had to undertake today. I do not recall exactly how many witnesses, but I think there were more than 20, 20 witnesses called by five panels, and some of the witnesses, of course, were outstanding spirits, outstanding philosophers, outstanding advocates for education. We are quite proud of the fact that we finally had the opportunity to have them go on record in this very critical year of decisionmaking.

This is a critical year of decisionmaking because even through the Republican majority has not been able to go through the usual democratic legislative procedure and work its will, they have not been able to get many of the revolutionary changes they wanted passed. They have chosen the appropriations route, the budget-making and appropriations route, to work their will. They cannot get the reauthorization of certain laws. They cannot get many of the items that they passed at the level of the House of Representatives passed in the other body. So they have turned to the appropriations process and legislate through the denial of funds to certain activities, denial of funds to the Department of Education, cutting back at a certain level, the denial of funds to title I.

You do not like title I, you do not have the opportunity to get ride of it fully, revamp it in the way you want it, so you cut it be $1.1 billion, about a 25 percent cut. And you follow that pattern with other programs. Even Head Start, which is frowned upon unfavorably by certain sectors of the Republican majority, and Head Start gets the first cut in the history of the program. Ronald Reagan did not cut Head Start. He increased the amount of funds for Head Start. George Bush did not cut Head Start. No President has cut Head Start. Only now does the Republican majority in the House venture to cut Head Start by $300 million.

Summer Youth Employment Program, which is on the border between education and job training, very important for education because it sends a positive message to the young people during the summer. They can be employed. It says to them that their Government cares something about them. It has been program that has been cut down, whittled down over the years.

Ten years ago, in New York City, 90,000 young people were employed in the summer youth employment program. Last year, 32,000 were employed. It has been steadily cut down to lower and lower levels over the years. Now we do not know what is going to be funded for the coming summer or not. There is a shadow over it. It is in the continuing resolution, like everything else, but when it is not mentioned specifically, it say it is funded at 75 percent of last year's level. In the case of the Summer Youth Employment Program, we cannot really determine what last year's level is, because there was a move to phase out the program, and the amount of funds appropriated was an amount needed administratively to phase it out. So there is a big question mark.

This is March 5. Summer youth employment programs usually go into motion sometime this month in terms of administrative planning, the recruitment, et cetera. As of March 5, we do not really know what is going to happen in the Summer Youth Employment Program.

We have, through the budget process, through the back door, been able to whittle down very critical education programs. We have done all of this, as I said before, without going through the democratic legislative process. We have treated the process with great contempt.

To compensate for the contempt that the majority has shown for the democratic process, the Democrats on the committee called today's forum, which is, again, not an official hearing. It does not have minutes and records of the same type as we have in official hearings. It does not or did not have both parties there, and only the Democrats were there. So it is not a substitute for what should have happened. But it is an opportunity or was an opportunity for people who have opinions, people who are advocates, people who have been around a long time who have experience. They should have their voices heard in this process of changing education radically.

The radical changes are unnecessary. I always frowned on radical approaches when they are not necessary. Revolution is a dangerous operation always. Revolution, things can always get more chaotic and more people can end up suffering if you take the revolutionary route. So, revolution should only be undertaken when it is necessary. It is not necessary to have a revolution in education, however bad things may be. We were moving forward in an evolutionary way.

I think proposals that have been on the table for a long time, made a lot of sense, starting with the Republican President, George Bush, and his proposal for America 2000 and his establishment of the six goals, the Clinton program of Goals 2000, are not so far from the Bush Program of American 2000. There was some continuity. Democratic Governors and Democratic legislators were involved in both processes. All of that was moving forward.

Standards were being established which were first proposed by the Republican administration, and they are now being established under a Democratic administration. We did not need a revolution.

The evolutionary process needed to be speeded up. The evolutionary process needed to have some resources put behind it. All of the structural changes were not being accompanied by proposals to increase the investment. We needed more money. You know, to keep changing the structure and playing with standards to institute new evaluations and do all the kinds of things that are proposed in the Goals 2000 legislation does not really allow education to be impacted in the way it should be impacted.

During the process of these negotiations and discussions on Goals 2000 last year, not last year, year before last, when the Democrats were in the majority, during those discussions we had long debates about opportunity to learn standards. Everybody was interested in standards for teaching the subject matter. Everybody was interested in standards for testing. But we talked about opportunity to learn standards, and opportunity to learn standards means that you have to provide the resources for young people to be able to measure up to the standards that are the educational standards and to be able to pass the tests.

If you do not have science equipment, then do not ask youngsters to pass a test which is a strenuous test about science if they do not have science equipment, if they do not have the books, if you do not have the necessary physical plant. We have many schools across the country where it is just unsafe to have young people in the schools, let alone they do not have proper lighting, they do not have proper ventilation. We have asbestos, in many cases, still around when it should not be around, unsafe schools as well as schools that are not conducive to study.

□ 1845

All of those factors we try to build into the standard setting process. There is a great debate, and we had a compromise. At least the phrase "opportunity to learn" is built into the standards.

If you follow the course of action proposed by Goals 2000 and deal with standards for curriculum, course content, you deal with standards for evaluation and have some kind of uniformity so you can compare from one district and one State to another. And if

you deal with standards for opportunity to learn, if you move in that way, then you put some funding behind the opportunity to learn standards. You have to have some money. You need more money for science equipment, you need money for books. We have libraries in New York that have books that are 35 years old, history books that are 35 years old. What can you teach a youngster from a history book that is 35 years old that is going to allow them to really deal with 1996 and history standards being promulgated for the rest of the country, where the rest of the country has books that are up to date.

So in numerous ways, investment is needed. You need to put money behind the effort. Among the people testifying today at our forum was the distinguished author, Jonathan Kozol. Mr. Kozol has written many books, and I think the most famous and current of the two is "Amazing Grace." Before "Amazing Grace" is his recent book which was released last year, before that a book called "Savage Inequalities." I think that there is no more appropriately entitled book than "Savage Inequalities."

Mr. Kozol spent the day with us, since he testified. In fact, he is here right now in the audience. I think nothing was more penetrating than his statement that you cannot keep asking the question that most conservatives use. The favorite statement of the Republican majority, the favorite evasion of the Republican majority, the favorite evasion of the Republican majority, is "You can't solve educational problems by throwing money at them. You can't solve the problems related to urban education by throwing money at them."

One is supposed to cringe and fall back in the face of that kind of statement and apologize for asking for more money. I think Mr. Kozol made it quite clear that the answer to that statement is, Oh, yes, you can. Oh, yes, you must. You must have more money, more resources applied to the problem, or you definitely will not solve it.

We do not try to solve any other problems in this Nation or this society without the appropriate resources. I think this country would sort of applaud itself for its high-technology military machine that we have, a military unlike any that the world has ever seen. We are continuing to perfect that high-technology military machine. We are throwing a lot of money at that. We have thrown billions and billions of dollars at the military in order to have the military solve problems and come up with some gadgets that nobody really needs and continue to throw money at the military. We are building another *Seawolf* submarine in Connecticut, and the only justification for that submarine is we want to keep the technology alive. We want to keep the workers' ability to deal with that technology current and alive. That is the justification for building another *Seawolf* submarine, which costs $2.1 billion. We are throwing $2.1 billion at a problem that is really not a problem anymore, because we already have enough *Seawolf* submarines.

The Soviet Union does not exist anymore and is not building new submarines. We are throwing money at it. That is a problem that the establishment, a problem that the people who are hypocritical about streamlining the budget, choose to designate as a problem. So they throw money at it.

We are throwing money in the sky at F-22 fighter planes. In Marietta, GA, the Speaker's district, we are building F-22 fighter planes that are not needed. There are high-technology fighter planes unlike anything the world has ever seen. We already have the best fighter planes in the world. We already have fighter planes that nobody is challenging. The Soviet Union is not building any new fighter planes to challenge the ones we have.

Why do we have to throw money at the problem of high-technology fighter planes? But we are throwing money at it at Marietta, GA. It might not be a problem we need to throw money at to solve the problem. By throwing money at the F-22's in Marietta, GA, in the Speaker's district, we are certainly solving the problem of employment in that district. That district happens to be the district that receives the greatest amount of Federal aid in the country. The county that the Speaker represents receives the greatest amount of money per capita of any county in the whole country. So by throwing money in that direction, we certainly are solving a problem of prosperity and employment in that country.

So why not provide appropriate resources, or even, if you must have a phrase, throw money at education, if you want to solve the problem of education? We need money to build schools, because some of them are literally unsafe and falling down. Many of them are, if not unsafe, are not conducive to learning. We need money to throw at that problem and get new schools built.

Senator CAROL MOSELEY-BRAUN and I introduced a bill 2 years ago which would provide for the introduction of a program just to repair dilapidated schools and maybe build a few. It was passed in the Senate she even got an authorization of $600 million, which is a small amount when you are considering physical renovations and construction. But the other body passed it. Later on they cut that down to $100 million, and it passed both the Senate and the House in the reauthorized legislation that we passed in the fall of 1994, before the Republican majority took over in January 1995.

That money has been totally wiped out of the budget, $100 million to deal with asbestos problems, to deal with lead in the water, to deal with unsafe conditions, $100 million zeroed out completely. It is not even under discussion anymore.

We needed to throw money at the problem of asbestos and lead in the water. We needed to throw money at unsafe conditions in certain schools.

So I want to salute Mr. Jonathan Kozol today when he said,

> Despite all that we face in education, we face the strange phenomena of being asked repeatedly by those who spend as much as $20,000 yearly to enroll their children in exclusive private schools, whether money really matters when it comes to the education of the poor. Can you solve these kinds of problems, we are asked, by throwing money at them?

I think that no more appropriate statement could be made than to begin the dialog on whether Americans in decisionmaking positions are serious about wanting a society which is a fair society, a society which is feasible in terms of being able to maintain a sense of justice and some kind of law and order that everybody can live with.

To continue from Mr. Kozol's testimony,

> I always find this a strange question, but especially when it is asked by those who do precisely this for their own children. Money cannot do everything in life. It cannot buy decency. It obviously does not buy honesty or generosity of spirit. But if the goal is to repair a roof or to install a wiring system or remove lead poison or to pay for a computer or persuade a first-rate teacher to remain in a tough job. I think money is a fine solution. Money is a fine solution.

If money is a solution for the military machine, then why is it not a solution for the building of a society where the most important resource is an educated population? An educated population is the most important resource of a great power.

Mr. Kozol goes on to point out that many people use as an example some urban district somewhere which has a high per capita education expenditure, but is not working. This is using an example of why money does not solve problems.

I doubt if you can find three or four education systems where you have a higher amount of money being spent per capita than is being spent in the suburban districts across the country. Where people have money, they choose to spend large amounts on their schools. There per capita rates are much higher.

In New York State, the highest per capita rate is $17,000 per pupil. That is only one district. Many other districts spend $12,000, $11,000, $10,000 on their schools per pupil. In New York City they barely eke out $7,000 per year per child. When studies are done on how the $7,000 per child per year is spent, there is a clear indication that it is lopsided from one district to another. New York City has a student body of 1

million pupils, 60,000 to 65,000 teachers. It is a mammoth system, shifting things around. You will find the poorest neighborhoods and the lowest grades which have the most difficulty in teaching children have the least amount of resources. They are not spending $7,000 per child simply because the biggest expenditure in any budget is the personnel budget. The personnel budget is driven by the length of time that teachers are in the system. The districts which have the children which need the help most, they have the least experienced teachers, because they have the most difficult school systems, difficult jobs. Many teachers, as soon as they qualify for tenure, they move out of those districts, they get transfers, so you have an ongoing condition where the districts that need the help most and the best teachers have the least experienced teachers. The most experienced teachers move out, and subsequently the amount of money being spent per child is lower and lower in the districts that need the most expenditures.

That is just one basic phenomena which explains expenditure difference, even in a city where the average is $7,000 per child. You have in the poorest districts, in Brownsville, which is in my district, or the South Bronx, which is in Congressman SERRANO's district, you will have the expenditure down as low as $3,000 per child, because of these disparities in personnel salaries.

So it is far too low in many cases, and in many cases, of course, there are always ways in which you can improve the distribution.

So I want to go back to the basic thesis, is if we are in times which require greater and greater amounts of education, where individuals cannot survive, families cannot survive unless they have wage earners who do have exceptional education, wage earners who have the kind of education which allows them to fit into this high-tech telecommunications information age society, we need those people, and the only way you are going to get those people is to have an education system which allows them the opportunity to get the kind of education necessary to qualify for these jobs.

This is something that planners have understood for a long time, professors in universities have understood a long time. The people in the street understand it, too. They keep crying. They cry out for more and more resources to be devoted to education. Whenever they are asked a question or given an opportunity to express their opinion, they make it quite clear that education ought to be one of the highest priorities in Federal expenditures.

We keep ignoring them. It is amazing how we just turn our back on the will of the people in a democracy. The great question is when are the people going to wake up and understand that they have the power? They have the power, if they really believe that education is a priority and it has been that way for the last 5 years, it is ranked in the top four or five. Health care was once a priority 3 or 4 years ago, but education was No. 2 or No. 3. Recently the New York Times and USA Today and some others did polls which show that education had eclipsed everything. It was at the very top for a while, over health care, over crime. So people keep telling us again and again that their commonsense knowledge tells them that we ought to be investing more in education. But we refuse to do it. We let these savage inequalities that Jonathan Kozol talks about, savage inequalities that are destroying young people, continue year in and year out. We are reminded of Shakespeare's words in King Lear, "Fool me not so much to bear it tamely; touch me with noble anger," which in street language means somebody ought to get mad, ought to get very mad.

□ 1900

This is rotten. Smells to high heaven. Why are our mayors cutting education when the people said that education should be the highest priority expenditure? Why are Governors cutting education when the people in the States said education ought to be the highest priority? Why does our Federal Government insist on cutting education when the people across the Nation said education should be the highest priority? What is going on? What is going on in our democracy?

Somebody ought to get very mad, and I hope that every parent, every person who cares about America, will understand that we ought to get angry at decisionmaking which completely ignores priorities that are set by the people. Education is that clear priority.

We had testifying today Deputy Secretary of Education Madeleine Kunin, and she only echoed what the other witnesses had said before. I quote from the testimony of Deputy Secretary Kunin:

> As Secretary Riley and I meet with parents, students and business and community leaders around the country, we hear what you hear, that education is America's top priority because it is America's greatest concern. The public understands what education means for our children's future and for the future of our Nation. As they see companies downsizing, their own jobs threatened or lost, they look around and they see who is left standing: the men and women with the highest computer and technical skills.

In short, Americans are seeing that the greatest job security belongs to those who have the best and most advanced education. Education is the currency of the future.

I continue to quote Deputy Secretary Kunin. "As the President has often said, how much you learn determines what you earn." Few Americans argue with that conclusion.

Many Americans, however, argue with the approach that the majority in Congress has taken in cutting support for education at the very moment when the demand for higher and more education by all Americans is growing at an unprecedented rate. Demand is growing on two fronts. Sheer numbers tell part of the story. We are going to be educating more children in elementary and secondary education than ever before. We expect growth to increase by a million students next year, nearly 6 million students by the year 2005, a 10-percent increase nationwide, including a 22-percent increase in California alone.

Continuing to quote Deputy Secretary Kunin:

> Just to imagine present class sizes, which already are too large, 50,000 new teachers will have to be hired for the coming school year. Fifty thousand new teachers have to be hired just to keep up with the growing numbers. If we want to move to improve the ratio of teachers to students and have lower class sizes, smaller classes, then of course we would need more than 50,000 new teachers.

To continue to quote Secretary Kunin:

> Today every student has to reach here or his full potential. No mind can be wasted. Without a high school degree today, you can't earn a decent living. Even with a high school degree, you have a tough time in the job market. K–12 is becoming K–14 as technical schools and community colleges are providing first-generation college students with the skill they want and they need. Our ability to meet this avalanche of demand for education depends on support from all levels of government aimed at providing better educational opportunities for children. All those who have an impact on education must join hands. Together we must build this village in which to raise our children. There is no time for the politics of blame or for demonizing the Federal Government.

It is hard to understand why the majority in Congress would decrease resources in the face of rising demand for education. The House appropriations bill would create a massive education deficit, and among the victims would be our children and our Nation's future. Their cuts are in the areas of highest priority to the American people: support for basic skills, safe and drug-free schools, raising standards, better training for teachers, getting technology into the classroom, and access to college and post-secondary education.

To continue to quote the Deputy Secretary:

> For example, the House-approved appropriations bill would take away $3.7 billion from education. That is for one year, the coming fiscal year. Sadly, the loss of these funds will have the greatest impact on children who need to read better, who want to prepare for a career, and who may attend schools where standards are still low, and these children can catch up and do well if they are given extra help, the extra help that they need.

Why should we take this chance away from them? Indeed, the purpose of title I programs is to help these needy children succeed. How odd it is then that this program takes such a big hit in the budget fight. Education takes a 17-percent cut across the board. In some communities with a high percentage of poor children, the impact of this cut will be as high as 25 percent. If these cuts are enacted, some 40,000 to 50,000 aides and teachers will have to be let go. The Washington jargon, continuing resolution it is called, has a different meaning for the children served by these aides and teachers. For them it is a discontinuing resolution, stopping their education just when many were getting started.

Let me give you a few examples of what these cuts mean in classrooms across this country. "Last year I was in California," I am quoting Madeleine Kunin, Deputy Secretary of the Department of Education:

Last year I was in California meeting with San Francisco School Superintendent Bill Rojas and mayor Willie Brown. They told me that these cuts would force elimination of 12 schools from the title I program, affecting 4,162 students who need to learn the basics to pass and get ahead. The remaining schools of the title I program could face the elimination, would face the elimination of teacher aides, library staff, computer labs, and the gutting of reading labs through the loss of reading specialists, materials, and equipment.

Their story is not unique. New York City, while we have seen great success recently in improved test scores, will lose $67 million in title I funds. And those dollars support 1,500 classroom teachers. These cuts come at a bad time, right when the new chancellor announced that he is determined to make sure that every third-grade child reads at grade level.

Secretary Riley, in his state of education speech last week, called for the entire Nation to focus on helping our children read, a goal that will not be achieved if these budget cuts stay in place. The same story is true in Philadelphia. A loss of $13 million, 300 teachers and aides as well as services. In Chicago, these title I cuts could translate to layoffs of 600 teachers. In San Diego, 11,000 students could be denied title I services. Perhaps the most disastrous impact will be felt by our youngest children at the highest poverty levels.

At McNair school in north Charleston, 80 percent of the students live in public housing. The school receives $455,000 in title I support. What will change without this money? The Charleston Post and Courier report that the programs at risk include all-day kindergarten, special reading programs, the schools' computer lab, staff development, and a 6-week summer enrichment program. These cuts will be real and painful if the Congress does not act to prevent them.

Already schools are being forced to take action because they must plan ahead. As you know, the education budget is forward-funded, and for good reason. Schools must get budgets passed in their own communities and sign contracts and buy books for next year. Such local decisions are made in the springtime, months after Congress usually enacts an education appropriations bill for the next school year. But this springtime, time is running out.

It makes no sense that some of the same people who say government should be run like a business are willing to let school principals, superintendents, legislators, and school boards twist in an uncertain wind with no sense of how much Federal aid they can expect. The result of this uncertainty is that decisions to cut back on education are being made at school board meetings around the country as we speak.

In Boston, school officials had to submit their draft budget for next year 4 weeks ago. If nothing changes, teachers must be notified by May 15 of any layoffs. Monroe County, WV, receives 25 percent of its district budget from Federal funds and would have to announce teacher contracts by April 1. Right now, they plan to lay off 15 to 20 teachers in six schools.

Moreover, the House-approved appropriations bill would actually eliminate all funding for Goals 2000, ending excellence grants to thousands of schools around the country which are trying to raise their academic standards, involve parents in communities and education, and they are preparing teachers for the challenges of the 21st century classroom.

At a time when 72 percent of Americans say drugs and violence are serious problems in local schools, it is not easy to understand how the House could approve a 55-percent cut in the safe and drug-free schools program, reducing funding in this program by nearly $200 million.

The impact of budget cuts will be felt on higher education as well. If direct lending is capped or killed, students and schools in the program will be deprived of a streamlined program that has worked, making access to student loans easier and cheaper and enabling them to pay their loans back more readily.

We also have a difference of opinion with the congressional leadership on Pell grants. We are pleased that a $100 increase was approved, but we must do more and raise the grant to $2,620 as more students depend on financial aid to further their college education.

I am still quoting from the Deputy Secretary of Education, Madeleine Kunin: From my own life, I know the value of education. I came to this country as a child who could not speak English. My mother believed that anything is possible in America and our access to education made her more than an idol dreamer. It made her a prophet. What was there for me and for you must be there for this generation of children. That is what this budget battle is all about. It is about making hope more than rhetoric, making it a reality.

I end the quote from the testimony of the Deputy Secretary of Education, Madeleine Kunin, and I return to the statement of author Jonathan Kozol and the spirit of the testimony of Jonathan Kozol. The spirit of the testimony of Jonathan Kozol is that we have a moral dilemma. We have a situation where the powerful decisionmakers of America have made a decision to throw overboard large numbers of children, a large percentage of the population, just forget about them. We have a situation in America where large numbers of decisionmakers, people in power, are choosing to take care of their children, send them to the best schools, appropriate money and resources or make available money and resources through private sources for their own children, while the rest of America, a large part of it, goes down the drain.

I think Mr. Kozol used the word "triage." Triage is something that originated in war. It is a French term where when you had large numbers of wounded congregated, they had to make some decisions about how to use their meager resources. They had a limited number of doctors, nurses, and medicine, so they would line people up, and those who were only partially wounded or not so serious were put in one category and not given much attention, and those who were so far gone that it was felt that resources should not be wasted on them were put in another category and left to die, and those in the middle, of course, who belonged to neither category were given attention.

Well, we have decided to do something similar in a situation where there is no need for it. We are not on a battlefield. There is no emergency. We do not need a revolution. We do not need to balance the budget overnight in ways which force us into a situation where we have to participate in triage. But triage is going forward because the majority in this House and the majority which controls the Congress at this point has decided that America should be an America for an elite group. We are going to go into the pampering of an oligarchy. A small group will be placed into the situation where they will be able to make unlimited profits, they will be able to live without any disturbances from the rest of the population. Ten percent of the people will make all the money they can make. Ten percent of the people would not have to be bothered with any taxes which fund the programs that make

the Nation go. Ten percent of the people are going to be parasites on the national tradition and on all that has gone before them.

People are making large amounts of money on Wall Street on telecommunications investments, investments in computers, investments in cable television, investments of all kinds of gadgets which are driven by modern technology which was developed by the American people's money. Taxpayers financed the development of telecommunications. At the end of World War I and World War II, we invested billions of dollars to develop radar, to develop miniaturization, to develop ways in which you could use frequencies more effectively. All of this was developed by the resources and the taxes of the American people. And the American people deserve to have a share of that investment.

□ 1915

We now have frequencies, spectrums above our head. I have used this example many times, and I do not think I can say it too often. The spectrum belongs to the American people. The air over our heads, the atmosphere over our heads, nobody has the right to claim that. It belongs to the people. The Government should not give that away. The Government should use it in ways which benefit all of the people.

If we are going to sell it, we should sell it at prices which benefit all the taxpayers. I certainly propose we do not even sell it, we lease it, so nobody thinks they own the spectrum, they own the frequencies up there. It is like the early America, where we had the great land rush, and there was land which we claimed that nobody owned, and we gave it to white American settlers. The native Americans, they owned it, so it was taken from them.

But without getting into that argument, at least there was a democratic process of allowing people to participate in the land rush. Black people were not allowed to participate, even after the slaves were freed. They could not participate in the land rush, but all white Americans could participate in the land rush. Immigrants who were white could participate in the land rush. They were given land, land that belonged to the people, that belonged to the Government.

So we have a similar situation above our heads with a spectrum as invaluable as land. Let us not cry about the lack of resources. Let us not tax American families anymore. Let us make the corporations who want to use those frequencies and want to use those spectrums, let us let them pay for it. It is a way to justly derive revenue, revenue which can then be used to pay for more education.

Why do we not have a dedicated tax for all the Internet transactions above a certain amount of money, commercial transactions above $10, put a tax on them of some percentage, and have that tax on the Internet transactions become a way to finance the information access that is needed for the rest of the public? We need to have access for everybody, so we need libraries and schools to be wired, we need computers to be available in some public centers, public telecommunication centers, or in libraries where people can go in and make use of the information age, regardless of their income.

All of this could be financed painlessly by attaching a dedicated tax to transactions that take place over the Internet, or various other electronic communications transactions. We could have a trust fund. We call it the information superhighway, so let us use the analogy. We have a highway trust fund very successfully. The highway trust fund is based upon a tax that is placed on gasoline. That tax money is used to build highways, a successful interstate net across the country. We have the best highway system in the world, because we had a dedicated tax to take care of that.

Now we are on the information superhighway, and why not have that funded in the same way: establish a trust fund through dedicated revenue, give the revenue that we have derived back to the States on a per capita basis. If we want to hand things down to the State, there is a situation where we could easily, without a bureaucracy, hand down the money that is collected through this dedicated revenue process to the States on the basis of the number of people in each State.

I say that because I would like to see New York State for a change get a fair shake in some kind of Federal program. We have the phenomenon in New York where we are still paying far more into the Federal Treasury than we get back in aid. You would not believe that when you hear them talk. We get large amounts of aid from title I, a large amount of aid from Medicaid and Medicare. People look at all that and say "New York gets more than anybody else." New York has more people, and New York chooses to spend its money on Medicaid and on Medicare, instead of on F-22 planes or *Seawolf* submarines. I can think of no more noble way to spend money than to spend it on the health of people.

Yes, you can always get rid of some waste, some corruption; you can always streamline the process. But if you are spending money on the health care of New Yorkers, that is money well spent. In New York, we should raise our heads high, because our share of what we are getting from the Federal Government is being used to help people in various positive ways. We are not building weapons systems that will no longer be needed, weapons systems that are very expensive and obsolete.

New York State in 1994 gave, through a tax collection process, the Federal Government $18.9 billion more than it got back in Federal aid. You might say "Why did you calculate it that way?" We have been following this for a few years. The Kennedy School of Government has a table which shows that consistently, New York has given more to the Federal Government then it has gotten back in terms of aid. We do not have any big defense plants, any *Seawolf* submarines, any aircraft carriers, so we do not get back large amounts of money like Marietta, GA, does. The southern States altogether get back $65 billion more from the Federal Government than they pay into the Federal Government.

I am mentioning this because we have a dogma here about States rights and block grants to the States, the States can do it so much better. New York could probably exist far better if you were to give it back its own money. If we had $18 billion, almost $19 billion that is ours to spend as we see fit, we can solve all the budget problems of New York State.

Those who talk about States rights and passing education programs and school lunch programs and AFDC, Medicaid, passing it down to the States, you had better stop and think twice about placing such a high priority on States rights in running programs and funding programs. On education, there are many States that would be shortchanged if they have to pay for their own costs without Federal funds. Many of the Federal funds flow out of the northwest States like New York and Michigan; midwest States like Michigan and Wisconsin. They are still paying far more to the Federal Government than they get back.

Let me conclude by saying what we need is leadership that recognizes that triage will not work. No part of the population should be thrown overboard. If you are not going to throw a portion of the population overboard, then you invest in education.

You must face the realities of 1996. There is a technological revolution. There is an information age revolution. There are going to be large dislocations that you have always in the work force. We want to have certain kinds of value systems developed. We want to have fairness across the board, and everybody participate in the prosperity of America.

The only way we know at this point to do that, the way we are certain will have a direct impact on that problem, is education, more investment in education, more investment in job training. Some genius may come along later on and find some other way to deal with the problem in addition to investing in education and job training. It may be there may be a pill people can take to help solve the problem at some time in the future. I do not know. We do not have any way to predict the wonders of technology and medicine.

But we do know education and job training are absolutely necessary in order to cope with the current difficulties we are facing in this society, whether you are talking about crime problems, AIDS problems; you name the problem, and education is part of the solution.

Let us go forward and reject the philosophy of the Republican majority. Let us not disinvest in education at this point. Let us follow the trend of the thinking of the people who appeared at our forum today. Twenty people came from all walks of life. They said "The American people say that common sense dictates that we should invest more and more in education." I hope we will go forward and do that.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 24 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2128

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COBLE) at 9 o'clock and 28 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness in the family.

Mrs. CHENOWETH (at the request of Mr. ARMEY), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on today and March 6, 7, and 8.

Mr. HUNTER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

(The following Members (at the request of Mr. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. BARR of Georgia, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PETE GEREN of Texas, 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. MCDERMOTT) and to include extraneous material:)

Mr. CLAY.

Mr. LANTOS.

Mrs. SCHROEDER.

Mr. UNDERWOOD.

Mr. REED.

(The following Members (at the request of Mr. FOLEY) and include extraneous matter:)

Mr. CUNNINGHAM.

Mr. RADANOVICH.

(The following Members (at the request of Mr. BENTSEN) and to include extraneous material:)

Mr. BERMAN.

Ms. PELOSI.

Mr. ORTIZ.

Ms. DELAURO.

Mr. MENENDEZ in two instances.

Mr. STARK.

Mr. BORSKI.

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mr. DAVIS.

Mrs. MORELLA in two instances.

Mr. MENENDEZ in two instances.

Mr. BEREUTER in two instances.

Mr. RADANOVICH.

Mr. GILLMOR.

Mr. JACOBS.

Mr. STARK.

Mr. BORSKI.

Mr. MOAKLEY.

Mr. GOODLATTE.

Mr. PALLONE.

Mr. LEWIS of California.

Mr. DIAZ-BALART.

Mr. MEEHAN.

Mr. BARCIA.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned.

There was no objection.

Accordingly (at 9 o'clock and 29 minutes p.m.), the House adjourned until Wednesday, March 6, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2174. A communication from the President of the United States, transmitting his requests for emergency fiscal year 1996 supplemental appropriations for emergency expenses related to recent natural disasters in the United States and the Virgin Islands, and to designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–183); to the Committee on Appropriations and ordered to be printed.

2175. A letter from the Secretary of Energy, transmitting notification of the Department's intention to contract the sale of Naval Petroleum Reserve Numbered 1, also known as the Elk Hills Reserve without providing for the use of competitive procedures; to the Committee on National Security.

2176. A letter from the Secretary of Education, transmitting final priority—Research in Education of Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2177. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "Ambulatory Surgery, Preadmission Testing, and Same-day Surgery: State Medicaid Programs' Experience and Findings from the Literature," pursuant to Public Law 101–508, section 4755(b)(3)(d) (104 Stat. 1388–210); to the Committee on Commerce.

2178. A letter from the Acting Secretary of State, transmitting a list of all potential sales and licensed commercial exports under the act of major weapons or weapons-related defense equipment valued at $7 million or more, or of any other weapons or weapons-related defense equipment valued at $25 million or more, which the administration considers eligible for approval during the calendar year 1996 and which may, therefore, result in notification to the Congress this year, pursuant to section 25(a)(1) of the Arms Export Control Act; to the Committee on International Relations.

2179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the U.S. Embassy in Jerusalem, pursuant to Public Law 104–45, section 6 (109 Stat. 400); to the Committee on International Relations.

2180. A letter from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2181. A letter from the Director, Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2182. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2183. A letter from the Chairman, Federal Maritime Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2184. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2185. A letter from the National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2186. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(b); to the Committee on Government Reform and Oversight.

2187. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2188. A letter from the U.S. Copyright Office, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2189. A letter from the Director, U.S. Information Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2190. A letter from the U.S. Trade Representative, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

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. DIAZ-BALART: Committee on Rules. House Resolution 370. Resolution waiving points of order against the conference report to accompany the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes (Rept. 104–470). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1332. A bill to establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes; with an amendment (Rept. 104–471). 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. GONZALEZ:

H.R. 3003. A bill to establish requirements applicable to rent-to-own transactions; to the Committee on Banking and Financial Services.

By Mrs. LINCOLN (for herself, Mr. TAUZIN, Mr. POSHARD, Mr. HUTCHINSON, and Mr. MINGE):

H.R. 3004. A bill to amend title XVIII of the Social Security Act to extend the maximum period permitted between standard surveys of home health agencies and to expand the scope of deemed status and permit recognition of surveys by national accreditation bodies for providers under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FIELDS of Texas:

H.R. 3005. A bill to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulations; to the Committee on Commerce.

By Mr. LEWIS of California:

H.R. 3006. A bill to provide for disposal of public lands in support of the Manzanar Historic Site in the State of California, and for other purposes; to the Committee on Resources.

By Mr. BACHUS (for himself, Mr. LEACH, and Mr. SPRATT):

H.R. 3007. A bill to establish an interagency task force to design and implement a plan for determining the extent to which U.S. currency is held in foreign countries and estimating the extent to which such currency is being counterfeited outside the United States, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself, Mr. YOUNG of Alaska, Mr. CALVERT, and Mrs. VUCANOVICH):

H.R. 3008. A bill to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. FOLEY:

H.R. 3009. A bill to amend the Civil Rights Commission Act of 1983 with respect to the subpoena power of the Commission; to the Committee on the Judiciary.

By Mr. PETE GEREN of Texas:

H.R. 3010. A bill to assure that advertisements by States for participation in their lotteries provide information to the consumer on the statistical probability of winning and for other purposes; to the Committee on Commerce.

By Mr. GOODLATTE (for himself, Mr. DELAY, Mr. BOEHNER, Mr. MOORHEAD, Mrs. SCHROEDER, Mr. GEJDENSON, Mr. MANZULLO, Mr. COBLE, Mr. BARR of Georgia, Mr. BONO, Ms. LOFGREN, Mr. CAMPBELL, Ms. ESHOO, Mr. DOOLITTLE, Mr. FARR of California, Mr. MCKEON, Mr. ENGEL, Mrs. WALDHOLTZ, Mr. EWING, Mr. MICA, Mr. CHAMBLISS, Mr. EVERETT, Mr. EHLERS, Mr. ORTON, Mr. MATSUI, Mr. BOUCHER, Mr. CHABOT, Mr. MOAKLEY, and Mr. BARTLETT of Maryland):

H.R. 3011. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. MORAN (for himself, Mr. SAXTON, Mr. DAVIS, Mr. FROST, Mr. PASTOR, Mr. DEUTSCH, Mr. FARR of California, Mr. COLEMAN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. FILNER, Mr. BILBRAY, Mr. GENE GREEN of Texas, Ms. LOFGREN, and Mr. NORWOOD):

H.R. 3012. A bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Program; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case of consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY:

H.R. 3013. A bill to increase the availability and continuity of health coverage for individuals, small employers, and other groups, to reduce paperwork and simplify administration of health care claims, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself, Mr. KENNEDY of Rhode Island, and Mr. GEJDENSON):

H.R. 3014. A bill to amend title 46, United States Code, to ensure the safety of barges carrying oil or hazardous material in bulk on lakes, bays, or sounds of the United States, by establishing equipment and manning requirements for those barges; to the Committee on Transportation and Infrastructure.

By Mrs. SCHROEDER (for herself, Ms. WATERS, Ms. JACKSON-LEE of Texas, and Ms. NORTON):

H.R. 3015. A bill to amend the Public Health Service Act to establish a program for postreproductive health care; to the Committee on Commerce.

By Mr. YATES:

H.R. 3016. A bill to require the Secretary of the Treasury and the Attorney General of the United States to be consulted before the manufacture, importation, sale, or delivery of armor piercing ammunition for the use of a governmental entity; to the Committee on the Judiciary.

H.R. 3017. A bill to amend title 18, United States Code, to prohibit the possession or transfer of handgun ammunition capable of being used to penetrate standard body armor; to the Committee on the Judiciary.

H.R. 3018. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, and dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.R. 3019. A bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes; to the Committee on Appropriations, and in addition to the Committee

on the Budget, 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. SHAW (for himself, Mr. ZELIFF, and Mr. MCCOLLUM):

H.J. Res. 162. Joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on International Relations.

By Mr. GILCHREST:

H. Con. Res. 146. Concurrent resolution authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H. Con. Res. 147. Concurrent resolution authorizing the use of the Capitol Grounds for the 15th annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. DORNAN, Mr. HANSEN, Mr. FARR, and Mr. SMITH of New Jersey.

H.R. 103: Mr. BALDACCI and Mr. COMBEST.

H.R. 218: Mr. LONGLEY.

H.R. 303: Mr. HANSEN and Mr. SMITH of New Jersey.

H.R. 447: Mr. THORNTON, Mr. WELDON of Pennsylvania, and Mr. WELDON of Florida.

H.R. 777: Mr. BROWN of California.

H.R. 778: Mr. BROWN of California.

H.R. 779: Mr. HILLIARD, Mr. BORSKI, and Mr. FROST.

H.R. 780: Mr. HILLIARD, Mr. BORSKI, and Mr. FROST.

H.R. 789: Mr. GRAHAM.

H.R. 820: Ms. SLAUGHTER, Mr. HALL of Texas, Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. PETERSON of Minnesota, Mr. CONDIT, Mr. COLEMAN, Mr. EVERETT, Mr. CALLAHAN, and Mr. PAYNE of Virginia.

H.R. 833: Mr. BILBRAY and Mr. DEFAZIO.

H.R. 972: Mr. LUTHER.

H.R. 995: Mr. QUINN.

H.R. 1010: Mr. KILDEE.

H.R. 1386: Mr. NETHERCUTT.

H.R. 1416: Mr. LAFALCE, Ms. ROYBAL-ALLARD, Mr. BROWN of California, and Mr. EHLERS.

H.R. 1423: Mr. ENGLISH of Pennsylvania, Ms. PELOSI, and Ms. WOOLSEY.

H.R. 1513: Mr. WALSH.

H.R. 1560: Mr. OLVER.

H.R. 1573: Mr. ROYCE.

H.R. 1610: Mr. CAMP and Mr. BILBRAY.

H.R. 1619: Mr. NADLER.

H.R. 1625: Mr. PETRI and Mr. EMERSON.

H.R. 2143: Mr. CAMPBELL.

H.R. 2193: Mr. KLUG.

H.R. 2202: Mrs. LINCOLN and Mr. SISISKY.

H.R. 2214: Ms. LOFGREN.

H.R. 2270: Mr. MILLER of Florida.

H.R. 2306: Mr. EVANS and Mrs. MEYERS of Kansas.

H.R. 2320: Mr. COBLE, Mr. ROHRABACHER, Mr. EWING, Ms. DUNN of Washington, Mr. SCARBOROUGH, Mr. NEUMANN, Mr. MOORHEAD, Mr. KIM, Mr. NEY, and Mr. METCALF.

H.R. 2566: Mr. FRANKS of New Jersey.

H.R. 2575: Mr. YATES.

H.R. 2604: Mr. SHAW.

H.R. 2664: Mr. STUDDS, Mr. BRYANT of Texas, and Mr. TAYLOR of Mississippi.

H.R. 2779: Mr. BLILEY, Mr. SOLOMON, Mr. FOLEY, Mr. WELDON of Florida, and Mr. EMERSON.

H.R. 2795: Mr. MICA and Mr. SCARBOROUGH.

H.R. 2807: Mrs. MEYERS of Kansas and Mr. HUNTER.

H.R. 2820: Ms. PRYCE and Mr. LINDER.

H.R. 2837: Mr. DEFAZIO and Mr. HOYER.

H.R. 2879: Mr. DINGELL.

H.R. 2900: Mr. JACOBS.

H.R. 2959: Ms. ROYBAL-ALLARD, Ms. MCCARTHY, Mr. BRYANT of Texas, and Mr. DICKS.

H.R. 2966: Mr. CALVERT, Mr. BRYANT of Tennessee, and Mr. EHLERS.

H.R. 2976: Mr. DELLUMS, Mr. HOUGHTON, Mr. NORWOOD, Mr. OWENS, Mr. TAYLOR of North Carolina, and Mr. WALSH.

H.R. 2992: Mr. COBURN, Mr. GILLMOR, and Mr. KIM.

H.R. 2994: Mr. HERGER, Mr. LEVIN, Ms. DUNN of Washington, Mrs. KENNELLY, Mr. TOWNS, Mr. CAMP, Mr. LEACH, Mr. FATTAH, Ms. LOFGREN, Mr. FARR, and Mr. HUTCHINSON.

H.J. Res. 158: Mr. MOAKLEY, Mr. THOMPSON, Mr. FROST, Ms. LOFGREN, Mrs. MORELLA, Mr. OLVER, Mrs. MALONEY, Mr. WAXMAN, Mr. BERMAN, Mr. ACKERMAN, Mr. BEILENSON, Mr. JEFFERSON, Ms. KAPTUR, Mr. PORTER, Mr. MCNULTY, Mr. MCDERMOTT, Mr. MURTHA, Mr. HILLIARD, Mr. HORN, Mr. STUDDS, Mr. FRAZER, Mrs. CLAYTON, Mrs. SCHROEDER, Mr. PAYNE of New Jersey, Mr. DELLUMS, Mr. WILSON, Ms. VELÁZQUEZ, Mr. TORRES, Ms. FURSE, Mr. FRANK of Massachusetts, Mr. BUNN of Oregon, and Mrs. MEYERS of Kansas.

H. Con. Res. 144: Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BLUTE, Mr. FILNER, Mr. GEPHARDT, Mr. LANTOS, Mrs. MALONEY, Mr. MANTON, Mr. RANGEL, Mrs. SCHROEDER, and Mr. WILSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1963: Mr. FILNER.

H.R. 1972: Mr. FILNER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 994

OFFERED BY: MR. SANDERS

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 2: Page 5, line 16, insert before the period the following: "especially small entities employing 50 or fewer employees".

H.R. 994

OFFERED BY: MR. SANDERS

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 3: Page 15, line 17, strike "functional interrelations" and insert "functional interrelationships (including the relationship of rules which affect business entities employing 50 or fewer employees)".

H.R. 994

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 4: Strike title III and insert the following:

TITLE III—REQUIREMENT FOR CONGRESSIONAL APPROVAL OF SIGNIFICANT RULES

SEC. 301. SHORT TITLE.

This title may be cited as the "Significant Regulation Oversight Act of 1996".

SEC. 302. FINDING AND PURPOSE.

(a) FINDING.—The Congress finds that oversight of significant rules will be enhanced if they are subject to congressional review and approval after being proposed by an agency.

(b) PURPOSE.—The purpose of this title is to ensure that before a significant rule takes effect—

(1) Congress is given an adequate opportunity to review the rule and ensure that it is in accordance with the intent of Congress in enacting the law under which the rule is proposed; and

(2) Congress approves the rule in accordance with the procedures established by this title.

SEC. 303. REVIEW OF SIGNIFICANT RULES BY CONGRESS.

(a) CONGRESSIONAL APPROVAL OF SIGNIFICANT RULES REQUIRED.—A significant rule shall not take effect before the date of the enactment of a joint resolution described in section 304(a) comprised solely of the text of the significant rule.

(b) REPORTING AND REVIEW OF SIGNIFICANT RULES.—(1) Before a proposed significant rule would take effect as a final rule, the agency proposing the rule shall submit to each House of Congress a report containing the following:

(A) A copy of the proposed significant rule.

(B) A concise summary of the proposed significant rule, its purpose, and anticipated effects.

(C) A complete copy of any cost-benefit analysis report that has been prepared by the agency with respect to the proposed significant rule.

(D) An explanation of the specific statutory interpretation under which a rule is proposed, including an explanation of—

(i) whether the interpretation is expressly required by the text of the statute; or

(ii) if the interpretation is not expressly required by the text of the statute, an explanation that the interpretation is within the range of permissible interpretations of the statute as identified by the agency, and an explanation why the interpretation selected by the agency is the agency's preferred interpretation.

(E) Any other relevant information or requirements under any other Act and any relevant Executive order.

(2) Upon receipt of a report under paragraph (1), each House of Congress shall provide a copy of the report to the Chairman and ranking minority party member of each committee with jurisdiction over the subject matter of the report.

(c) NO INFERENCE TO BE DRAWN WHERE CONGRESS FAILS TO APPROVE.—If Congress fails to enact a joint resolution approving a proposed significant rule, no court or agency may infer any intent of Congress from any action or inaction of Congress with regard to such rule or related statute.

SEC. 304. CONGRESSIONAL APPROVAL PROCEDURE FOR SIGNIFICANT RULES.

(a) INTRODUCTION.—Not later than 3 legislative days after the date on which an agency submits a report under section 303(b) containing the text of any proposed significant rule, the majority leader of each House of the Congress shall introduce (by request) a joint resolution comprised solely of the text of that significant rule. If the joint resolution is not introduced in either House as provided in the preceding sentence, than any Member of that House may introduce the joint resolution.

(b) REFERRAL AND CONSIDERATION.—The joint resolution shall be referred to the appropriate committee of the House in which it

is introduced. The committee may report the joint resolution without substantive revision and with or without recommendation or with an adverse recommendation, or the committee may vote not to report the joint resolution. If the committee votes to order the joint resolution reported, it shall be reported not later than the end of the period (not to exceed 45 legislative days) established for consideration of the joint resolution by the Speaker of the House of Representatives or the majority leader of the Senate, as the case may be. Except in the case of a joint resolution which a committee votes not to report, a committee failing to report a joint resolution within such period shall be automatically discharged from consideration of the joint resolution, and it shall be placed on the appropriate calendar.

(2) A vote on final passage of the joint resolution shall be taken in that House on or before the close of the 90th legislative day after the date of the introduction of the joint resolution in that House.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on a joint resolution under this section shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a joint resolution under this section or to move to reconsider the vote by which the joint resolution is agreed to or disagreed to.

(C) All appeals from the decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a joint resolution under this section shall be governed by the Rules of the House of Representatives applicable to other joint resolutions in similar circumstances.

(4)(A) A motion in the Senate to proceed to the consideration of a joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a joint resolution under this section, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution under this section is not debatable. A motion to recommit a joint resolution under this section is not in order.

(c) AMENDMENTS PROHIBITED.—No amendment to a joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(d) TREATMENT IF THE OTHER HOUSE HAS ACTED.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a) comprised of the same text, that:

(1) The procedure in that House shall be the same as if no joint resolution had been received from the other House.

(2) The vote on final passage shall be on the joint resolution of the other House.

(e) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 305. EXISTING RULES.

(a) GENERAL.—Any existing rule may be revised or revoked in accordance with this section if a petition for review so requests.

(b) INTRODUCTION.—If a petition for review is filed with the Clerk of the House of Representatives or the Secretary of the Senate, the Clerk or the Secretary shall determine whether the petition meets the requirements of subsection (d). If the Clerk or the Secretary determines that a petition meets those requirements, he or she shall notify the majority leader of that House. The majority leader so notified shall, within 3 legislative days, introduce a joint resolution (by request) that makes the revision or revocation of existing rules proposed by the petition upon the enactment of that joint resolution. If the joint resolution is not introduced as provided in the preceding sentence, then any Member of that House may introduce the joint resolution.

(c) PROCEDURES FOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Any joint resolution introduced under subsection (b) shall be considered in the House of Representatives and the Senate in accordance with the procedures respecting a joint resolution set forth in section 304.

(d) PETITIONS FOR REVIEW.—A petition for review under subsection (a) shall contain the following:

(1) Any rule affected by the petition and the contents of that rule as it would exist if a joint resolution revising or revoking that rule pursuant to the petition were enacted.

(2) For a petition in the Senate, the signatures of 30 Senators, or for a petition in the House of Representatives, the signatures of 120 Members.

SEC. 306. DEFINITIONS.

For purposes of this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551 of title 5, United States Code (relating to administrative procedure).

(2) RULE.—(A) The term "rule" has the meaning given such term by section 551 of title 5, United States Code, except that such term does not include—

(i) any rule of particular applicability including a rule that approves or prescribes—

(I) future rates, wages, prices, services, or allowances therefor,

(II) corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or

(III) accounting practices or disclosures bearing on any of the foregoing, or

(ii) any rule of agency organization, personnel, procedure, practice, or any routine matter.

(B) The term "final rule" means any final rule or interim final rule.

(3) SIGNIFICANT RULE.—The term "significant rule" means any rule proposed by an agency that is specified or described as such in the Act that authorizes the rule.

SEC. 307. EXEMPTION FOR MONETARY POLICY.

Nothing in this title applies to any rule concerning monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

H.R. 994

OFFERED BY: MR. TRAFICANT

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 5: Page 33, line 17, strike "and", in line 21 strike the period and insert "; and", and after line 21 insert the following:

(vii) regulations or other agency statements that impose trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.

H.R. 994

OFFERED BY: MR. TRAFICANT

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 6: Page 33, line 17, strike "and", in line 21 strike the period and insert "; and", and after line 21 insert the following:

(vii) regulations or other agency statements that ensure the collection of taxes from a subsidiary of a foreign company doing business in the United States.

H.R. 994

OFFERED BY: MR. TRAFICANT

(Page and line number references are to Amendment No. 1)

AMENDMENT NO. 7: Page 33, line 17, strike "and", in line 21 strike the period and insert "; and", and after line 21 insert the following:

(vii) regulations or other agency statements that protect the health and safety of the American worker.

EXTENSIONS OF REMARKS

THE CLINTON "DEFENSE": ANOTHER STEP TOWARD TROUBLE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. CUNNINGHAM. Mr. Speaker, President Clinton's 1997 defense budget returns us to a Carter-era hollow military. It's like the difference between Desert Storm and Desert One, Jimmy Carter's failed mission to rescue hostages in Iran. By chopping about $10 billion from 1996 spending, President Clinton jeopardizes the military's ability to train, repair and maintain equipment, and ultimately to defend our Nation.

While the defense pot shrinks, President Clinton has increased our commitments to places like Haiti and Bosnia, costing the Pentagon and the taxpayer billions of dollars. He identifies spending for some important initiatives, but remains silent on where the cuts will come from. The fact is they will eventually come from important accounts that fund training, maintenance and upgrades to equipment. Either President Clinton is assuming Congress will provide necessary funding for defense, or he is not serious about defending our country.

Our soldiers who risk their lives for our country are continuously being asked to do more with less. Without the proper training and equipment our national security and our soldiers suffer. The 3-percent pay raise for our soldiers included in the bill will help them make ends meet back home, but we must do more than that. We must make sure our military personnel have the training and equipment necessary to do their jobs. Cutting defense spending makes this difficult, if not impossible, to do.

Clinton's shortsighted defense policy has been recognized by the Joint Chiefs of Staff who admit that defense has been under funded. Congress, which recognized the problem, kept its promise to begin fixing it. We began making the investments necessary to maintain America's standing as the world's most formidable military power. Unfortunately, while we took one step forward, President Clinton's 1997 defense budget takes us two steps back.

SALUTE TO DAMASCUS, MD, AMERICAN LEGION POST 171

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mrs. MORELLA. Mr. Speaker, I rise today to salute the 50th anniversary of American Legion Post 171, which is located in my congressional district. This post has over 360 active members; several members have been with the post for 50 years. The post is headed by Comdr. Robert Morris with help from Gerald Duvall, Leonard Tolley, Robert Morris, Robert Ray, Luther Burke, and Jack Day.

The American Legion has a history of contributing to the community since its founding after the First World War as a "patriotic, mutual-help, and community service organization." The membership consists of honorably discharged wartime veterans of the U.S. Armed Forces. Today's members, men and women, have served overseas in World War II, Korea, Vietnam, Lebanon, Granada, Panama, and Desert Storm. All are committed to improving their communities through active volunteerism. These efforts have helped many people, most especially our youngsters.

Of particular note are the many activities and programs for young people. Every year, Post 171 helps send teenagers to Boys State and Girls State, sponsors an awards program for elementary school children and Boy Scout troops, and provides a college scholarship program for high school students.

Mr. Speaker, please join me in saluting the efforts of the veterans of American Legion Post 171. They are an important, vital part of Maryland's Eighth Congressional District.

IN HONOR OF BILL AND FRANCES HOGAN: TWO OUTSTANDING CITIZENS CELEBRATING 70 YEARS OF MARRIAGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to two outstanding citizens, Bill and Frances Hogan, who celebrated their 70th wedding anniversary on March 1. Father John Doherty of St. Andrew's Church, Bayonne celebrated a special Mass in their honor on Saturday, March 2 at noon.

Saturday's remembrance acknowledged the enormous contributions made by Bill and Frances Hogan to their family and community. March was destined to be an important month for Mr. and Mrs. Hogan; Frances was born on the 14th of the month and Bill on the 26th. On March 1, 1926, the future Mr. and Mrs. Hogan were married by Msgr. Charles Doyle in the same St. Andrew's Church where their union will be commemorated. On that happy day, the bride and groom were attended by Ed and Carrie Van Dwight as best man and maid of honor.

This joyful marriage produced eight children to follow in their parents' footsteps of service to the community: Virginia, Donovan, Cecilia Van Wagner, Dolores, Matt, Bill, Jerry and Bernadette Stuponski. Mr. and Mrs. Hogan are the proud grand-parents of 28 and great grand-parents of 19 with 1 more due in May.

Bill Hogan is a citizen who has distinguished himself with dedication to his community in Bayonne. Mr. Hogan was an active participant in the administration of his town's judicial system serving as chief court clerk for over 25 years. In addition to his duties as father and public official, Mr. Hogan was a founder of the Police Athletic League program in Bayonne. A sports enthusiast, Mr. Hogan also served as a coach in both the Bayonne Little League and Catholic Youth Organization programs.

Frances Hogan is an individual inspired with a commitment to family and her fellow citizens. Mrs. Hogan played an integral role in the development of her children. As a full-time mother, Mrs. Hogan's guidance led to her children becoming responsible community members. After her children had grown, Mrs. Hogan went to work for the Bayonne Economic Opportunity Foundation. A very religious woman, Mrs. Hogan also became an extremely active member of St. Andrew's parish.

It is an honor to have two such exceptional individuals residing in my district. They exemplify the important relationship that exists between family and community. I ask my colleagues to join me in recognition of Bill and Frances Hogan's life-long commitment to their community and to each other.

CUBAN EMBARGO NOT THE ANSWER

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BEREUTER. Mr. Speaker, Cuba's shootdown of two civilian aircraft, resulting in the loss of four American lives just over a week ago, was a reprehensible and cowardly act. Certainly, a swift and decisive response from the U.S. Government is entirely warranted. Whether the Clinton administration has chosen the appropriate response is far less certain.

This Member would call to the attention of his colleagues an editorial in the March 3, 1996 edition of the Washington Post, entitled "The Great Cuban Embargo Scam". A key intent behind the embargo legislation is to discourage foreign investment in Cuba by allowing Cuban-Americans to sue in U.S. Federal courts those foreign companies doing business on land once owned by these exiles. Author Louis F. Desloge argues that, conversely, companies are unlikely to abandon viable operations in Cuba because of lawsuits, and would be more than willing to settle out of court.

Mr. Speaker, this Member would ask that Mr. Desloge's editorial from the Washington Post be placed in today's RECORD and urges that his colleagues read it.

[From the Washington Post, March 3, 1996]

THE GREAT CUBAN EMBARGO SCAM

(By Louis F. Desloge)

Virtually everyone agrees that President Clinton should retaliate forcefully against Cuba's tragic and murderous downing of two civilian aircraft last weekend. But the least effective and most counterproductive punishment is Clinton's acquiescence to the Helms-Burton bill to tighten the U.S. embargo of Cuba. This legislation, which the White House endorsed last week, albeit with reservations, will only play into Castro's hands by creating an expansive loophole for property claimants, especially wealthy Cuban Americans, to circumvent the embargo.

Jesse Helms and Dan Burton, conservatives whom I admire, are no doubt sincere in their motivation to subvert Castro's rule by applying economic pressure on his regime. However, they may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba.

The Helms-Burton bill is a slick stratagem. Its stated purpose is to tighten the embargo by allowing Cuban Americans to have the unprecedented right to sue, in U.S. federal courts, foreign companies doing business on land once owned by these exiles. The idea is to discourage foreign business investment in Cuba, thus undermining the island's financial recovery which, the bill's supporters naively hope, will result in a collapse of the Castro regime. The bill's practical consequences are a different story.

A little-noticed provision in the Helms-Burton measure will enable a small group of Cuban Americans to profit from the economic activity occurring in Cuba.

To understand this provision, one must first know who helped write it. As the Baltimore Sun reported last May, the bill was drafted with the advice of Nick Gutierrez, an attorney who represents the National Association of Sugar Mill Owners of Cuba and the Cuban Association for the Tobacco Industry. Gutierrez acknowledges his involvement, as does Ignacio Sanchez, an attorney whose firm represents the Bacardi rum company. Sanchez told the Sun that he worked on the bill in his capacity as a member of the American Bar Association's Cuban Property Rights Task Force and not as a representative of the rum company.

It is not hard to surmise what these former sugar, tobacco and rum interests will do if and when the law takes effect: sue their competitors who are now doing business in Cuba.

Gutierrez told the Miami Herald last fall as saying that he (and his clients) are eyeing a Kentucky subsidiary of British-American Tobacco (B.A.T.) that produces Lucky Strike cigarettes. B.A.T. has a Cuban joint venture with the Brazilian firm Souza Cruz to produce tobacco on land confiscated from his clients, Gutierrez claims.

Bacardi would be able to sue Pernod Ricard, the French spirits distributor, currently marketing Havana Club rum worldwide. Bacardi claims that Pernod Ricard's rum is being produced in the old Bacardi distillery in the city of Santiago de Cuba.

Here is how this vexatious scheme will work if Helms-Barton becomes law. The former landowner of a tobacco farm files a suit in federal court against British-American Tobacco and seeks damages. If both sides want to avoid prolonged litigation they can reach an out-of-court settlement whereby the former tobacco grower can now share in the profits of the ongoing B.A.T.-Brazilian joint venture in Cuba. Likewise, Bacardi could reach a settlement to get a share of Pernod Ricard's profits from sales of Havana Club internationally.

These agreements do not need the blessing of the U.S. government. This is the million dollar loophole in Helms-Burton. The bill states: "an action [lawsuit] . . . may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or permission from any agency of the United States."

What will be the practical result? Foreign companies like Pernod Ricard and British-American Tobacco are unlikely to abandon viable operations in Cuba because of a lawsuit. More likely, these foreign businessmen will agree, reluctantly, to pay off Cuban exiles suing under Helms-Burton. Given the choice of forfeiting millions of dollars invested in Cuba or their financial interests in the United States, the practical business solution might be to give the exiles a cut of the action. Far better to have 90 percent of something than 100 percent of nothing, these businessmen will reason. Allowing Cuban Americans a share of their profits will just be factored in as another cost of doing business.

Indeed, Helms-Burton gives the Cuban exile community a strong financial stake in Castro's Cuba. If the foreign businesses simply withdrew in the face of Helms-Burton, the exiled tobacco, sugar and rum interests would get nothing. But if British-American Tobacco or Pernod Ricard or any other foreign firm now doing business with the Castro regime offers an out-of-court settlement to Cuban American exiles, who is going to turn them down? Given the option, at least some people are going to choose personal enrichment over the principle of not doing business with Fidel. After all, Fidel has been in power for 37 years, and the exiles are not getting any younger.

The Clinton White House is not unaware of the scam at the heart of the bill. Before the shooting down of the plane, the president had objected to the provisions allowing U.S. nationals to sue companies doing business in Cuba. During last week's conference with Congress, the president's men surrendered and asked for a face-saving compromise: a provision giving the president the right to block such deals later on if they do not advance the cause of democracy in Cuba. But how likely is Clinton to block Cuban Americans in Florida, a key election state, from suing Castro's foreign collaborators later in the final months of an election year? Not very.

The bottom line is that Clinton, in the name of getting tough with Castro, has endorsed a bill that allows the embargo to be evaded and protects Cuban Americans who want to legally cut deals to exploit their former properties in Cuba while the rest of the American business community must watch from the sidelines.

In fact, the legislation could encourage a massive influx of new foreign investment in Cuba. Armed with the extortionist powers conferred by the legislation, former property holders could shop around the world for prospective investors in Cuba and offer them a full release on their property claim in exchange for a "sweetheart" lawsuit settlement entitling them to a piece of the economic action. Thus, the embargo is legally bypassed and everyone laughs all the way to the bank.

Actually, not everyone would benefit. The Clinton-endorsed version of Helms-Burton only exempts the wealthiest cabal of Cuba's former elites from the embargo's restraints. The bill will only allow those whose former property is worth a minimum value of $50,000 (sans interest) to file suits. And you had to be very rich to have owned anything of that value in Cuba in 1959. If you were a Cuban butcher, baker or candlestick maker, too bad. This bill is not for you.

What could be more useful to Castro in his efforts to shore up his standing with the Cuban people? The spectacle of the U.S. Congress kowtowing to these Batista-era plantation owners and distillers provides Fidel his most effective propaganda weapon since the Bay of Pigs debacle. Castro surely knows that the overwhelming majority of the Cuban people—60 percent of whom were born after 1959—would deeply resent what can be characterized, not unfairly, as an attempt to confiscate their properties and revert control over Cuba's economy to people who symbolize the corrupt rule of the 1950s. Rather than undermining Castro's rule, this bill would drive the people into his camp.

Where is the logic in denying the vast majority of the American people the right to become economically engaged in Cuba if it is extended to only a select, wealthy few? Is the concept of "equal protection under the law" served if non-Cuban Americans are now relegated to the status of second-class citizens? Or is the real intent of this bill to allow rich Cuban exiles the opportunity to get a jump start and thereby head off the "gringo" business invasion certain to follow the demise of the embargo and the inevitable passing of Castro.

Let us put an end to this special interest subterfuge. Whatever obligation the United States had to my fellow Cuban Americans has been more than fulfilled by providing us safe haven and the opportunity to prosper and flourish in a free society. Providing us, once again, another special exemption which makes a mockery of the American Constitution, laws and courts, not to mention making a farce of U.S.-Cuban policy, is an insult to both the American and Cuban people.

If we are going to lift the embargo for a few wealthy exiles then, fine, let us lift it for all Americans. To be fair and consistent, why not liberate the entire American community to bring the full weight if its influence to bear upon Cuban people? Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule than the machinations of Helms-Burton.

WORKFORCE PARTNERSHIP AWARD

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. RADANOVICH. Mr. Speaker, the National Association of Private Industry Councils [NAPIC] will be in Washington, DC, on March 3 to open an important conference on improving America's work force. At this conference, well-deserved recognition will be given to Ruiz Food Products, Inc. for their progressive leadership and tireless efforts in enhancing our Nation's goal of a better educated labor force. As the 1996 recipient of NAPIC's Workforce Partnership Award, Ruiz Food Products located in California's Tulare County, has shown

that its efforts to energize the area's commitment to develop job skills have not gone unnoticed. Ruiz Food Products, with the vision of individuals such as Fred Ruiz, has clearly forged the strategic partnerships with private industry councils necessary to lift up, in an era of downsizing, a sometimes discouraged work force. My hat's off to them since America is a better place for their efforts. Many of the unique and compassionate programs they have developed, such as on-site education and literacy enhancement centers, strike a ringing cord of commitment in a society increasingly silent on these matters. Mr. Speaker, I would like to extend the recognition of this Congress to Ruiz Food Products' recent job well done.

INTRODUCTION OF THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. LEWIS of California. Mr. Speaker, today I join my colleague, BOB MATSUI, in introducing the Owens River Valley Environmental Restoration and Manzanar Land Transfer Act of 1996.

This legislation releases outdated watershed withdrawals on lands managed by the Bureau of Land Management [BLM] in order to acquire land for the Manzanar Historic Site which is managed by the National Park Service [NPS]. Lifting these outdated withdrawals are necessary to facilitate land exchanges between the BLM and the Los Angeles Department of Water and Power [LADWP] and Inyo County, CA. The Manzanar site is currently owned by LADWP. This legislation also makes other lands in the area available for the long-term community expansion and other uses as identified in the BLM's Bishop Resources Management Plan.

This legislation is necessary to carry out the intent of Public Law 102–248 which established the Manzanar National Historic Site to provide for the protection and interpretation of the historic, cultural, and natural resources associated with the relocation of Japanese Americans during WW II.

Further, this legislation will allow an innovative and unique environmental restoration project to move forward. The intent of this environmental restoration project is to revive 60 miles of the Owens River Valley in Inyo County, CA. This project will lead to increased wetlands, riparian areas and wildlife—including fish and waterfowl. This restoration project is another step in the ongoing and positive relationship which has developed between Inyo County and LADWP.

The development of this legislation was a process which involved active participation from local citizens in Inyo County, the Inyo County Board of Supervisors, officials from the BLM and the Park Service, LADWP and Japanese-American community. Mr. MATSUI and I look forward to swift consideration of this important measure by our colleagues on the House Resources Committee and expedited consideration by the full House.

THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MATSUI. Mr. Speaker, I am pleased to join my colleague JERRY LEWIS in introducing legislation that would allow the Federal Government to rapidly obtain the lands designated as the Manzanar National Historic Site.

During World War II, 11,000 Japanese-Americans were held at the Manzanar Internment Camp. These individuals were some of the over 120,000 Japanese-Americans interned at 10 sites throughout the United States.

The National Park Service determined in the 1980's that of the 10 former internment camps, Manzanar was best suited to be preserved and to thus serve as a reminder to Americans of the glaring violation of civil rights that the internment represented. As a result, the Congress passed legislation in 1992 to establish a National Historic Site at Manzanar.

The legislation that Mr. LEWIS and I are introducing will allow us to finish the process of creating the Manzanar National Historic Site. The bill will make it possible for the Federal Government to obtain the Manzanar site through a land exchange with the Los Angeles Department of Water and Power [LADWP], which currently owns the property. LADWP recently reached an agreement with the National Park Service, the Bureau of Land Management, and Inyo County that identifies a land exchange that can occur rapidly once our legislation is passed. I commend these parties, as well as the Manzanar National Historic Site Advisory Commission and the Japanese-American community, for their work in bringing us to this stage in the process. I also deeply appreciate the commitment of my colleague, JERRY LEWIS, to this effort.

In 1988, the Congress passed legislation to make redress for the suffering that Japanese-Americans endured as a result of the internment. In addition to directing an official apology by the Federal Government and symbolic payments to Japanese Americans that were interned, the bill included efforts to educate Americans about the internment. In many ways, this final aspect of redress is the most important. It is essential that we instill in our citizens a high level of public awareness about the internment, so that our country never again makes such a terrible mistake. Creation of a national historic site at Manzanar clearly will make an important contribution to this effort. I urge my colleagues to support this bill, so that we can quickly make the Manzanar National Historic Site a reality.

THE POSTREPRODUCTIVE HEALTH CARE ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mrs. SCHROEDER. Mr. Speaker, today I and my colleagues, Congresswomen WATERS, NORTON, WOOLSEY, and JACKSON-LEE, are reintroducing the Postreproductive Health Care Act. This is a bill that former Representative Marilyn Lloyd introduced in the previous Congress to address the all-too-often ignored health care needs of older women.

This legislation directs the Secretary of Health and Human Services [HHS] to provide grants to health clinics serving women so they can develop programs to meet the unique needs of mid-life and older women.

Most clinics devote the majority of their resources to serving young women in their reproductive years, providing family planning and prenatal care services. For some women, this is their only contact with the health care system. As these women age and their need for reproductive and childbirth-related care ends, so may their contact with the health care system. Yet women's health needs do not end at menopause; in fact, they often increase.

This legislation would enable clinics to provide a continuity of service from the reproductive years through the menopausal years. It would help clinics offer services and train professionals in mid-life issues such as menopause, hormone replacement therapy, hysterectomy, and cancer screening/prevention. And it would provide funds to help train clinic staff about issues affecting older and mid-life women.

The bill also would help improve outreach services to low-income women in such areas as heart disease, breast cancer, and osteoporosis. Information and education are urgently needed for these women. While both breast and cervical cancer increase with age, disproportionately fewer low-income women over age 40 have had a clinical breast exam and mammogram; the figures for pap smears are even more dismal.

Menopause is a confusing time for many women, especially those who do not have the resources to differentiate between medical facts, harmful stereotypes, and lore. This legislation would fight misinformation with accurate information and services specifically related to menopause.

I urge my colleagues to support this much-needed approach to preventative health care for women.

NATIONAL SPORTSMANSHIP DAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. REED. Mr. Speaker, I rise in honor of National Sportsmanship Day, which is being observed today in the United States and throughout the world. Since its inception in

1991, over 7,000 schools in all 50 States and 48 countries have joined in the National Sportsmanship Day festivities.

National Sportsmanship Day was conceived by the Institute for International Sport, located in my congressional district at the University of Rhode Island. This year's slogan, "Dare to Play Fair," challenges athletes, coaches, administrators, and parents to reflect on the true meaning of competition and to discuss the importance of ethics and fair play in sport, the classroom, and everyday life.

The institute has enlisted the help of several Sports Ethics Fellows, including two time Boston Marathon winner and Olympic gold medalist Joan Benoit Samuelson, to promote this event. These men and women are wonderful role models who can be admired for more than just their athletic prowess. They have consistently demonstrated an interest in furthering the principles of honesty and integrity in sport and society.

Indeed, the Sports Ethics Fellows are helping to teach the important lessons of National Sportsmanship Day by writing articles relating to sportsmanship and assisting in the development of programs for National Sportsmanship Day. Through competition, young athletes can learn that while winning is a goal worth working for, honor, discipline, and hard work are more important. These values will guide them in all aspects of everyday life.

Mr. Speaker, I ask my colleagues to join the President's Council on Physical Fitness and Sports and the Rhode Island congressional delegation in recognizing this day and the principles it embodies.

TRIBUTE TO MORTON GOULD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BERMAN. Mr. Speaker, almost 1 year ago I extended my congratulations to Morton Gould who was honored with the 1995 Pulitzer Prize for music composition. Sadly, Mr. Gould passed away on February 21, and today I wish to pay tribute to him.

Mr. Gould was one of the century's most celebrated American composers and conductors, whose career spanned eight decades. A child prodigy, he composed and published his first work at the age of 6, and was a pioneer of live radio broadcasts at the age of 21, as the star, host, and conductor of long-running radio programs on the Mutual and CBS Radio Networks.

His compositions explored and elevated all aspects of American style by integrating folk, blues, jazz, gospel, and other elements of music. Orchestras throughout the United States and the world have performed his compositions and they have been enjoyed by all.

He has been honored with numerous awards including a Grammy award and 12 Grammy nominations, the 1985 Medal of Honor for Music from the National Arts Club, and the Kennedy Center Honor in 1994 for a lifetime of contributions to the performing arts. He also served on the board of directors of ASCAP for over 36 years and was its president from 1986 to 1994.

Morton Gould was not just a wonderful musician, he was also a warm and humorous man. I enjoyed working with him over the years, and am saddened by his loss. I offer my most sincere condolences to his family. Mr. Gould's memory and spirit will forever live on in his music.

TRIBUTE HONORING CAROLYN LINEBACK ON THE OCCASION OF HER RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding public servant in northwest Ohio. On March 8 of this year, Carolyn Lineback, the grants administrator for the city of Bowling Green, will retire.

Carolyn can look back on her career with great pride. During her tenure she researched and wrote successful grants in excess of $10 million to the city. By working in close association with numerous Federal and State agencies, including the Federal Housing and Urban Development Department, the Ohio Department of Transportation, and Ohio Department of Natural Resources, she has literally improved the lives of all the residents of Bowling Green.

Americans would not be able to enjoy the blessings of our country without the tireless dedication of those who have the talent and willingness to work for the community. It is for this reason we owe a special debt of gratitude to people like Carolyn, who had done an outstanding job as grants administrator. Whether it was her activism in establishing 911 in the area or her involvement in numerous business and housing programs, Carolyn Lineback has shown an impressive dedication to the causes of public service, public health, and public safety.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know that Ohio is a much better place to live because of the dedication and countless hours of effort given by Carolyn Lineback. While she may be leaving her official capacity, I know she will continue to be actively involved in those causes dear to her.

I ask my colleagues to join me in paying a special tribute to Carolyn and wishing her, her husband Richard, their children Lyn and Anne and their families, all the best in the years ahead.

TRIBUTE TO JOSE JOSE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. ORTIZ. Mr. Speaker, I ask that the House commend today a great Mexican pop singer, Jose Jose. Jose Jose is to Hispanic music lovers throughout the United States and Latin America what Frank Sinatra is to many 1950's music fans.

Jose Jose is a crooner who has enthralled Spanish-speaking audiences with his sweet, gentle manner. He is stylish and elegant, and his voice conveys a passionate blend of strength and vulnerability.

He was born Jose Romulo Sosa Ortiz in February of 1948 and first appeared on the music scene in Mexico in the late 1960's. His commercial success in music, however, did not come until the 1970's. He was the first Latino artist in the United States to sell over 1 million albums.

In the 1990's, after years of stardom, Jose struggled publicly with a divorce and a bout with alcoholism. But, he was sustained during this time by the love and kindness of his family, friends, and a faithful public. Last year he triumphed over the difficulties in his life, and used his experiences to communicate—through music—the pain and agony of life.

Songs full of candor describe his long climb back from the pain of chemical dependency and divorce. His new songs are autobiographical, talking about relationships, of losing someone and finding a way back. Some of his emotional songs include "El Triste" (The Sad One), "Promesas" (Promises), and "Reflexiones" (Reflections).

But Jose Jose does not dwell on sadness. Some of his greatest hits, including "Gavilan o Paloma" (Hawk or Dove), speak to facing challenges and making the right choices.

I hope my colleagues will join me today in commending Jose Jose for his lasting musical talent.

COMMENDATION FOR JAMES A. HENWOOD ON HIS RETIREMENT FROM THE PHILADELPHIA POLICE DEPARTMENT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday March 5, 1996

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to one of Philadelphia's finest police officers, and a good friend of mine, James A. Henwood, on the celebration of his retirement from the force on January 26, 1996.

Jim was born in Philadelphia on January 27, 1949, to Emile and Eunice Henwood. He was educated throughout his young life in Philadelphia, graduating from Good Shepherd Grade School, West Catholic High School, and the prestigious Saint Joseph's College, where Jim earned a bachelor of science degree in history.

Mr. Henwood joined the Philadelphia Police Department on June 21, 1971. Upon graduation from the police academy in September 1971, he proudly served the community of the 26th district for 3 years, earning merit commendations for 1973 and 1974. Promoted to detective in 1974, Jim served briefly in the east detective district, and later moved to the northeast detective district, again being awarded commendations every year from 1974 to 1981.

Mr. Henwood was promoted to sergeant in 1981, and to Lieutenant of the major crimes division in 1985. Six months later, he was moved to the homicide division of the police

department. Serving as lieutenant of homicide division from 1986 to 1989, Jim faithfully commanded a platoon of 15 detectives with citywide responsibilities to investigate all homicides, suspicious deaths, and police-involved shootings.

In 1989, Jim was appointed to be the administrative lieutenant for the 5th police district, where he directed the administrative, anticrime, and community relation functions of the 5th district and managed a staff of over 100 officers.

Finally, in 1994, Mr. Henwood was selected to be the commanding officer for the court liaison unit, where he directed a multi-faceted unit, consisting of 70 police officers, civilian clerks, and supervisors, to interact with the Philadelphia District Attorneys Office, municipal, common pleas and Federal court systems and ensure the successful prosecution of criminal cases and civil litigation.

Jim Henwood's accomplishments as a dedicated and valiant officer of the Philadelphia Police Department have earned him well-deserved respect and praise from his peers. I join his wife, Maureen, his children, Jimmy, Jessica, Brian, and Megan, as well as the rest of his family and friends in wishing him an enjoyable retirement.

IN HONOR OF JOHN NICARETTA: A DISTINGUISHED GENTLEMAN NAMED MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a distinguished gentleman, John Nicaretta, who was named man of the year by the Bayonne Chapter of UNICO. He was honored at a black tie dinner dance at the Richfield Regency in Verona on Saturday, March 2.

Saturday's festivities celebrated the many contributions made by Mr. Nicaretta to his family, country, and community. Being 1 of 12 children, family holds a prominent place in the life of Mr. Nicaretta. While attending Bayonne Technical High School, he helped his parents by doing odd jobs before and after class. As a young adult, Mr. Nicaretta worked in the kitchen of Balbo's Riviera Restaurant which was run by his family. On November 12, 1955, our honoree married Helen Dragshchuk. The union produced two children Catherine and John. In 1970, Mr. Nicaretta established Nicaretta Construction Co. with his brother Gino.

Duty to his country has played a significant role for Mr. Nicaretta. He enlisted in the U.S. Army in July 1951 at which time he attended basic infantry training and cooking school at Fort Dix, NJ. The following January Mr. Nicaretta was sent to Korea where he was promoted to mess sergeant for the 151st Combat Engineers Headquarters Co., I Corp Division. Previous experience with his family's restaurant assisted Mr. Nicaretta in preparation of meals for 300 men per day.

Community involvement has been a consistent theme in Mr. Nicaretta's life. Through the construction company, he started with his brother, Mr. Nicaretta contributed to a number of community oriented endeavors. His donation to the "Adopt-A-School Program" of Bayonne helped design two programs at the John Bailey School to promote reading and student recognition. Also benefiting from Mr. Nicaretta's generosity has been Boy Scout Camp Louis and the "Cleaner and Greener Project," which plants trees in Hudson County Park. Among the numerous organizations to which he belongs are the Assumption Catholic War Veterans, Bayonne Chamber of Commerce, Sons of Italy and the Bayonne Sicilian Citizens Club. Mr. Nicaretta is an active member of Our Lady of the Assumption Parish where he volunteers his time and talents.

It is an honor to have such an outstanding and caring individual residing in my district. John Nicaretta is a dedicated community leader. I am certain my colleagues will join me in recognition of this well deserved honor.

CUBAN ATTACK

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues two important editorials which appeared in the Omaha World-Herald on February 27 and February 28, 1996.

[From the Omaha World-Herald Feb. 27, 1996]

CUBAN ATTACK IS U.S. BUSINESS; CLINTON TOO QUICK TO CALL IN U.N.

Saturday, Feb. 24, 1996. Two American-based civilian aircraft, belonging to a Cuban exile group called Brothers to the Rescue, are blasted out of the sky by Fidel Castro's warplanes. Four people are missing and presumed dead.

President Clinton's immediate response is to slink off and ask the United Nations to do something. By Sunday evening, the Security Council is meeting in closed session. Cuba asks for more time to give its version of the event. The question of whether the United States would respond unilaterally seemed to be on hold.

Monday, Clinton belatedly came through. He halted charter air travel between Cuba and the mainland, places further restrictions on the movements of Cuban diplomats in the United States and threw his support to pending legislation to tighten U.S. sanctions against the island nation. He also allowed frozen Cuban assets to be used to help the families of the victims.

But even as Clinton acted, the effectiveness of his previous policies toward Castro came under scrutiny. Under Clinton, travel between Cuba and the mainland had become easier. Telephone links were established. U.S. businesses encountered less resistance from their own government in establishing contacts with the Cubans—indeed, when a move originated in Congress to punish them for doing business on the island, Clinton was against it.

When Castro wanted to attend the U.N. anniversary celebration in New York City, the U.S. government did not stop him. Moreover the U.S. government had urged Brothers to the Rescue pilots not to fly into Cuban air space during their flights to spot refugees at sea and notify U.S. authorities—a warning that the Brothers ignored when they dropped leaflets on Cuban cities, urging that Castro be overthrown.

U.S. concessions made no more impression on Fidel Castro than they did on Gerry Adams, apparently. A few days earlier, it was the Irish Republican Army that repaid hopeful concessions with unspeakable violence. Clinton had given the IRA and its Sinn Fein partners a claim to respectability by inviting Adams to be a guest in the White House. The naivete of that approach became clear when the IRA went back to its old practice of planting bombs where dozens of innocent people were likely to be injured.

The intentional destruction of unarmed airplanes was once considered an act of war. As Patrick Buchanan said Sunday, this was murder. U.S. citizens, flying the small planes, were the victims. Clinton was too quick, in our opinion, to turn to the United Nations. This attack endangers the peace of the Caribbean and is accordingly, America's business.

[From the Omaha World-Herald, Feb. 28, 1996]

U.N. RESPONSE TO CUBA TOO TIMID

The Clinton administration unnecessarily humbled itself by going hat in hand to the United Nations after Cuba's air force used missiles to shoot down two American-based, small civilian planes. The incident need not have required a finding by an international body that Cuba was wrong. That was self-evident. It required only an appropriate U.S. response, firm and prompt.

As it turned out, the U.N. response was minimal and perfunctory. The United States had requested a formal resolution, condemning the assault. Instead, it received a "presidential statement," which required no vote and which deplored rather than condemned. To their credit, the drafters of the statement mentioned that international covenants ban the use of weapons against civilian aircraft.

But any outrage was muted. Diplomats said there was no support for punitive action against Cuba.

Madeleine Albright, the U.S. ambassador to the United Nations, called attention to the heinousness of the Cuban barbarism when she played a tape in which the Cuban pilots expressed joy about their success and made crude remarks about their victims.

At one point, one of the fighter pilots radioed that the target was in sight and that it was a small plane. Ground control acknowledged that it was a "small plane." The pilot identified the plane as a Cessna 337. An order came back: "Authorized to destroy."

Ms. Albright said she was "struck by the joy of these pilots as they committed cold-blooded murder." Her fellow Security Council members, however, showed little outrage.

This should be a lesson to the administration. There may be times when the United Nations serves a purpose. But certainly there are other times—and this was one—when the United States has better things to do than solicit an expression of support from the United Nations.

THE IMPACT OF FAMILY PLANNING CUTS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mrs. MORELLA. Mr. Speaker, I would like to express my dismay and disappointment with

recent legislation that devastates international family planning programs.

Although this is not an abortion issue, we have opted to treat it like one. People on both ends of the abortion issue spectrum have argued that they want to strengthen the family, yet the impact of these funding cuts will result in millions of couples losing contraceptive services, millions of unwanted pregnancies, and inevitably millions of abortions. In addition, this funding cut will stymie maternal and infant health programs, as well as education about sexually transmitted diseases/HIV, around the world as agencies shuffle what little appropriations they have.

This is not the way to promote the family. The Washington Post published a Judy Mann column February 2 which addresses these devastating cuts. I submit for the consideration of my colleagues.

[From the Washington Post, Feb. 2, 1996]

EXTRACTING THEIR POUND OF FLESH

(By Judy Mann)

Congressional opponents of family planning scored a major victory last week by passing legislation that will strangle U.S. support for international contraceptive services.

Led by House Republicans and backed by the Christian Coalition and other right-wing groups that oppose abortion, these efforts ironically will lead to an additional 200,000 illegal and unsafe abortions, according to Nils Daulaire, deputy assistant administrator for policy and child health policy adviser at the U.S. Agency for International Development.

Damage to family-planning programs will be far more extensive than it appeared from early news reports about the temporary budget agreement. The legislation will decrease by 35 percent the amount of money available to spend on international family-planning programs—that is, it will cut the budget by nearly $200 million. USAID will not be permitted to spend any of its appropriation for family planning until July 1, nine months after the start of the fiscal year, which, in Daulaire's words, will cause a "tremendous disruption in services." It is the only international assistance program that is restricted in this way. After July 1, spending cannot exceed 6.7 percent per month of the total appropriated, which means that only a small amount of the whole will actually be spent before Oct. 1, when a new fiscal year begins.

Daulaire projects that as many as 5,000 more women will die over the next year as a result of unsafe abortions and mistimed pregnancies, and that roughly 500,000 additional births will result, putting further stress on child-survival programs that are strained already. Further, he says, the piecemealing restrictions imposed by Congress will increase administrative costs by four to five times, costing U.S. taxpayers $750,000 to $1 million more.

Most of the campaign against family planning has been carried out in the guise of preventing U.S. foreign aid funds from paying for abortions, although that practice has been banned since 1973. This current fight began last year when House Republicans voted for a measure sponsored by Rep. Christopher H. Smith (R-N.J.) that would have prevented any foreign nongovernmental organization from receiving any U.S. family-planning money if it attempted to provide information about abortion or lobby its own government to change regulations regarding abortion. The Senate refused to go along with the Smith language, the White House said it would veto any bill with this language, and a stalemate on the whole foreign aid package ensued.

Pressure to get a foreign operations appropriation bill mounted steadily after Oct. 1, when checks to Israel and Egypt weren't delivered, foreign aid missions weren't getting their funding, their contractors weren't being paid and population programs weren't being funded at all, according to Victoria Markell, vice president of Population Action International, a nonprofit, research-based advocacy organization that receives no federal funding.

The Smith language was cut out of the final bill last Thursday in the face of growing public outrage over the prospect of yet another government shutdown. "The ideologues had to come up with some formulation that will restrict population-planning spending as much as they could," Markell says. Neither the Senate nor the White House wanted the blame for another government shutdown.

"It's such an attack on women and children," Markell says. "How in the world can you pretend to care about child survival when we know that women and mothers are going to die without access to family planning?" She cites a World Health Organization statistic that 90 percent of children in developing countries who lose their mothers in delivery will die by their first birthday. "We know that if women have fewer children, the children they have live longer and are healthier and everyone benefits."

"One of the key priorities of our family-planning program is to reduce abortions worldwide," Daulaire says. Yet, when it became clear that the Smith language gutting family-planning services would not pass, "they decided that the way to extract a cost was by severely restricting AID's ability to provide family-planning services around the world. They understood very clearly that this language would mean not just a 35 percent reduction in funding but was really much harsher."

What is clear from this exercise is that the conservative Christian bloc of House Republicans is targeting international contraceptive and family-planning services, not just abortion services. And the people who will suffer are women and children in the poorest parts of the world. Is that the Christian way?

TRIBUTE TO CHARLES A. WALTON, SR.

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. JACOBS. Mr. Speaker, the following obituary appeared in the Indianapolis Star on February 20, 1996. It should have been delayed for at least 30 more years.

Charlie Walton was one of God's noblemen—undoubtedly still is now that he is in the arms of the Almighty for eternity.

Obituaries tend to be rather sterile. Just the facts. Here is another fact, Charlie Walton was one of the brightest and gentlest people who ever lived. His death leaves an enormously lonesome place in Indianapolis.

[From the Indianapolis Star, Feb. 20, 1996]

CHARLES WALTON SR., ATTORNEY, EX-CENTER TOWNSHIP TRUSTEE

Charles A. Walton Sr., 59, an Indianapolis attorney and former Center Township trustee, died Feb. 19.

Services will be at 1 p.m. Feb. 22 in Stuart Mortuary Chapel, with calling from 11 a.m.

Burial: Crown Hill Cemetery.

He was elected interim trustee in 1986 by Democratic precinct committeemen to fill the unexpired term of the late Benjamin Osborne. Mr. Walton, a controversial figure, subsequently was denied the nomination for a four-year term by party officials despite support from the precinct committeemen.

He was an attorney 36 years with several firms, including Walton and Pratt, which he helped start in 1992 with a daughter, a son and son-in-law.

Mr. Walton was elected to the Indiana General Assembly in 1964. He was also a former deputy prosecuting attorney for Marion County and an Indianapolis city attorney.

He was an unsuccessful candidate for mayor of Indianapolis in 1987.

He was a member of Metropolitan Baptist Church; National, American, Indiana, Indianapolis and Marion County bar associations; and a life member of the NAACP.

He was a graduate of Morehouse College and Indiana University School of Law, Indianapolis. Memorial contributions may be made to the Indianapolis Morehouse College Alumni Association Scholarship Fund, in care of Walton and Pratt law firm.

Survivors: wife Joan Blackshear Walton; children Charles A. Jr., John C. Walton, Mia-Lon Washington, Tanya Walton Pratt; sisters Adell Van Buren, Johnnie Marie Cliff; four grandchildren.

INTRODUCTION OF SAFE: THE SECURITY AND FREEDOM THROUGH ENCRYPTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. GOODLATTE. Mr. Speaker, today, I am pleased to introduce the Security and Freedom Through Encryption Act. The SAFE Act. Twenty-seven of my colleagues in the House join me as cosponsors of this important legislation. We join Senators LEAHY and BURNS in this bipartisan initiative which is intended to send the administration two loud and clear messages:

Our antiquated export restrictions are out of step with today's technology and must be brought into the information age; and

American citizens and businesses will not tolerate big brother holding the keys to their private and proprietary information.

American consumers are demanding information security and are getting it. Without security features, the innovative content, electronic commerce, and enhanced communications capabilities necessary to make the development of the GII—global information infrastructure—a success simply will not occur. Current law allows Americans to utilize any level of encryption that innovative minds can develop, but the administration wants to change that. They want to use export controls as a back door approach to controlling the use of encryption here at home.

The administration has proposed allowing the export of products with strong security features but only if key escrow is built in. If this does not work, administration officials have said they will seek legislation forcing Americans to use only encryption to which the Government has access. We are here to tell the administration not to bother. We reject that solution as a big Government answer to a Big Government problem. It completely ignores consumer privacy and security.

While we recognize the concerns of law enforcement officials who want to preserve surveillance capabilities, the technology genie is clearly out of the bottle. The administrations' "64-bit key escrow" policy ignores the realities of today's marketplace and the technology which abounds. Criminals and terrorists are not always stupid, they are going to use the highest security to communicate and conspire that is technologically available. Terrorists will not buy American just because of it's PC.

There are currently over 500 foreign products and programs with strong encryption capabilities available in the world marketplace. These are products that U.S. companies can not even export. Some of them are here on display. These products are being produced and sold by foreign companies and can be downloaded on the Internet and used anywhere in the world.

An economic study released in December by the Department of Commerce demonstrates that failure to address these export controls by the year 2000—4 years from now—will cost the U.S. economy $60 billion and 200,000 jobs. The administration's proposed policy would be yet another blow to the U.S. computer industry. It is time we gave our companies the ability to compete rather that giving foreign competitors the advantage.

Therefore, our bill will do four things:

Continue to ensure that all Americans have the right to choose any security system to protect their confidential information.

Prohibit big brother from mandating a back door into people's computer systems.

Make it unlawful to use encryption in the commission of a crime or to willfully coverup a crime.

Allow the U.S. computer industry to export generally available software and hardware if a product with comparable security is commercially available from foreign suppliers.

U.S. software companies, world leaders in cutting edge technology, must have the freedom to develop products with strong security features which meet computer user demands and privacy concerns in the United States and abroad. Mr. Speaker, this is a bipartisan effort that I urge of all my colleagues to join and support.

The original cosponsors are Representatives DELAY, BOEHNER, MOORHEAD, SCHROEDER, GEJDENSON, MANZULLO, COBLE, BARR, BONO, LOFGREN, CAMPBELL, ESHOO, DOOLITTLE, FARR, MCKEON, ENGLE, WALDHOLTZ, EWING, MICA, CHAMBLISS, EVERETT, EHLERS, ORTON, MATSUI, BOUCHER, CHABOT, and MOAKLEY.

Mr. Speaker, I would like the text of my legislation reprinted in the RECORD.

IN SUPPORT OF FREEDOM OF THE PRESS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. RADANOVICH. Mr. Speaker, as an avid believer in the Constitution of the United States of America, I take particular pride in the diversity of our people and those who make use of the powers vested in our Constitution to make this country great.

There are several people in my district who share in my desire to keep the minority community informed about issues at home and abroad. People such as Bee Vang, who interned in my office last summer, is now the anchor of Hmong TV USA and Uniting Hmong Radio. Rafael Hernandez, El Grafico newspaper director, keeps the Hispanic community abreast of issues with his weekly newspaper. Harout Sassounian, who has many ties with the large Armenian-American population in the district, is the publisher of the California Courier in Glendale, CA. Finally, there is Mark Kimber, who has made the California Advocate a reputable publication in Fresno for nearly three decades.

Recently there was an article in The Fresno Bee, the leading newspaper in my congressional district, in which the writer, Karla Bruner, wrote about the minority media, and its impact on the 19th Congressional District. Her Journalistic talents and keen awareness of minority communities in the district make her account all the more informative.

The press has played an important part in shaping our history and our great Nation. I salute the above mentioned people for their valuable contributions to the 19th District. I take pleasure in sharing the following article by Karla Bruner for the Fresno Bee:

MINORITY MEDIA OUTLETS STRIVE TO TELL THEIR SIDE OF THE STORY

A handful of racial and ethnic groups in Fresno are practicing freedom of the press their way.

Frustrated with mainstream media that they believe do not represent their ethnic community well or just do not speak the language, they have set up their own media groups.

Joining this tradition will be The Hmong American Times, which will begin publishing Feb. 1. It will replace The Hmong Times, which began under another name in 1990.

Locha Thao, the newspaper's new publisher, said he entered the business to help his community, not to make money.

"We need voices. We need a newspaper in our own language for the elders to understand," he said. Several thousand subscribers are expected to continue paying for the newspaper. Other copies are distributed free at Hmong stores and businesses.

Thao echoes one of the main reasons why Hmong, Armenians, Hispanics and African-Americans run their own newspapers, television and radio programs. They do not want to be stereotyped. They want to maintain their identity.

"The black press has been an institution in our community for hundreds of years. We support our own media, tell our own story. It's a historical fact that the general media doesn't represent us," said Mark Kimber, publisher of the California Advocate newspaper in Fresno, a weekly publication that has served the African-American community for almost 29 years. It has 22,000 paid subscribers.

Kimber said that many times when the mainstream media show African-Americans, they are being arrested. He said his newspaper tries to highlight the accomplishments of African-American lawyers and doctors.

Bee Vang, an anchor for Asian Broadcasting, which airs Hmong-language programs on local television stations, knows Kimber's frustration.

"[The mainstream media] usually represent the worst side of the Hmong," he said.

That does not mean journalists in the minority media represent their communities in a positive light only, he and others said. Vang said the Hmong program last year aired the story regarding the rape of a girl by Hmong youths, for example.

"The thing is, we talk to the leadership of the community," he said. "Say we do a story and we talk to leaders to ask them how the [Hmong] culture is affected—then there's less of a negative response [to the story]."

Rafael Hernandez, director of El Grafico, a Spanish-language weekly in Fresno, said his newspaper is not afraid to go after anyone—even if they are Hispanic. About 20,000 copies of the newspaper are distributed at no charge in Fresno.

"We're not like big newspapers who are afraid of lawsuits. * * * We write what the people want," he said.

Harut Sassounian, publisher of the California Courier, a 38-year-old English-language Armenian newspaper, said minority-run newspapers serve a special role.

The California Courier was published in Fresno until 1988 and is now in Glendale. It has 3,000 paid subscribers.

He said minority-run newspapers are like the "village newspaper that is read by everybody."

"The Fresno Bee and New York Times aren't going to take a political position on every Armenian issue and people want direction," he said.

INTERNATIONAL WOMEN'S DAY—NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. PALLONE. Mr. Speaker, I am pleased to pay special tribute today to an important series of events that will take place on International Women's Day. International Women's Day will be celebrated with great enthusiasm and energy throughout New Jersey on March 8, 1996, and I am delighted to be able to help organizers in their goal of recognizing the achievements and contributions of working women.

International Women's Day is one of New Jersey's most exciting community initiatives. Its New Jersey inception dates back to 1909 in Metuchen which is in my Sixth Congressional District.

Created as an opportunity to facilitate discussions on women and work, International Women's Day has over the past 85 years inspired many young women to better understand their working futures in a global context.

On Thursday evening, Mr. Speaker, a public event will be held at Rutger's Cook Campus

Center to offer awards to those selected from over 400 student essays collected from throughout New Jersey. This is a special evening and will help start International Women's Day—New Jersey, as each awardee and presenter will help to inspire the goals of International Women's Day.

Mr. Speaker, I rise today to offer a special congratulations to International Women's Day—New Jersey on their achievement of becoming the first State to plan a statewide celebration in schools and universities this Friday, March 8, 1996.

It is truly commendable that New Jersey has so many leaders committed to making an important event, such as International Women's Day—New Jersey, a vivd reality. To know that this event will be celebrated in every school district in each of New Jersey's 21 counties is remarkable and I hope each individual can take the important lessons from these events.

Mr. Speaker, we do not always have the opportunity to honor an organization with such a rich history of progressive thought and I am so proud to be able to recognize their achievements today.

International Women's Day will be an unqualified success and I am proud to have had the distinct pleasure of supporting this initiative throughout our State and nationally.

IN RECOGNITION OF THE HIALEAH-MIAMI LAKES ADULT EDUCATION CENTER VOLUNTEERS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. DIAZ-BALART. Mr. Speaker, I rise today to pay tribute to staff and volunteers at the Hialeah-Miami Lakes Adult Education Center and to recognize their considerable accomplishments.

The Hialeah-Miami Lakes Adult Education Center is guided by the leadership of Principal Robert P. Villano and Assistant Principal Martin D. Simonoff. The backbone of the adult education center, however, is composed by the numerous volunteers who work so diligently with the adult students.

I would like to mention one of these volunteers in particular. His name is Otto Esteire. Otto has distinguished himself by his extraordinary dedication and assistance and is scheduled to receive an award from the Office of Applied Technology, Adult, Career, and Community Education.

Mr. Speaker, it is through the hard work of Otto, the other volunteers and staff, that the Hialeah-Miami Lakes Adult Education Center is able to assist students of all ages to prepare for the G.E.D. exam, to sharpen their skills in preparation for entering the work force, and to encourage them in their efforts to succeed in their goals. The entire south Florida community is grateful for their contributions.

GREEK INDEPENDENCE DAY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MOAKLEY. Mr. Speaker, I rise today in recognition of the 175th anniversary of Greek Independence Day which will take place on March 25, 1996. It is my pleasure to join the many friends of Greece and the nearly 3 million Greek-Americans living in the United States in celebrating the day the Greeks began their long struggle for independence from the Ottoman Empire.

We must remember that the ancient Greeks first developed the concept of democracy and many of their philosophies serve as the cornerstones of our modern democracy. Time has not lessened the wisdom of Aristotle's insight when he said:

> If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost.

March 25 is a day to reflect on these words and remember the courage of the Greeks who proclaimed their independence on that day in 1821 and fought bravely for nearly a decade. The belief in democracy and the willingness to sacrifice for it is a common heritage that the people of Greece and the people of the United States share and is reflected by the contributions Greek-Americans make nationwide.

While celebrations will take place nationwide, a very special event is planned for Boston. My friends at the Federation of Hellenic-American Societies of New England and the Greek Orthodox Diocese of Boston have organized their 2d Annual Greek Independence Day Parade. It is my great pleasure to recognize this event and I know it will be another tremendous success.

IN MEMORY OF LT. DREW DAVID HELMS, SEPTEMBER 26, 1962 TO FEBRUARY 11, 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Lt. Drew David Helms, a man who touched the lives of thousands. Lieutenant Helms was a member of the Salvation Army corps in California's 13th Congressional District. He passed away on Sunday, February 11, 1996, as a result of injuries received in an automobile accident.

Lt. Drew Helms grew up in Seattle where he learned the importance of service to his fellow man early in life. His parents, Gordon and Peggy Helms, were training to become Salvation Army officers and brought Drew and his older brother, Paul, along with them as they attended the School for Officers' Training. Drew grew up in the corps and credited his parents with teaching him early on to honor and respect all human life and to dedicate one's life to helping those less fortunate.

While still in Seattle, Drew met Nancy Newbould. After years of friendship and service together in the Salvation Army, they were married in 1987 while Drew was a student at Simpson College in San Francisco. In June in 1988, Drew graduated from Simpson with a bachelor of arts degree in Christian education. In 1990 Drew and Nancy, along with their 1-year-old son, Nicholas Andrew, entered the School for Officers' Training as members of the Followers of Jesus Session. In 1992, Drew and Nancy moved to Honolulu, HI, after receiving their commissions as lieutenants in the Salvation Army. Once there, Drew was appointed commanding officer of the Leeward Corps. In September of the same year, Drew and Nancy's second son, Cameron David was born. After only a year in Hawaii, the Helms family moved to Hayward, CA where Drew served as commander of the Hayward Corps. They served in Hayward together for the next 5 years and had a daughter, Katherine Leigh, in May 1995.

Lt. Drew Helms was on his way from Hayward to the corps to participate in a neighborhood feeding program when he was involved in a fatal automobile accident. He is survived by his wife, Nancy; their three children, Nicholas, Cameron, and Katherine; his parents, Majors Gordon and Peggy Helms; and his brothers Paul, Derek, and Craig. My thoughts and prayers are with them.

Mr. Speaker, I ask that you and my colleagues join me in honoring the memory of Lt. Drew David Helms. His dedication and commitment to those less fortunate should serve as an example to us all.

IN MEMORY OF PEDRO MARTINEZ ADA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. UNDERWOOD. Mr. Speaker, I rise today to share with our Nation the story of a very remarkable man, Mr. Pedro Ada. During his lifetime, Mr. Ada, along with his wife Maria, made a positive contribution to the people of Guam through their hard work and dedication.

Tun Pedro, as he was known to his family and friends, was born on the Island of Saipan in 1903. He attended the business program at Sophia University in Tokyo, Japan, at age 17 and returned to Guam in 1925. In 1927, Tun Pedro married his wife and business partner for life, Maria Palomo. With only the proceeds of a $200 loan from the Bank of Guam, the Adas began their first business, a grocery store, in 1938. In 1941 the Japanese invaded our island. The occupying forces confiscated all of the merchandise in the Adas' grocery store and imprisoned Tun Pedro for a month because he was suspected of being a spy for the United States. After the island was liberated by the United States in 1944, Tun Pedro was able to reopen his grocery store across the street from the site of his old store. For the next 12 years, Tun Pedro continued to expand his business.

By 1956, the Adas had three grocery stores, warehouses in four villages, and a fleet of 18 vehicles to haul goods that came into Guam's port. On the advice of his accounting firm, Tun

Pedro incorporated his grocery business and created Ada's Inc. During the next 15 years, the Adas continued to expand their business to include a bowling alley and several office buildings. In 1970, Ada's Inc. teamed up with Chinn Ho, a Hawaiian businessman, to build Guam's first condominium project, Alupang Cove Condominiums.

Tun Pedro and his family worked during the 1970's and 1980's to renovate his various properties and to strengthen his company. In May of 1985, Tun Pedro and his wife were both awarded honorary doctorate degrees from the University of Guam in recognition of their civic and corporate leadership.

Mr. Pedro Ada was a hard-working and generous man who was dedicated to Guam. Tun Pedro had been the chairman of the board for Ada's Inc., since its beginning. He was also a charter member of the Civilian Advisory Council and a member of the Knights of San Sylvester. Tun Pedro contributed to many charities and organizations on Guam and had established the Pedro M. Ada scholarship program at the University of Guam. His accomplishments and contributions to our island will live on for many years to come. Tun Pedro passed away on November 14, 1995. I extend my condolences and the sympathy of the people of Guam to the family of Tun Pedro. Our island has been blessed by his life's work, and we appreciate the many good things he has done for Guam.

A YOUNG SPEAKER VOICES TIME-TESTED IDEALS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. BARCIA. Mr. Speaker, Hubert Humphrey, a distinguished former Vice President and Senator, observed over 50 years ago, that "It is not enough to merely defend democracy. To defend it may be to lose it; to extend it is to strengthen it. Democracy is not property; it is an idea." One of the best ways of extending our democratic ideals is to help more Americans, both young and old, improve their appreciation for democracy. Tracey Sierras of Bay City, MI, has exemplified this effort with her outstanding participation in this year's Voice of Democracy contest, sponsored by the Veterans' of Foreign Wars, in which she was selected as the best speaker in the State of Michigan, and this week is participating in the national finals here in Washington.

Tracey is the manifestation of what we want our young people to be. She is concerned about her community and nation, as evidenced by her efforts in this year's speaking contest. She understands the importance of the eloquence of words being followed with the commitment of action. She is vice president of Bay City All Saints High School student council, and has been actively involved with Students Against Drunk Driving. She leads by example, including her outstanding 3.5 grade point average.

Competing for achievement is nothing new for Tracey. She has done it this year in Michigan, and is facing our Nation's best here in Washington. She is planning on making her presence known internationally as she has set her long-term goal on becoming an international business lawyer. She will take more concrete steps towards the goal when she enters Saginaw Valley State University, my alma mater, this fall, putting to good use the scholarship she won as part of the Voice of Democracy contest.

Mr. Speaker, at a time when we seem to hear stories about young people who are heading down the wrong path, who have failed to set goals for themselves and do not appreciate what life has to offer to them, it is important and refreshing for us to learn about capable, energetic and focused young people like Tracey Sierras. I know her parents, Randy and Judy, are rightly proud of their daughter. I want to add for the record that all of us in Bay City and in the fifth district are proud of her, too.

I congratulate Tracey on her accomplishments, as I do all of the other State winners. I urge all of our colleagues to join me in congratulating her as we prepare to welcome this new generation of new thoughtful leaders to the proud heritage of our Nation.

HONORING VICTOR CRAWFORD, 1933–1996

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MEEHAN. Mr. Speaker, I want to take this opportunity to honor Victor Crawford, who died March 2, 1996, at Johns Hopkins Hospital in Baltimore, MD. Mr. Crawford was a leader and a national spokesman in the fight to curb tobacco use.

Mr. Crawford served in Maryland's State legislature for over 26 years. After he retired from his legislative career, Mr. Crawford became a lobbyist. One of his largest lobbying contracts was with the tobacco industry, including the Tobacco Institute, which paid him over $20,000 in fees.

As a tobacco lobbyist, Mr. Crawford used his considerable legislative and personal skills to derail a number of State initiatives that would have curbed tobacco use in public places and by young people. "I was in it for the money," he said, "and I was never concerned if people were dying."

Mr. Crawford's views on tobacco radically changed after he was diagnosed with cancer, a product of his lifelong smoking addiction. He became an eloquent and persuasive speaker on the issue of tobacco. His message was clear and sobering, "It's too late for me, but it's not too late for you."

By appearing on "60 Minutes," Massachusetts' Department of Public Health's "Let's Make Smoking History" campaign, and a radio address with President Clinton, Victor Crawford made a difference in the fight against youth tobacco use. His was a credible voice, a man who realized he had made a mistake and wanted to make amends.

Mr. Crawford will be missed not only by his family and friends but also by countless children who listened to his message and decided not to start smoking. His legacy will include thousands of healthy lives that otherwise would have ended prematurely from tobacco related illnesses.

HONORING THE SPRINGFIELD INTER-SERVICE CLUB COUNCIL AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to some very special people in Virginia's 11th District. These are individuals who put the good of their community above their own needs. These people received awards from the Springfield Inter-Service Club Council ISCC on February 20, 1996.

The Springfield ISCC was founded in 1986 to coordinate the good works of the numerous service clubs and civic organizations in the greater Springfield community. Today more than 60 clubs, civic organizations, and agencies are affiliated with the ISCC.

Mr. Speaker, the following individuals who received awards for their distinguished service to the community are:

Sylvia Bonner. Sylvia has been a Girl Scouts Council of the Nation's Capital Service Unit comanager in the central Springfield area since 1992, Sylvia has worked hard to build a strong cohesive program for the youth of our community. Most recently she has picked up the banner of the Springfield Santa refurbishes experienced toys for needy children during the holidays. Under her leadership Santa's Green Elves are keeping a Springfield tradition alive.

John Garilli. John with his guide dog, Guy, has served the Springfield-Franconia Host Lions Club as secretary, vice president, flea market chairman, sight chairman, and communications chairman. He is founder and advisor for the Leo Club at Hayfield High School. John and Guy also serve as spokesman for Leader Dog in the Washington metro area.

Mr. Speaker, the following individuals who received awards for their outstanding community service are:

Dominick Caridi. Dominick has been a tireless and resourceful Boy Scout leader. He led the Scouting for Food Drive in southern Fairfax County and the city of Alexandria. Under his exceptional leadership and enthusiasm the Scouts collected more than 80 tons of food for the hungry residents of the Greater Washington area.

Robert E. Denny. Robert, an author, a Civil War historian, a tireless volunteer who has worked on the developmental programs for severely handicapped residents of the Northern Virginia Training Center.

Bob Lund. Bob serves the community in many ways. As the coordinator of volunteer efforts to maintain the grounds at the Pohick Regional Library, he has coordinated the efforts of over 35 Eagle Scout service projects, serving as mentor and role model to countless young people and saving the community untold costs.

Lt. Tyrone Morrow. Lieutenant Morrow of the Fairfax County Police Department serves

his community in many ways. In addition to his unselfish service as a police officer he serves as a mentor and role model for children at risk of being lost to education. Through his personal efforts as a tutor and through his inspirational example and ability to recruit others to serve as tutors, Lt. Morrow has instituted ongoing projects to help young people in our community who had nowhere to turn.

Mr. Speaker, the following individuals received the Award for Persons of the Year:

Carl and Betty Kohlmeier. Carl and Betty have been unsung heroes in our community since 1959. In service to the victims of family violence, helping the Northern Virginia Hotline, active in the United Methodist Church, and feeding the needy through "Lazarus at the Gate." With seemingly endless energy and a gift to know what is right they have quietly and ably given their hearts and their hands to ensure success in their endeavors.

Mr. Speaker, I know my colleagues join me in congratulating these fine citizens on their outstanding work. It is citizens like these, scattered across America, that provide this country with our margin for excellence, in providing services to those in need, keeping our communities clean and beautiful, and restoring the American dream to our young people. The Springfield Inter-Service Club Council and its member organizations deserve our thanks and efforts.

JACK VALENTI—ADDRESS TO THE FEDERAL COMMUNICATIONS BAR ASSOCIATION: LESSONS OF ONE OF WASHINGTON'S KEENEST OBSERVERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. LANTOS. Mr. Speaker, Jack Valenti, the president and CEO of the Motion Picture Association of America, is one of the most distinguished and insightful observers of the Washington scene. As my colleagues know, Jack arrived in Washington aboard Air Force One with President Lyndon Johnson on November 22, 1963. In the three decades since Jack arrived at the White House, he has been a thoughtful and careful eyewitness to the administrations of seven Presidents and every Congress from the 88th to the 104th.

Jack shared his wisdom and thoughts about our National Government based on his firsthand participation and his perceptive observations in an outstanding address to the members of the Federal Communications Bar a few weeks ago. The lessons he shared with these attorneys are lessons that would be beneficial to all of us in the Congress as well. Mr. Speaker, I ask that the address of Jack Valenti be placed in the RECORD, and I urge my colleagues to give it thoughtful attention.

WASHINGTON, DC: "IT'S A MAKE YOU TOWN OR A BRING YOU DOWN AND BREAK YOU TOWN"

(By Jack Valenti)

As one who has spent his entire adult career in two of life's classic fascinations, politics and movies, I have known in both those worlds the great, the near great and those who thought they were great. The latter category outnumbers the first two by a long ton. I have become convinced that movie people and politicians spring from the same DNA.

They are both:

Unpredictable.

Sometimes glamorous.

Usually in crisis, imagined or otherwise.

Addicted to power.

Anxious to please.

Always on stage.

Hooked on applause.

Enticed by publicity.

Always reading from scripts prepared by someone else.

Constantly taking the public pulse.

Never really certain, except publicly.

Indeed, it's difficult to say which deserves more the description of entertainment capital of the world, Hollywood or Washington, D.C.

The lyrics of the song "This Town," as sung by Frank Sinatra explain most accurately what Washington is all about. Sang Old Blue Eyes: "It's a make you town or a bring you down and break you town."

Which is why I would like to talk tonight about what I have learned since I arrived in the Federal City aboard Air Force One on November 22, 1963. In the intervening 32 years I have in turn been an intimate participant at the highest station of this government, serving my President with loyalty and fidelity, as well as a clinical observer through the administrations of seven Presidents, from the 88th Congress through the 104th Congress. Perhaps some of these musings will be some casual interest of a few of you. They are quite interesting to me.

So, let me count the lessons I have learned. Or more accurately, lessons learned as defined by my experience, not necessarily by yours.

I learned that in the White House there is one enduring standard by which every assistant to the President, every presidential adviser, every presidential consultant must inevitably be measured. Not whether you went to Harvard or Yale, or whether you scored 1600 on your SATs, or whether you are endlessly charming and charismatically enable or whether you made millions in what we sardonically call "the private sector." These are all attractive credentials which one may wear modestly or otherwise. But when the decision crunch is on in the Oval Office they are all merely tracings on dry leaves in the wind. What does count, the ultimate and only gauge, is whether you have "good judgment."

I learned that no presidential decision is ever made where the President had all the information he needed to make the decision. There is never enough facts. Very quickly, the decision corridor grows dark, the mapping indistinct, the exit inaccessible. What is not useful are precedents or learned disquisitions by Op-Ed page pundits, some of whom would be better suited to raising pigeons. Finally, the decision is made on judgment alone. Sometimes the judgment is good. Sometimes it is not.

You don't learn "good judgment" in the Ivy League or by reading the New York Times, the Washington Post or even the Weekly Standard. It is well to remember, as Oscar Wilde once said, that from time to time nothing that is worth knowing can be taught. Judgment is something that springs from some little elf who inhabits an area between your belly and your brain, and who from time to time, tugs at your nerve edges, and says, "no, not that way, the other way." This mysterious inhabitant is called instinct, intuition, judgment. It is the one ingredient on which the rest of human condition depends for guidance.

I learned that the one political component above all else which can insure electoral victory or crushing defeat is timing. A whack to your political solar plexus six to eight months before an election is survivable. Two weeks before the election, and you're dead. Ask Jimmy Carter. In politics, twenty-hours is a millennium.

I learned that economic forecasts beyond about two weeks have the same odds of accuracy as guessing the winning numbers in the D.C. lottery. If you truly believe in long-term predictions of economic activity, estimates based on so-called "real numbers," which is the mantra of the current budget debate, then you are enrolled in a defunct mythology. Economic forecasts are usually unwarranted assumptions leaping to a preconceived conclusion. Just remember, whenever an economist can't remember his phone number, he will give you an estimate.

I learned that when there is no unamiable issue like war, or prospect of war or recession or economic disaster, most people vote for a President viscerally not intellectually. Most people choose a President romantically, a choice made in unfathomable ways which is how romance is formed. Like John Kennedy and Ronald Reagan.

I learned never to humiliate an antagonist and never desert a friend. In a political struggle, never got personal else the dagger digs too deep. Your enemy today may need to be your ally tomorrow.

I learned that nothing lasts. What is up will inevitably go down and sooner or later in reverse. It took forty years, but the House changed masters. Victory is often the prelude to defeat. President Bush can rise to testify about that. Failure is often the precursor of triumph. Ask Bill Clinton. Richard Nixon tasted both ends of those beguiling equations. The breeding ground of politics is irrigated and nourished by change. As one who has fallen from political power, I can instruct George Stephanopoulos in how quickly you lose your charm and your enticements when you no longer sit at the right hand of the Sun King.

I learned that a political poll is Janus in disguise. The life of a poll is about 10 nanoseconds. It is already in decay when it is published. A political poll, like the picture of Dorian Gray, is the face of entropy. The veteran professionals know that. The old pols use polls to raise money. When polls are up, go for the fat wallets. But the politician who persistently lifts his wet finger to test the political polls before he acts, usually leaves office with a wet finger.

I learned that if a President, a Congressman, a Senator does not have convictions, he or she will be right only by accident. I must confess I have a grudging admiration for those freshmen House Republicans who won't budge from their fixed convictions. They truly believe, heavily, explicitly. Which is why Speaker Gingrich is finding out what Mirabeau finally knew: When you undertake to run a revolution, the difficulty is not to make it go. It is to hold it in check.

But I have also learned that the frustrating constant of modern day American politics is perennial gridlock, caused by forces at either extreme. It has been said that a man does not show his greatness by being at the end of one political boundary or the other, but rather by touching both at once. In our free Republic, political parties argue and shout, but finally they touch both ends of

the extremes and draw them together. That is called "compromise." It is not an ignoble word. Compromise is the canopy under which men and women finally behave wisely, once they have exhausted all other alternatives. Without compromise, parliamentary bodies will "split into a bundle of unfriendly and distrustful fragments."

I have learned that if we live in the incestuous world of Washington long enough we become, in the main, skeptics, cynics, who view with lacerating contempt the boobs and the rabble, the unlearned and unlettered, who live out there, somewhere east of Beverly Hills and west of the Beltway. But those boobs are the very folks who over two centuries of cruel disjointings have sustained this free and loving land.

I have a special feeling for the rabble. My grandparents were part of that rabble. They came to Texas from Sicily, poor immigrant peasants, strangers in a strange and wondrous land. They became unabashed patriots, which to them meant fierce loyalty and unbreakable fidelity to their new country.

These days we are uneasy with the designation "patriot." We regard it in much the same queasy manner as one does holding a wolf by the ears. Too bad. When the night is full of knives, when lightning is seen and drums are heard, the patriots are always there, ready to fight, and ready to die if need be, to defend their country and to protect those who stayed home, for sound and convenient reasons, of course.

But the greatest lesson I have learned, the most important of my education, is really the essential imperative of this century. It is called leadership. We brandish the word. We admire its light. But we seldom define it. Outside Caen in the Normandy countryside of France is a little cemetery. Atop one of the graves is a cross on which is etched these words: "Leadership is wisdom and courage and a great carelessness of self." Which means, of course, that leaders must from time to time put to hazard their own political future in order to do what is right in the long term interests of those they have by solemn oath sworn to serve. Easy to say. Tough to do.

I remember when I first bore personal witness to its doing. It was in December, 1963. Lyndon Johnson had been President but a few short weeks. At that time I was actually living on the third floor of the White House until my family arrived. The President said to me on a Sunday morning, "call Dick Russell and ask him if he would come by for coffee with you and me."

Senator Richard Brevard Russell of Georgia was the single most influential and honored figure in the Senate. His prestige towered over all others in those years before the dialogue turned sour and mean. When in 1952, the Senate Democratic leader's post fell open, the other Senators turned immediately to Russell, imploring him to take the job. "No," said Russell, "let's make Lyndon Johnson our leader, he'll do just fine." So at the age of 44, just four years in his first Senate term, LBJ became the youngest ever Democratic leader and in a short time the greatest parliamentary commander in Senate history.

When Russell arrived, the President greeted him warmly with a strong embrace, the six-foot four LBJ and the smallish, compact Russell, with his gleaming bald head and penetrating eyes. The President steered him to the couch overlooking the Rose Garden, in the West Hall on the second floor of the Mansion. I sat next to Russell. The President was in his wing chair, his knees almost touching Russell's, so close did they sit.

The President drew even closer, and said in an even voice, "Dick, I love you and I owe you. If it had not been for you I would not have been Leader, or Vice President or now President. But I wanted to tell you face to face, please don't get in my way on this Civil Rights Bill, which has been locked up in the Senate too damn long. I intend to pass this bill, Dick. I will not cavil. I will not hesitate. And if you get in my way, I'll run you down."

Russell sat mutely for a moment, impassive, his face a mask. Then he spoke, in the rolling accents of his Georgia countryside. "Well, Mr. President, you may just do that. But I pledge you that if you do, it will not only cost you the election, it will cost you the South forever."

President Johnson in all the later years in which I knew him so intimately never made me prouder than he did that Sunday morning so long, long ago. He touched Russell lightly on the shoulder, an affectionate gesture of one loving friend to another. He spoke softly, almost tenderly: "Dick, my old friend, if that's the price I have to pay, then I will gladly pay it."

Of all the lessons I have learned in my political life, that real life instruction in leadership on a Sunday morning in the White House was the most elemental, and the most valuable. It illuminated in a blinding blaze the highest point to which the political spirit can soar. I have never forgotten it. I never will.