SENATE—*Monday, April 22, 1996*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, infinite, eternal, and unchangeable, full of love and compassion, abundant in grace and truth, we praise You for being the faithful initiator and inspiration of prayer. We need not search for You, because You have found us; we need not ask for Your presence, because You already are impinging on our minds and hearts; we need not convince You of our concerns, because You know what we need even before we ask. What we do need are humble and receptive minds. Awe and wonder grip us as we realize that You want our attention and want to use us to accomplish Your plans for our Nation. We openly confess the inadequacy of our limited understanding. Infuse us with Your wisdom.

The week ahead is filled with crucial issues to be debated and decided. Reveal Your will for what is best for our Nation. We yield our minds to think, and then communicate, Your thoughts. Invade our attitudes with Your patience so that we will be able to work effectively with those who differ with us. Help us to listen to others as attentively as we want them to listen to us. In the midst of controversy keep us unified in the bond of our greater commitment to be servant-leaders of our Nation.

As we press on with the work You have given us to do here, we commit to You the care of loved ones and friends who need Your physical healing and spiritual strength. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, today there is a period for morning business until 2 p.m., with the following Senators controlling debate: Senator DASCHLE or his designee controlling the first 90 minutes, Senator COVERDELL or his designee in control of the second 90 minutes.

At 2 o'clock we resume consideration of Calendar No. 201, Senate Joint Resolution 21, proposing a constitutional amendment to limit congressional terms. No votes will occur today; however, Senators are expected to debate the joint resolution and pending amendments. A cloture motion was filed on the committee amendment on Friday and, under the consent, that vote will occur tomorrow at 2:15. Following that vote there will be a vote on the passage of the health insurance reform bill. So there will be two consecutive rollcall votes beginning at 2:15.

In accordance with rule XXII, Senators have until 1 o'clock today to file first-degree amendments and until 12:30 tomorrow to file second-degree amendments to the committee amendment to the congressional term limits resolution.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER (Mr. THOMAS). It was. The majority leader is recognized.

TRIBUTE TO BROOK BERRINGER AND TOBEY LAKE

Mr. DOLE. Mr. President, today is a very sad day in the northwest Kansas community of Goodland. For today is the day when much of the community will gather to say their final farewells to one of Goodland's favorite sons.

Much of America came to know Brook Berringer for his leadership on the football field, and for the role he played in helping to quarterback the Nebraska Cornhuskers to back-to-back national championships in 1994 and 1995.

More important than being a champion on the field, however, is being a champion off the field.

And in the days that have followed the tragic death of Brook and his friend and former Goodland resident Tobey Lake, countless Kansans and Nebraskans have testified to the fact that Brook was a champion in all aspects of his life.

"Unassuming," "modest," "role model," "a great kid"; these are some of the words that Brook's family, friends, teachers, and coaches have used to describe him. Brook used his status as a football hero to make a difference in the lives of others.

He was active in church and charitable activities, and was a dedicated member of the Fellowship of Christian Athletes.

He returned to Goodland often during his college years to visit with family and friends, and to provide an inspiration to young people.

Brook's tragic death occurred just 2 days before the National Football League draft, in which he surely would have been selected. In a gesture typical of this outstanding young man, Brook had said that he hoped he would be selected by Kansas City or Denver, so he could remain close to home.

Mr. President, as I think about Brook Berringer, I am reminded of the famous poem by A.E. Housman entitled "To an Athlete Dying Young."

The last four lines of that poem read:

Now you will not swell the rout
Of lads that wore their honors out
Runners whom renown outran
And the name died before the man.

In countless communities in Kansas and Nebraska, the name and the memory of Brook Berringer will live on for years and years to come.

Mr. President, I know I speak for all Senators, particularly my colleague Senator KASSEBAUM and my two colleagues from Nebraska, Senator EXON and Senator KERREY, in extending our sympathies to the families and friends of Brook Berringer and Tobey Lake.

TRIBUTE TO VICE ADM. JOHN BULKELEY

Mr. DOLE. Mr. President, it is with deep sorrow I note the passing of Vice Adm. John Bulkeley. Friday morning a memorial service was held at Memorial Chapel at Fort Myer to honor Admiral Bulkeley, and I think it only appropriate that the Senate takes a few minutes to honor this true American hero.

Admiral Bulkeley had a long and distinguished military career. However, he is best remembered for his service during World War II. In August 1941, then-Lieutenant Bulkeley assumed command of Motor Torpedo Boat Squadron 3, which participated in one of the most spectacular events of the Philippine campaign.

Lieutenant Bulkeley helped break through Japanese lines to transport Gen. Douglas MacArthur and his staff from Corregidor and Bataan to Mindanao. From there MacArthur flew to Australia, where he assumed command of the Allied Forces in the Southwest Pacific.

Shortly thereafter, Lieutenant Bulkeley returned to Negros Island and located and transported the President and Vice President of the Philippine Islands through the Japanese lines to Mindanao to be flown to Australia.

For his service in defense of the Philippines, Admiral Bulkeley was awarded the Medal of Honor. The citation read in part:

For extraordinary heroism, distinguished service and conspicuous gallantry above and beyond the call of duty, as Commander of Motor Torpedo Board Squadron Three, in Philippine waters during the period December 7, 1941 to April 10, 1942. The remarkable

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

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achievement of Lieutenant Bulkeley's Command in damaging or destroying a notable number of Japanese enemy planes, surface combatant and merchant ships, and in dispersing landing parties and land based enemy forces during the four months and eight days of operations without benefits of repairs, overhaul or maintenance facilities for his squadron, is believed to be without precedent in this type of warfare. His dynamic forcefulness and daring in offensive action, his brilliantly planned and skillfully executed attacks, supplemented by an outstanding leader of men and a gallant and intrepid seaman. These qualities coupled with a complete disregard for his own personal safety reflect great credit upon himself and the Naval Service.

Admiral Bulkeley's service did not end there. He went on to further distinguish himself in the European theater. In 1944, while in command of 110 mine sweepers and escorting motor torpedo boats, he spearheaded the invasion of Normandy by sweeping the Baie de LaSeine assault area prior to the arrival of the assault force. In July he conducted an operation which successfully deceived the Germans into believing that the main landings for the invasion of Southern France would come in the Baie del Ciotat. Consequently, Admiral Bulkeley engaged in a running gunfight with two German corvettes, both of which were eventually sunk.

Admiral Bulkeley also served with distinction in the Korean conflict, during which he commanded a destroyer division. Later he commanded the naval base at Guantanamo Bay, Cuba.

Finally, in June 1967, Admiral Bulkeley reported to Washington, where he headed the Board of Inspection and Survey, a position he held for an unprecedented 21 years.

So I think it is fair to say Admiral Bulkeley's life was marked by courage, dedication, and sacrifice. He is a man who loved his country and served it with distinction. We would all do well to emulate Admiral Bulkeley, a true American hero who will be greatly missed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DASCHLE. Mr. President, it is my understanding that we are in morning business.

The PRESIDING OFFICER. We are. The minority leader controls 90 minutes.

Mr. DASCHLE. I thank the Presiding Officer.

SENATE DELEGATION VISIT TO THE FORMER YUGOSLAVIA

Mr. DASCHLE. Mr. President, I want to touch on a couple of matters this morning. The first relates to the opportunity that I had during the recent recess to travel to the former Yugoslavia. I was fortunate enough to travel with two colleagues who, in the past, have indicated a great deal of interest in Bosnia and other countries of the former Yugoslavia, the distinguished Senator from Nevada, Senator REID, and the senior Senator from Utah, Senator HATCH.

Our purpose was really threefold: First, to assess the progress of the Dayton accords; second, to examine, as carefully as we could, the role of the United States military and our Foreign Service personnel in the implementation of those accords; and third, to assess the longer term issues of democratization and privatization as they are developing in the former republics of Yugoslavia.

It was with a great deal of sadness that we left on the very day that the Secretary of Commerce lost his life in a plane crash near Dubrovnik. He and I were supposed to have attended a reception the following evening in Zagreb, Croatia.

I was extraordinarily saddened and disturbed by the early reports that we were given regarding his accident. There has been no one more dedicated to the causes of economic development in troubled countries than the Secretary of Commerce. There has been no one who has carried the message of new opportunities for U.S. business all over the world more diligently than Secretary Brown.

Last week, I addressed my thoughts with regard to the many extraordinary accomplishments of Secretary Brown. I will not do so again this morning except to say that his loss will be mourned and his effort will, again, be realized for what it was: a major achievement in peace, a major achievement in creating new-found opportunities for U.S. businesses abroad, and a major opportunity for countries to continue to find new ways to work and to conduct business with the United States.

His peace effort, on behalf of this country and the people of the former Yugoslavia, was deeply appreciated. And I must say, every place we went, it was the first issue to be raised with me by governmental leaders and others who mourned his loss and recognized his contribution. They expressed the hope that his effort would continue, that through other people and in other ways, the extraordinary accomplishments of the Secretary of Commerce would be continued.

So, while our trip began on a very sad and somber note, our entire delegation chose to continue with it, in part, to show the people of Bosnia and the entire region that the United States remains committed to the peace and development effort for which Ron Brown gave his life.

The Dayton accord has meant a lot of things to a lot of countries and a lot of people, but I think it is fair to say that today in the former Yugoslavia there exists what is termed a "cold peace." We see a lot of opportunity for those who have confronted one another politically and militarily to find peaceful solutions, and there has been progress in that regard. But there is a long, long way to go.

As we traveled to all of the countries that comprise the former Yugoslavia—Bosnia, Serbia, the former Yugoslav Republic of Macedonia, Croatia, Slovenia—as well as Albania and Hungary, we could see the tremendous success that has been generated, in part by the courageous new leadership in each of these countries.

There can be no better success story thus far in this area than what we witnessed in Slovenia: a dynamic private sector working daily and weekly to become more a part of the West; economic success very evident as we walked the streets; political success, very evident as we listened to the debate.

Slovenia may be the first and the strongest, but there are others, too.

We were extremely pleased at the progress we saw in the former Yugoslav Republic of Macedonia, the only country of the former Yugoslavia to make a completely peaceful transition to independence. Without a doubt, their peaceful existence today can be tied directly to a decision made initially by former President George Bush—and later carried out by President Bill Clinton—to send a meager 200 troops along the Macedonian border. There are now 550 U.S. troops stationed there.

Were it not for those troops, there is no doubt, in my mind at least, that Macedonia, too, could have been engaged in war. Those troops singlehandedly stopped the conflict that we see so prevalent in so many other areas of the former Yugoslavia. We owe a great debt of gratitude to those brave people who still today patrol the Macedonian border in 10 remote locations for 21 days at a time, patrolling, watching, observing with great diligence the activity along the Macedonian border.

The visibility of American peacekeepers in Bosnia and at the Macedonian border—the knowledge that they are there—has served as a very strong warning to all countries in the region that we will not tolerate—we will not tolerate—the conflict that we have seen elsewhere. Because of that presence—I must say, only because of the U.S. presence—we see peace today.

In terms of successful transitions toward democracy, much can also be said for Albania, frankly. The work there under President Berisha has been extraordinarily impressive. I must say, of

all countries I have ever visited, none has needed democracy and privatization more. Under the Communist regime, the construction of more than 600,000 concrete and steel bunkers is evident regardless of where you are. They are ubiquitous reminders of the paranoia of the past, demonstrated through virtually every aspect of public policy in that country.

It is clear the Albanians have suffered a great deal. My generation, those people who were born after the war, feeling the full brunt of Communist rule, a totalitarian dictatorship, could not possibly have imagined what freedom could now entail. But it is freedom they are now enjoying. It is democracy they are now growing. It is free enterprise they are now pursuing. We applaud them in their efforts and find remarkable progress in the very short time that they have had the opportunity to pursue that freedom, to pursue that new future.

Perhaps our travels to Slovenia, Albania, and the other republics of the former Yugoslavia made our visit to Bosnia all the more tragic. Bosnia is a beautiful country, with mountains and idyllic scenes of winding streams through small villages of burnt orange tile roofs. The idyllic areas and the extraordinary beauty make all the more tragic the scene there now.

In all my travels, and having seen all the pictures we are provided on television and in the newspapers and magazines and books, there is no way one could be prepared for the incredible scene that one witnesses as soon as you get off the airplane in Sarajevo. The devastation cannot be fully appreciated unless you see it with your own eyes. There is no building untouched. Most buildings are virtually blown away, roads completely destroyed, bridges out, buildings without windows, houses without roofs, rubble in virtually every direction.

Not only is there devastation, but there is danger. We are told there are more than 3 million landmines planted throughout that country. Almost daily people become victims of these mines. Limbs blown away, lives destroyed, given up because those mines continue to be so dangerous.

Unfortunately, it is hard to describe what this conflict has been all about. It is not over political philosophy. It is not over economic determinism. It is over ethnic differences and ultranationalism, fanned in the flames of rhetoric by leaders outside Bosnia.

Admira Ismic and Bosko Brekic were two people who felt the full brunt of this ultranationalism and this war between ethnic groups. They lived outside of Sarajevo, both 25 years old. They grew up together, fell in love as high school sweethearts and decided to go to college together in Sarajevo. They were chemistry students, very good students.

In 1992, as they became increasingly concerned with the thousands and thousands of weapons raining in on Sarajevo, they, like many others, asked for safe passage out of that war-torn city. They had been given assurances from both sides that they would be given safe passage. They packed their meager belongings as college students, put them on their backs, and began walking down a road and across a bridge. They were only about halfway across the bridge when Bosko was shot in the back. It was not long after that—moments—that Admira was shot, too. They both fell in the middle of that bridge, embracing one another; and there they died.

They were left there in the sun on that bridge for 8 days, according to Associated Press reports. Finally, during the middle of the night, because both sides continued to argue as to who was at fault, they were buried right next to the bridge, and there they lay for 3 years.

During the week we were there, Admira's and Bosko's bodies were exhumed and moved to another cemetery in Sarajevo.

Cemeteries carry a special significance in Bosnia. You see them everywhere. Soccer fields are now cemeteries; city parks are now the sites of thousands and thousands of additional graves. Admira's and Bosko's grave will be among them. They were buried together during the week we were there. Her father expressed both sadness and exhilaration. Sadness that life could be taken from two such young, promising students who could give so much to their country, but exhilaration that, after 3 long years, in peace he could bury them in a permanent location.

He said, "I was worried that I, too, would be killed prior to the time I could accomplish this task." Admira and Bosko's story is but one of thousands and thousands of stories just like that. The number of people buried in mass graves now is estimated to be over 300,000—tens of thousands of people amassed together, their families robbed of even the opportunity to mourn for them individually. They are mourned, but not forgotten.

Mr. President, now there is peace. There is no more war. The shooting has ended. People are crossing that bridge freely. Life is coming back to the city. One day, in my view, Bosnia and all the other countries that once comprised Yugoslavia can flourish. They can flourish, like Slovenia, like Macedonia. There is no doubt in my mind that with proper political leadership, with the opportunity to continue to experience some stability, indeed, there is a possibility that all of these countries could experience democracy.

So, I have four observations in closing, having had the opportunity to travel through this war-torn, yet extraordinarily beautiful area. The first is that this President, this administration, Assistant Secretary of State Richard Holbrooke, and so many others who personally made the contribution to achieve meaningful peace in Dayton deserve a great deal of credit. It was courageous. Everyone recognizes how many times others have tried and failed, but this worked. This worked, in my view, because the United States put its moral, military, and diplomatic strength behind it.

We would have failed had the United States not been willing to commit its credibility, its resources, and its talent to the task in spite of the political risks involved. This administration ought to be given our gratitude and the credit it deserves for showing the kind of leadership required at times like this.

Second, let me say that we have never been better served by anybody than we are now being served by our U.S. military and Foreign Service personnel. Adm. Leighton Smith, Gen. Bill Nash, our Ambassadors, those who are attempting in what has to be some of the worst circumstances any of our personnel have faced in post-cold-war periods anywhere deserve our thanks.

We have not been served better. We were told that in Sarajevo for many months Foreign Service personnel were not only required to work in what were clearly unacceptable circumstances, but they were required to live there, to eat there, to sleep there, to exist there for month after month after month without even the opportunity to leave the Embassy. And yet they did so, demonstrating all the professionalism that we could probably expect, even as they watched this Congress shut the Government down, and as they attempted to explain to those Bosnian nationals who were working for the United States Government, in particular, why we could not pay them. They worked anyway. They carried on their mission as best they could.

So it was with our U.S. military. In mud that had to have been 10 inches deep, in tents and in buildings on top of a hill, they tried as best they could to establish a presence from which to carry on their operations. Soldiers told us that one night, after having just constructed their tents and established their infrastructure in this base, 80-mile-per-hour winds blew it down, blew down equipment, blew down tents, blew down virtually everything that was standing. So, again, the next morning, with the determination we have come to expect from the U.S. military, they put it all back, determined to carry out the mission as only the U.S. military can.

As we traveled all through Bosnia and all the former Republics of Yugoslavia, the one thing we were told over and over again is that while it may be a 32-country mission, the fact is one

country made the difference, one country made it happen, one country made it all possible. One country had the credibility, the stature, the power to bring peace to this region. That one country is well represented by our military and Foreign Service personnel.

My third observation is that we must applaud the people of the former Yugoslavia, especially those in Bosnia, for their resiliency, their determination to find peace, tranquility, stability, economic vitality, and, yes, a political opportunity to achieve the same level of democracy as others in the region. That determination could not have been more evident.

I thought it was a poignant metaphor to be standing on a hill in Sarajevo overlooking two soccer fields. One soccer field was filled with crosses, thousands and thousands of crosses marking the graves of casualties of the war. The other soccer field was filled with mud and young boys playing soccer, mud on every inch of their bodies, determined to play, recognizing that in the field just next to them lay their former friends and relatives, brothers and sisters.

It is that determination, that willingness to survive it all, to confront it all, that we found in great abundance throughout the country. Certainly, we applaud the people in all of these Republics, in all of these countries, struggling to achieve democracy, for their determination and their ability to accomplish what they know they can.

Finally, Mr. President, we ask frequently as we traveled through each country, "Tell us why a skeptical South Dakotan or a skeptical American ought to agree that our presence there is in our best interest. How would you tell him or her that our troops, our personnel ought to be there, and what is it about the American interests that would convince a skeptical American that they should stay, at least through the end of this year?"

I think the answer, as given on so many occasions in such eloquent fashion, simply came down to this: "Only you can make it happen. Only you can ensure that the progress you are seeing continues." A Slovenian perhaps said it best when he looked me in the eye as we were discussing this, and he said, "Let me tell you very honestly, in the short-term there is nothing in it for you—nothing. But in the long term, you who espouse democracy, who have enjoyed it for 200 years, have the opportunity to see people who have lived for generations under tyranny, under dictatorship, under communism, now breathe freely under democracy. We, the small, struggling republics, could be like you."

"What is that worth? How much is that worth to you?"

He said, "New little countries are like children: They fight sometimes, often unnecessarily. They need a firm hand. They need guidance. They need somebody to watch over them as they struggle to grow. And you—well, you are like a big brother. You are the only one we've got. You can turn away or you can stay. It's up to you."

Mr. President, let us hope these democracies—these children—continue to grow. Let us hope that the people of these wonderful little countries continue to experience democracy and free enterprise. Let us hope that as they do, we have the courage and the dedication and the opportunity to make little, weak democracies strong ones. That is what this is all about.

Let me say it again, were it not for the courage and the commitment of this administration, our military, and Foreign Service personnel, little countries would have no reason to dream, would have no opportunity to experience what we in this great country experience each and every morning when we wake up.

Mr. President, I see the distinguished Senator from Washington waiting to speak. I had another statement, but I will wait until she has concluded before I make that statement. I yield the floor.

Mrs. MURRAY. Mr. President, let me congratulate my colleague, the minority leader, for an excellent statement. I hope that all of our colleagues take time to read it. Certainly, we do stop and question our role in the world often on this floor, and I think the words that Senator DASCHLE just gave to us are words that we all should heed. I appreciate his statement.

IN OPPOSITION TO RIDERS ATTACHED TO THE INTERIOR APPROPRIATIONS BILL

Mrs. MURRAY. Mr. President, today is Earth Day. It is a day that many young people and adults across our country take time out to plant a tree, clean up a river or a lakeside, and to make the statement that each of us has a responsibility to pass on a safe, clean, healthy, and secure environment to the generations that come behind us.

Mr. President, today I use Earth Day to voice my concerns with the many riders that are attached to the Interior section I of the omnibus appropriations bill that is currently in conference. These riders, I believe, are not good policies for today or for tomorrow, and they certainly go against the concept that Earth Day was designed to highlight.

Mr. President, I am particularly concerned about three riders that most directly affect my home State of Washington. The riders are the limitations to the interior Columbia basin ecosystem management project, the restricted timber salvage provisions, and the threats to the Lummi Nation.

Mr. President, let me begin with the Columbia basin ecosystem management project. Most people in this Chamber know little about the Columbia basin project. I would like to change that today by explaining briefly what the project is and what its creators hope to accomplish.

This project is a joint planning effort by the Forest Service and the Bureau of Land Management to develop a scientifically sound ecosystem-based strategy for managing the forests and the lands of the interior Columbia basin. Its most salient feature is that it is one of the first attempts made in natural resource policy to get ahead of the problem, rather than simply reacting to it. Its original proponents, Senator HATFIELD and former Speaker Foley, had dealt firsthand with the spotted owl controversy and wanted to attack the problems of the inland West differently.

In addition—and this may come as a surprise to my colleagues—almost everyone, from commodity interests to environmental activists, agrees that we have problems with the ecosystems of the inland West. They agree on something. So let us use that consensus to figure out how to manage these damaged or unhealthy lands. We need to develop a plan to ensure sustainable commodity production, healthy fish stocks and wildlife populations, and protection of ecosystems. That is what the Columbia basin project attempts to do.

Unfortunately, some commodity interests are afraid of this project. I don't want to discount their fear, because I know some businesses have been hurt by changing Federal policies and lawsuits. However, the limitations imposed in the Interior appropriations rider will too severely restrict sound resource management, ecosystem restoration, and decisionmaking.

At every stage of this lengthy appropriations process, I have tried to improve the Columbia basin provisions, since I knew I did not have the votes to strike the section. I was successful in two areas. First, we have allowed the agencies to spend up to $4 million to finish this important project. This is a dramatic improvement over the original House bill, which prohibited any money from being spent for implementation of the project and which allowed only $600,000 to be spent to complete the project.

The second important change I fought for was the removal of shackles from the scientists. The bill had limited the scientific assessment to such things as forest land management and had prohibited study of anything else. The omnibus appropriations bill now allows a scientific assessment of the entire ecosystem, not just that portion of the system primarily affecting commodity production.

So, the Columbia basin project provisions have improved somewhat from

what the House originally proposed. However, serious, serious problems remain. The most wrongheaded provision is that shielding many timber sales, mining operations, and other projects from Endangered Species Act consultation. Any national forest or BLM district may, at its discretion, amend the plans in place for protecting threatened fish and wildlife, namely PACFISH and INFISH, and thereby avoid later consultation on potentially harmful activities.

This provision is made worse by another limitation imposed in the appropriations bill: The agencies may not select preferred management alternatives in the draft environmental impact statements or publish a record of decision. These restrictions on implementation of the National Environmental Policy Act thwart decision-making about management decisions that affect diverse and wide-ranging species, such as salmon and bull trout. It allows individual forests to alter existing fish and wildlife protections in any manner they desire and then escape ESA consultation scrutiny on individual projects and timber sales.

Mr. President, sufficiency language regarding the ESA and NEPA is very popular with this Congress. I believe that limiting consultation, restricting public review, and piecemeal management of public lands is a bad way to manage our Nation's resources. I urge the conferees to strip the entire Columbia basin project section. In the alternative, the conferees should delete the ESA and NEPA sufficiency language and allow the agencies to select a preferred alternative and publish a record of decision providing direction regarding the best management alternative.

TIMBER SALVAGE

Last month I offered an amendment to repeal the timber salvage rider and replace it with a long-term timber salvage program. Unfortunately, the majority voted against my amendment, deciding the agencies should not be required to comply with environmental laws and should be protected from public challenge of their decisions. After the defeat of my amendment, the omnibus appropriations bill went forward with language contained in the chairman's mark designed to solve a few of the problems associated with the timber salvage rider, by only a few.

Let me be clear. I appreciate the efforts of Chairman HATFIELD to get these modest changes included in the timber salvage rider. They move in the right direction, but simply do not go far enough.

The major flaws with the salvage provisions in the omnibus appropriations bill are: First, they do not give the agencies sufficient authority to withhold sales and/or suspend harvesting where there is serious environmental damage; second, they extend the sufficiency granted these controversial old growth sales indefinitely; third, they provide language in the report that attempts to influence ongoing marbled murrelet litigation; fourth, they give too much power to timber sale contract holders in negotiations; fifth, they restrict the timeliness for buy-one provisions and alternative volume; and sixth, they provide no money to fund buyouts.

I urge the conferees to work with the administration to improve these provisions because they could provide needed flexibility on these highly controversial and damaging old growth sales. We need to provide timber purchasers with fair replacement volume or buy out their contracts as quickly as possible and ease growing tensions in the Pacific Northwest.

The anger and frustration of many citizens concerned about ecosystem health and protection of our forests is increasing. We must act quickly to avoid harming key watersheds and important old growth ecosystems. The time is now.

THE LUMMI NATION

Another provision I continue to oppose is that preventing the Lummi Nation, and potentially other tribes, from exercising their water rights on tribal lands. The Lummis and other parties, including non-Indian landholders, are engaged in negotiations that appear to be going very well. I appreciate the willingness of Senator GORTON to remove language that would likely have derailed these negotiations. However, the language still existing in the omnibus appropriations bill is counterproductive and simply ignores the history of the dispute. In addition, that language represents a threat to tribal sovereignty and sets an extremely poor precedent for government-to-government relations.

From the day I first became aware of this language I have been trying to remove or modify it because I respect tribal and local efforts to resolve the issue. Unfortunately, despite repeated efforts to develop compromise language that would serve all parties' interests; despite repeated opposition from leading tribal policy experts in Congress; despite veto threats, as evidenced in the statement of administration policy; and despite the continued progress of negotiations, the provision remains virtually unchanged.

There is only one purpose for this provision: to threaten and coerce the Lummi people. This is the wrong way to encourage negotiated settlement of a controversial, far-reaching, and complicated dispute over tribal water rights. I urge the conferees to remove the punitive language and allow the affected people and governments to solve this problem.

Mr. President, some of my colleagues have argued that the concerns expressed by the administration have been sufficiently addressed. While I agree that progress has been made and appreciated the many concessions both sides have made in the omnibus appropriations bill, I want to state clearly that serious concerns, expressed in writing by the administration, myself and others, remain unaddressed.

Mr. President, we are already more than halfway through fiscal year 1996. We need to rid this bill of these three controversial riders, other antienvironmental riders, and others, such as those addressing individual transferable quotas for our fisheries and HIV-positive military personnel.

We need to govern. We need to fund our Government through the appropriations process and set policy through the authorizations process. Let us strip these riders and send a clean spending bill to the President—and get on with governing. It would be the right message for Earth Day.

UNANIMOUS-CONSENT AGREEMENT

Mrs. MURRAY. Mr. President, I ask unanimous consent that 15 minutes of the Democratic leader's time be reserved for Senator KENNEDY.

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

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to be recognized for the purposes of morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

EARTH DAY

Mrs. FEINSTEIN. Mr. President, today marks Earth Day. It is a day to celebrate our past achievements in protecting the environment. It is also a day, I hope, to rededicate ourselves to environmental protection.

I think, without question, over the last 26 years since the first Earth Day in 1970, we have made enormous environmental gains. We have taken steps to clean up our air and our water, cut toxic emissions from factories by 50 percent—that is in half—and we have taken steps to prevent pollution that threatens our children's health.

I remember when my own city, San Francisco, used to pollute the bay and the ocean through 40 different outlets all around the city. The water in the San Francisco Bay has been cleaned

up. Dungeness crab has come back to the bay. And I know that this is appreciated by all our citizens: Lead levels in children's blood has been cut by 70 percent. We have worked to protect our remaining wild places and to wisely manage irreplaceable natural resources. But in spite of these accomplishments, much, much work remains to be done.

According to the Environmental Protection Agency, 50 million Americans every year drink tap water which fails to meet at least one Federal health standard. About 1 million people each year become ill from drinking unsafe tap water, the Centers for Disease Control reports.

Toxic air pollutants need to be regulated to protect public health. According to the Environmental Protection Agency, exposure to particulate matter may result in as many as 70,000 premature deaths each year. In my own State, in Los Angeles County, children actually grow up in Los Angeles with reduced lung capacity because of pollution.

There are 1,290 toxic sites on the Superfund national cleanup priority list, and they include 96 in my own State of California. One in four Americans lives within 4 miles of a Superfund site. These sites must be cleaned up. So we need to move forward. Instead, our past environmental achievements are being threatened often by this very Congress, by efforts to roll back existing environmental laws.

Of immediate concern is the omnibus appropriations bill which contains more than a dozen riders, riders which would roll back existing environmental protection. Many have proposed cuts in funds that assist States in providing clean, safe drinking water to Americans. They have proposed cuts that would affect the Environmental Protection Agency's ability to enforce the Clean Air Act and to issue new standards for toxic air pollutants. They have proposed cuts in the Superfund Program, which would jeopardize cleanup of over 400 of the worst toxic waste sites around the country.

One of them is Iron Mountain mine in Redding, CA. This is an old vacant chemical mine with a huge hole in it. The hole is as big as a 30-story office building, and when it rains the water and the air interact with the metals within the mountain, and it throws off sulfuric acid, which then drains into the river and metallizes the river banks. This is one of California's urgent priority Superfund sites that needs cleanup.

Also of particular interest to me and to the people of California is the rider on the Mojave National Preserve, the newest unit of our National Park Service System. The conferees on the omnibus appropriations bill have agreed to a revised rider for the National Mojave Preserve that, like the earlier versions, is intended to overturn provisions of the California Desert Protection Act and strip national park protection for the Mojave National Preserve. The new rider reinstates multiple-use management of the east Mojave, management which allowed open pit mining, cross-country motorcycle racers, and other destructive activities to occur in the area.

In 1994, Congress overwhelmingly approved the California Desert Protection Act, which I authored, and which established the Mojave National Preserve. That national preserve was already a compromise. I would have had it a national park, but Congress agreed that the Mojave qualified as a national park and should be managed by the National Park Service under park, not multiple-use, regulations. The Desert Protection Act transferred management of the Mojave from the Bureau of Land Management to the National Park Service so the area would receive the protection and the care that it deserves.

The National Park Service opened a new visitor center and improved law enforcement. It actually made arrests and shut down a methamphetamine lab, and it improved resource protection. Visitation to the area increased substantially and motels, restaurants, and other businesses in the nearby communities flourished as a result.

Now the Mojave rider on the omnibus appropriations bill seeks to reverse that decision. The omnibus appropriations bill appropriates funding for the National Park Service to manage the Mojave National Preserve, but it requires the agency to administer the area as a multiple-use area before passage of the California Desert Protection Act. In other words, it pretends that the Desert Protection Act, overwhelmingly passed by both Houses and signed by the President, does not really exist.

This multiple-use management permits a wide variety of development activities which degrades the area's outstanding natural and cultural resources. Specifically, the new rider requires the National Park Service to manage the Mojave under the historic management practices of the Bureau of Land Management rather than under the policies and regulations of the National Park Service.

This establishes a dangerous precedent.

While early language that attempted to transfer control of the Mojave to the Bureau of Land Management has been dropped, the new rider could be interpreted to require the National Park Service to approve resource-damaging activities that were previously allowed within the Mojave before its designation. That would include off-road vehicle races, open pit mining, garbage dumps, and uncontrolled use of firearms.

Many are particularly concerned that one of the reasons for this rider is to permit this kind of open pit mining in the New York mountains.

In my legislation, we very carefully maintain that existing mining uses, those with existing permits, would be able to continue, so that no jobs would be lost. But apparently there are those who even want to go in and open pit mine some of the more fragile areas of this preserve.

This new rider could be interpreted to allow unlimited use of motorized vehicles in wilderness areas. The new rider sets the stage for litigation over its interpretation, and the new rider limits funding for the Mojave to less than one-half what the Park Service estimated would be required in FY 1996.

The statement of managers accompanying the rider requires the Appropriations Committees to approve the preserve's general management plan. This gives authority to committee members to dictate provisions of a park management plan for the first time in the history of this kind of legislation. In sum, it leaves the east Mojave a national preserve in name only, and no one is fooled by that.

The Mojave has been discussed and debated in the House and Senate for 8 years now. The California Desert Protection Act, which passed in the last Congress and was signed by the President, as I have already stated, was a substantial compromise. Rather than carrying out the intent of the legislation, which was to have a national preserve under National Park Service management, we see in the omnibus appropriations bill further efforts to erode and destroy the Desert Protection Act. This, frankly, is unconscionable. It is absolutely contrary to the wishes of the people of the State of California.

A Field Institute poll, an objective poll, conducted in December of last year, shows continuing, overwhelming support; 85 percent of Californians support keeping east Mojave a national park—85 percent. In every region of the State, people overwhelmingly support keeping the Mojave as a national park.

As we celebrate Earth Day, Congress, I believe, should strip all environmental riders, including the Mojave rider, from the omnibus appropriations bill. That is what Congress can do right now to continue our commitment to environmental protection.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

Does the Senator note the absence of a quorum?

Mrs. FEINSTEIN. Mr. President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from South Dakota is recognized.

EARTH DAY LEGACY

Mr. DASCHLE. Mr. President, Teddy Roosevelt said that, "Conservation is a great moral issue, for it involves the patriotic duty of ensuring the safety and continuance of the nation."

As a result of the translation of that ethic into the legislative process, and the foresight of our political predecessors, the United States today leads the world in efforts to protect the environment.

Our laws have become models for other nations' efforts to grapple with their own air and water pollution and wildlife conservation challenges. And, as a result of this commitment to a healthier environment, the United States has succeeded in reversing the course of environmental degradation that we followed for too long.

Today, on Earth Day, rivers and lakes are cleaner, waste is being disposed in a more secure and responsible manner, and the air most of us breath contains fewer dangerous pollutants, such as lead. We can rejoice at the progress made.

Congress and a number of Republican and Democratic Presidents can and should take credit for this accomplishment.

The tangible environmental success this Nation has experienced over the last three decades is one of the reasons I have been so disappointed by the direction of the debate over the environment in the 104th Congress.

It is as though too many of us have forgotten the environmental challenges we have faced and overcome since President Nixon create the Environmental Protection Agency and Congress began its legislative journey that produced: The Safe Drinking Water Act, the Clean Water Act, Superfund, the Resource Conservation and Recovery Act, and the rest of the laws that make up the canon known as American environmental law.

Collectively, that body of law represents one of the most important legacies we will leave our children and grandchildren.

I hope the fabric created by those laws will not be stretched and torn. I hope the quality of our environment that results from implementation of those laws will not be sacrificed to short-term political considerations.

We need to embrace opportunities to improve and refine the impressive body of environmental law that has been developed over the last three decades.

In the spirit of that bipartisan legacy, today—Earth Day—I urge my colleagues on both sides of the aisle to embrace their legislative heritage and work to protect and strengthen it. The contribution of this generation of lawmakers to that impressive body of law should be one of thoughtful improvement, drawing upon the lessons learned from past implementation of those very laws.

We should continue to search the fabric of our laws and seek to repair the rips and the frayed ends.

We should seek commonsense solutions to our remaining environmental problems.

In doing so, we should work to find consensus, as we have even in this partisan year with the passage in the Senate, unanimously, of the Safe Drinking Water Act and the recently enacted small business regulatory reform bill.

As we stand here on Earth Day and survey the few months remaining in this legislative session, let us resolve to keep the fabric of American environmental law whole. Let us not turn back the clock on the accomplishments of a generation.

In that regard, just on Friday, 41 of our colleagues here in the Senate joined with me in sending a letter to our majority leader and the Speaker, to indicate our strong determination not to roll back the standards affecting clean air; not to weaken the regulations relating to safe drinking water or industrial polluters; not to slow down or stop the cleanup of hazardous waste sites; not to weaken the community right-to-know laws, such as the toxic release inventory; not to abolish protections for endangered species and all the other efforts that are underway.

It is our view that we have a sufficient number of votes to extend debate for whatever length of time, if that is required to protect the laws that we have steadfastly supported over the last generation. It is our strong desire, our sincere hope, that extended debate on any of these efforts will not be necessary, that we can work together to resolve our differences and to continue to build upon the impressive record that we have now generated over the last three decades.

So, as we stand here on Earth Day, let us again renew our commitment to work together to eliminate those threats to the environment that we see yet today. Let us eliminate the antienvironmental riders from the appropriations bill this week, to demonstrate our commitment to Earth Day, to demonstrate our resolve, continuing to build on the impressive record that we have achieved. On the major environmental laws that are being reauthorized, let us work to find ways in which to strengthen those laws, enact new ones where we identify new ones are needed, and leave future generations with a clean and healthy environment.

As Teddy Roosevelt stated nearly a century ago, that is truly our patriotic duty. It is one I believe every Member of this body can and should embrace on this day, on all days.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Georgia has the floor.

Mr. COVERDELL. Mr. President, parliamentary inquiry. It is my understanding that the time from 12:30 to 2 o'clock has been designated to myself or management; is that correct?

The PRESIDING OFFICER. The Senator is correct.

EARTH DAY AND THE ENVIRONMENT

Mr. COVERDELL. Mr. President, as we all know now, today is Earth Day, a day dedicated to remembering our commitment to the environment, to the future, a commitment on the part of every generation of Americans to assure that those who come behind us will not be jeopardized by contemporary actions and, better, that those who follow us will have the opportunities to enjoy a healthy environment—an environment in which recreation can be pursued, an environment in which future generations will not be troubled by the water they drink, by the air they breathe, by the environment in which they live.

There has been a lot of rhetoric in this 104th Congress, finger pointing about who is for the environment and who is not for the environment. I do not know anybody who is not for an improved environment; at least I have not met them.

In all the discussion, though, a little-told story is that this Congress has passed one of the most historic pieces of environmental legislation in the history of our country. I will quote from F. Graham Liles, Jr., who is executive director of the Georgia Soil and Water Conservation Commission. It is a letter addressed to me dated April 11, 1996. He says:

> With regard to the new Farm Bill, I feel this is probably the strongest conservation legislation to have been signed in decades.

I do not believe that, when we were considering the farm bill, it was generally acknowledged that that legislation is monumental environmental legislation that this Congress can take credit for, that it will be a legacy of the 104th Congress. Yes, the farm bill does bring about monumental change

in marketing reforms, in flexibility in terms of farmer planning, vast savings in these Government programs. But the untold story is the environmental effect of the legislation.

Another general thought—I am going to describe some of these achievements, but this is the kind of environmental legislation that is logical, that in my judgment creates the appropriate balance between the stewards of the land and public policy. It is characterized by a word called "partnership." I do not think we can say this is the case in each of our environmental laws. But here in this new farm bill the concept of partnering, shared responsibility, working together to produce a positive result is well rooted in the legislation. Therefore, it can become a benchmark, a guide, something to point to in terms of the manner in which we should design future legislation designed to protect the environment.

Under the farm bill conservation title, as I said, the bill is hailed by many, including the American Farm Bureau, as "the most environmentally responsible farm legislation in history." In the State of Georgia, the soil and water conservation commission, as I just quoted, calls it the strongest conservation legislation to have been signed in decades.

Under the conservation title, it reauthorizes the following programs:

The Conservation Reserve Program. Under this program landowners idle highly erodible farmland in exchange for payments—partnership. This is the Government working with the stewards of the land. Under this program soil erosion rates in my State of Georgia have dropped 50 percent. The Speaker often refers to producing effect more than effort. This is effect—reducing erosion rates in Georgia by 50 percent. And 36.5 million acres of sensitive farmland nationwide is being protected under the Conservation Reserve Program.

We hear a lot of discussion about wetlands and our desire to protect them. This new farm bill focuses on wetlands. Under this provision of the bill, farmers enter into cooperative easement arrangements with the Government. Once again, Mr. President, partnership. Generally, permanent or 30-year easements are arranged and a farmer is compensated. It is a cooperative arrangement. Under these provisions, we will protect nearly 1 million acres of wetlands nationwide.

Fish and Wildlife Service oversight is replaced by State technical committees. We are moving the decisions to the States.

The Forestry Incentive Program. Farmers are provided with cost share agreements with the Department of Agriculture designed to plant trees on private land. The program is simple—incentives to plant more trees. In my State, we have over 800 participants. We have planted over 10,000 acres of new trees. That is just Georgia alone; 10,000 acres of new trees. This program has put trees on land that would have ordinarily been used for other purposes.

New programs that were authorized in this bill:

The Environmental Quality Incentive Program, the EQIP program. This is the cornerstone of the conservation title for soil and water quality restoration and enhancement. Its highlights are: The program targets $1.2 billion over 7 years to assist crop and livestock producers in building environmental improvements on the farm, including animal waste facilities, grass waterways, filterstrips, and other practices geared toward land preservation.

Mr. President, partnership. Here, again, in each one of these titles we see a new roadmap to the work on the environment, working with, as partners and facilitators, stewards of the land itself.

Farms for the Future Program. This program will provide $35 million to buy easements on prime American farmland in areas where they are threatened. Some of the best farmland is being swallowed by development. This program understands that and tries to ease the burden of the development. This money will protect our country's best farmland from urban sprawl and will preserve it for future generations, as I said a moment ago, trying to preserve and keep for our future generations historical and environmentally sound areas for them to visit and study and review.

Wildlife Habitat Enhancement Program, the WHEP Program. You have to have an acronym for everything here. The WHEP Program will provide $10 million per year for cost-share payments to farmers who improve their wildlife habitat for upland and wetland wildlife. Again, partnership, Mr. President, working with the stewards of the land. This is especially important for States like mine with extensive bird and riparian populations. This is a win-win for naturalists and sportsmen alike.

The Florida Everglades restoration. Congress has resolved to clean up the Florida Everglades by providing $200 million for acquisition, easements, and other restoration activities. Congress here, instead of talking, has taken action by cleaning up the Everglades. This method of cleanup will allow farmers to survive and will repair the land in a unique partnership.

So, Mr. President, I reiterate that we have created in this historic piece of legislation conservation efforts, efforts to protect wetlands and include wetlands in the reserve. Forestry, the planting of new trees, the protection of environmental quality, the Farms for the Future Program, wildlife habitat and the Everglades—all of these environmental programs are encompassed in the new farm bill. This is a new historic piece of legislation, not only with regard to the farm programs, but with regard and with the intent to partner with the stewards of the land, these great protectors of the land, because no one has a greater interest in protecting the environment than our farming and agricultural community.

This is the stamp that demonstrates that very fact.

Mr. President, in the debate with regard to environmental legislation, as I said when I made an opening statement, there is a lot of rhetoric that follows the environment. It is often politicized extensively. We do, as I said in scoping out the word "partnership" have to be conscious of a balance between protecting the environment and protecting the fundamental rights of the owners of our land, of securing an appropriate balance in terms of the burden and costs of the environmental legislation. We cannot ignore the fact that some of our work in the environment has posed great questions for us with regard to cost and logic.

Some of the bureaucrats, some of the regulators, in my judgment, have forgotten this concept we call partnership. They are in the business of imparting a word that was more reminiscent of arrogance, bossism, pushiness. Let me just give a couple of examples of the kind of thing that I think most Americans find illogical.

There is a gentleman by the name of Junior Childress. He is from Alabama. He has a radiator repair store. He thought he could be environmentally correct and start a nest egg at the same time when he took a load of car batteries to Interstate Lead Co. for recycling in 1985. Here we have a radiator repairman. He took several batteries to the Interstate Lead Co. in 1985 and sold them to this other company for the monumental sum of $337.50. I repeat, he sold a handful of batteries to this other company for $337.50—an absolutely legal transaction, normally.

Subsequently—and by subsequently, I mean 9 years later; 9; a decade later—this company, Interstate Lead Co. was determined to be a Superfund site which alleged that they had not managed toxic material appropriately. They came under the scope of the Superfund cleanup. The problem is that the owner of Interstate Lead Co. had left the country in the decade and was residing somewhere in Germany. So under our new regulatory system they go through the transaction records and find everybody who has ever done business with this outfit and put them on a liability list. If the person responsible for it does not have the resources or has disappeared or died then we start going through the records and seeing anybody that ever did business with this Interstate Lead Co.

Lo and behold, 9 years ago, Junior Childress sold them $337.50 worth of batteries, and because of that, 9 years later, finds himself and his family liable—liable—for the full responsibility, which is $90 million. That is not a very good financial transaction—$337.50; now he is on the hook for $90 million—he and 900 other people who were interacting and selling goods to this company.

This is the kind of illogical conclusion that, in my judgment, has done so much damage to the environment, because it makes people cynical. It makes them lose faith. Everybody who reads this story is going to say, "My heavens, what logic could there be in this? How in the world will we go back and unload on this man who sold a handful of batteries to this company 9 years ago," and wrap the arms of the Government around him and cause him to bear the burden of this liability?

I happen to know an individual in my own State who is in the business of recycling, recycling metal, recycling other goods, who has experienced this same threat. This company, no need to name it, is 100 years old. It is 100 years old. That family has been doing business in Atlanta, GA, for 100 years. They are as good a public citizen as you will ever meet. They are committed at every level of the community. They are good citizens. They are good stewards. They are good business people. Their company, after a century of operation, is at risk, all of their savings, all that they have built, all that they have stored, all of their work is at risk, for an incident just like this.

It is this kind of illogical behavior that is at the core of people asking us to change some of the way we manage our pursuit of a sound environment. This man, Junior Childress, my friend in Atlanta, GA, should not be staring down a double-barreled shotgun called the U.S. Government. They simply do not have any liability here. They have been good stewards. They did things the way they thought they should be done. Yet they are at risk.

It is this kind of illogical behavior—this does not help our pursuit of cleaning the environment, Mr. President. This hurts. I just described the farm bill and the logical flow of events between stewards and the Government. That helps. That produces a better environment. This hurts.

Mr. President, I see I have been joined by my good colleague from the State of Wyoming. I am going to yield up to 10 minutes to my colleague, the Senator from Wyoming.

Mr. THOMAS. Mr. President, I appreciate our colleague bringing us to the floor to talk today about the environment. Certainly, this is Earth Day, and we ought to talk about it.

We just have one Earth and one planet. There is more and more of us and we have the same amount of space. Clearly, we will have to pick up after ourselves. I suspect there is no one in this body, and indeed, very few anywhere, who would not agree with that.

There are differing views of the best way to do it, of course, to provide a healthy environment. There are questions of who should do it. Should it be left entirely to the central Government, to the Federal Government? Should we take advantage of the State and local expertise? Should there be incentives for the private sector to perform? Those are the kinds of questions that I think we need to be asking.

There should be questions about the balance between use and the economy and the environment, and how we have jobs and how we protect the environment at the same time. There is reason to disagree on those kinds of things. There is a question of whether or not there should be congressional oversight of the statutes of laws that have been passed. Many of them—indeed most of them—passed 20 years ago. Or whether or not there should be opposition to every effort to restructure some of these laws and, indeed, to sort of demonize every effort as if it is going to be gutted or rolled back when, in fact, the effort is to take a look at a bill that has been in place for 20 years and see if there are better ways to do it, to see if it could be done more efficiently. That is what it is about.

I am sorry there has been this sort of politicizing of this issue in this Congress. I think it is appropriate that we use Earth Day not just to look at the past environmental successes but to look to the future as well. The successes have been numerous, to say the least. You would not know it by the kind of "Chicken Little" rhetoric that comes from, I think, environmental extremists who would rather scare folks than deal with the facts. I hope we can stick with the facts. We do not do enough of that here. There is too much overstatement about "gutting" and "rolling back" when that is really not what is happening.

Look how far we have come since Earth Day in 1970. Our rivers, lakes and streams are vastly improved. The Potomac is a good example. It was a wasteland 20 years ago, and now families fish there on the weekends. I suppose we all come from a little different life experience. I grew up in Wapiti, WY, which I am sure you all have heard of. It is just a post office and a school halfway between Yellowstone Park and Cody. It is called by some the "most scenic 50 miles in the world." And it could be. In fact, we had the last place next to the forest, and all around us were wilderness areas. I do not think there is anybody who has a stronger feeling or a caring for the environment than I do coming from there.

On the other hand, you may have come from a city where there was excessive pollution, and that is your experience. But now our air is cleaner, according to EPA. Particulate matter emissions have been reduced 60 percent. VOC's have been reduced 25 percent. Carbon monoxide has been reduced 40 percent. Lead emissions have been reduced by 96 percent. All emissions have been reduced by a third. That is great.

Wildlife populations are increasing, such as the bald eagle, white-tailed deer, elk, moose, bighorn sheep, and wild turkey. Simply put, the environment is cleaner now than at any time in the last 50 years. Americans are living longer and healthier because of that. We can be very proud of that. Both Democrats and Republicans have been a big part of this success during the 26 years since the first Earth Day. For 18 of those years, there was a Republican President in the White House. So we can all share in this movement forward on a nonpartisan issue.

However, despite all that we have done, we still have some things to address, certainly. Unfortunately, we are now trying to solve 21st century environmental problems with laws designed a quarter of a century ago. One of the areas in which I happen to be involved is endangered species. I do not know of anybody that does not want to protect endangered species. Certainly, I do, and everybody I know on our committee wants to do that. It has been up for reauthorization now for 3 years. It has not been reauthorized. It is not doing as well as it might be. It is not doing as well because we need to do something about peer review for science.

I went to a hearing out west, and we had scientists from both sides of the issue, from lumber people to environmentalist scientists, and you would never know they were talking about the same thing. If you want science to be the basis, we need to change that. We need peer review. We need to set priorities. There is a finite amount of money, so which of these endangered species do we put our money into. Are they all equally valuable? I do not know.

We have to do something to encourage private landowners to be more interested in endangered species. Now, frankly, in my State, if someone discovers an endangered species on their ranch or property, they are hesitant to know about it, because it might mean you cannot use your property for anything else. We need to find a way so that private owners can say, "Let us work on that."

So we have to update these things. That is what we are seeking to do. But this year, unfortunately, every time we take a look at how we might change it and make it more effective and efficient, then we are confronted with this "we are going to save you" idea. Frankly, the administration has led that. Regarding everything that has happened, the President is going to

"save you" from those crazies in the Congress.

We have to start using some facts and we have to start really dealing with what the issues are. And I hope that this Earth Day will cause us to help do that. I think we can utilize the vast expertise local people have. All of these efforts will help us. I think there has to be, obviously, some balance. There are different kinds of environmental places, of course—parks and wilderness and forests—and many of those things should be set aside for single use. But the vast majority of Federal lands should be managed for multiple use. I am thinking about the West, particularly, because that is where I am from. Those are multiple use lands and we can find a balance between jobs, the economy, and protecting the environment; I am confident of that. It does not have to be one or the other. That is what we are seeking to do.

Superfund legislation. I am, frankly, disappointed. It is designed, of course, to clean up sites that have hazardous waste. We have spent billions of dollars, mostly that comes from a tax, to do that job. Do you know what most of it has gone for? Litigation. Lawyers and courtrooms. That is where the money has gone. A great deal of it comes from insurance policies for people involved. Someone said that nearly 90 percent of that money has gone to legal activities, not cleaning up the sites. That is what we really need to do.

So there has been a status quo opposition almost at every turn. I hope we get by that. I think there has been some deliberate misleading of people. This idea of somehow we are going to poison the children is silly. I am just as interested in my children as Carol Browner is or as Vice President GORE is. So we ought not to be talking about that. Some of that stuff is downright misleading.

The idea that one political party cares more about the environment than the other is laughable. We all live here together. We need to make some changes. I hope we can upgrade the Superfund in the next few months and that we can do something about the Endangered Species Act, Clean Water Act, and the Safe Drinking Water Act. We are ready to do that. We need to get the bogeyman out of the closet and quit talking about the sky is falling and take a real factual approach to making these things work better. We, indeed, can do that.

So, Mr. President, thanks to the efforts of lots of folks in this country, thanks to the efforts of people who care about the environment, the sky is not falling, it is in pretty good shape. We need to take care of it. We have some responsibility. Every citizen has some responsibility and we can do that. I am glad it is Earth Day. I look forward to this country being in even better shape next Earth Day, and all of us need to contribute to do that.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank my colleague from Wyoming, and I appreciate his remarks. The exact figure on the Superfund is $25 billion that has been spent, and we have corrected 12 percent of the problem. So that is an issue in and of itself.

At this point, I yield up to 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise with great pleasure on Earth Day. Environmental legislation has been one of the most enjoyable areas of legislation in the 16 years I have had in Congress and the 4 years that I served in the Colorado State Senate.

I was a sponsor of Colorado's conservation trust fund, a measure that set money aside to be used to purchase open space, preserving it for future generations. We, in Colorado, prize our environment and our open space and are determined to make sure we do not repeat the mistakes of the east coast and west coast, as they have seen cities grow together without adequate open space. It could only be done through a positive program. That is why the Colorado trust fund was such a monumental effort—not because the money is as great as we would like—it is not, but it is growing. It represents a positive step for the environment. Instead of saying "no," we can say "yes."

I am convinced that real environmental progress is going to be a product of saying "yes," of thoughtful and assertive action that does positive things, not just negative things. I am a sponsor of the minimum stream flow statute, sought to recognize minimum stream flow as a proper use of water and recognize it as a property right in the State. It is a fundamental step toward adding minimum stream flow to all of our streams.

Mr. President, on the national level, one of the most enjoyable things I have done are three additions to the Rocky Mountain National Park. The Rocky Mountain National Park is perhaps one of the most beautiful areas in the entire world, and it attracts literally millions of visitors every year.

Tragically, in recent years, Democratic Congresses have dramatically increased the cost of entering the park so that it becomes a preserve for only those who can afford to enter it rather than the poor. It has been a tragic mistake, in my view, because Democratic Congresses' actions have served to restrict young people who may not be wealthy from having an opportunity to visit that park. Our natural wonders of beauty, I believe, should be available to all Americans.

Mr. President, I am the sponsor in Colorado of the only wild and scenic river, the Cache La Poudre River. It was with great pride that we put it together. It was a compromise between those who use the river and those who enjoy it from an environmental and scenic point of view. It set aside areas where water storage can be added, which is important for preserving our water quality and our water flow in the State. But it also set aside specific large portions of the river for wild, recreational, and scenic uses.

Mr. President, I am the sponsor of three studies on the Cache La Poudre River examining a portion of the river to be included as a national heritage area. Before this Congress right now is a bill that I have worked on for more than a decade. The Cache La Poudre River National Water Heritage Area bill is one that will set aside the flood plain of the Cache La Poudre River as it flows down from the mountains through Fort Collins and through Greeley just below the areas that are designated as wild and scenic.

It is a wonderful opportunity because through land exchanges—that is, taking land that is declared surplus in the State owned by the Federal Government and exchanging it for ownership in the flood plain—we can preserve the area in the flood plain along an important stretch of river that, if no action is taken, will become city within two to three decades. Literally, we have the chance to do what they wished they had done in New York or what they wished they had done in San Francisco or what they wished they had done in Los Angeles—leave open space and beauty.

Mr. President, I have been shocked at the very partisan nature of some of the attacks by Democratic Members on this floor upon Republicans. I cannot help but reflect that this bill, which has unanimous support at home from both Democrats and Republicans, appears to be in jeopardy of dying simply because of the actions of the Democratic Senator from New Jersey, who put a hold on the bill for months and months, and may well have achieved killing it. It is an environmental bill. I must say I cannot understand the action of that Democratic Senator and why he would want to kill it. But to claim that interest in the environment falls along partisan lines is just silly. It is widely shared by all Americans, and it is why we honor this day.

I am convinced that we have to take strong, bold, affirmative action if we are to do our part. Simply saying no is not enough.

Mr. President, most important of all, refusing to look at the statutes that have been passed with an eye to improving them is not enough either. No one can look at the Superfund and not be ashamed of what has happened. Ninety percent of the money that was spent on the Superfund, money designed to clean up our environment, is

spent for lawyers and process costs. That is a disgrace. Anyone who comes to this floor and decries the efforts to reform Superfund simply has not taken the time to look at it or does not genuinely care about the environment, and I know that cannot be true.

The reality is we need to use that money in the Superfund to clean up the environment—not simply pay lawyers. The actions with regard to environmental reform should not be dictated by trial lawyers who donate large amounts of money to political campaigns. They ought to be dedicated in our interest and our need to reform and improve the environment.

Mr. President, I yield the floor.

[Disturbance in the Visitors' Galleries.]

The PRESIDING OFFICER. The Chair will note that no demonstrations are allowed from the galleries.

Mr. COVERDELL. Mr. President, I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

HOLISTIC RESOURCE MANAGEMENT, EARTH DAY 1996

Mr. BENNETT. Mr. President, I am delighted to join with my colleagues in commenting on Earth Day and, I hope, adding some information and perspective to the debate on Earth Day that will move in the direction that will be good for our country as a whole.

Mr. President, I appreciate the opportunity to speak on this 26th anniversary celebration of Earth Day. Many natural factors influence grazing on western public lands, with precipitation or the lack thereof probably being the single most important one. Without moisture, and specifically, moisture falling at the correct time, the amount of potential forage can be severely impacted. We can try but there is usually little, outside of asking for divine intervention, that humans can do to influence natural events. But we can change perceptions about public land grazing. We can manage the conflict that arises based on these perceptions. Never before in the history of this country has there been an issue so divisive, emotional and surrounded by perception, myth and hysteria as the issue of western public land grazing. Yet there are solutions; solutions that can solve conflict through planning, science, consensus, and shifting from traditional paradigms.

I speak to you today about a solution that has my support. It blends new ideas about natural resource management, planning and science with a healthy dose of old-fashioned hard work and common sense. Coordinated resource management is not about the management of grazing; any issue that has polarized western public land managers, public land users and lawmakers. CRM is a process that offers solutions to natural resource problems, requiring the cooperation of landowners, Government agencies, and other interested individuals and groups. Coordinated resource management is a voluntary and cooperative solution to natural resource management issues. CRM is based on the work of many, but notably the work of Allan Savory culminated in his book "Holistic Resource Management."

Conflict about management and use of western public lands has festered for years especially over multiple uses on lands managed by the Bureau of Land Management. This low profile agency, often overlooked by most Americans, has become the focus of intensive battles over the variety of uses it manages. Western public lands have gone from being the lands that no one wanted, to lands targeted by special interest groups for designation or special uses. This has been done without regard for traditional uses of the land and the families and industries that have adapted to the use of these lands. Conflict between users perceptions about management and the future of western public land agencies are the issues. These can be resolved by careful implementation of coordinated resource management.

Using the best efforts of local people, private landowners, interested Federal, State, local and State agencies, CRM integrates and coordinates resource uses to accomplish specific goals. The process is designed to achieve comparability between land and resources uses. There are a number of success stories world wide where CRM has been used to solve resource management issues. In my State, one of the notable examples is the Desert Ranch in northeastern Utah. Once a ranch troubled by apparent downward trends in forage production, conflicts with wildlife, incidents of extreme erosion, and degraded riparian areas, it is now a model of natural resource management efficiency. After implementing a holistic or coordinated resource Management plan, the ranch now graze more livestock than it has traditionally and produces some of the finest big game hunting in the West. Cattle have been used at such intensities as to make traditional private and public land range managers blanch. In most instances several hundred more cattle than normal graze pastures, which rebound with dramatic increases in forage production. Riparian areas have improved significantly, after being grazed at such intensities, to the point that streams are stocked by naturally breeding populations of trout instead of the Utah Division of Wildlife resources. Compare this to adjacent public and private lands where decreases in the numbers of livestock are almost annual, and where erosion and over grazing impact riparian areas and their value. Why this dramatic difference? Hard work, vision and a coordinated resource management plan. There are many other successes, especially tied to grazing. But the value of CRM is that the process can be applied to almost any resource management issue including the designation of wilderness.

CRM addresses the dilemma of managing areas with multiple use ownership, conflicting management objectives and requirements, conflicting land-use demands and off-site impacts. The overall goal of coordinated resource management is to serve as a vehicle to reach agreement on natural resources issues that will improve natural resources values for all users and to promote quality natural resource management through collaborative efforts. In other words, if people come to the table with the goal of reaching consensus, regardless of the diversity of agendas, many natural resource conflicts can be solved and perceptions changed. I support the concepts of CRM and encourage the use of the process to solve natural resource problems. We can set a goal to use the coordinated resource management process as a dynamic, long-term tribute to Earth Day 1996.

I remember as a freshman Member of this body sitting on the Energy and Natural Resources Committee when someone came before that committee for confirmation. I will not identify him because I do not want to embarrass him. The exchange that occurred between him and the then chairman of the committee, the Senator from Louisiana [Mr. JOHNSTON], speaks for itself and does not need to necessarily be personalized.

In the process of the confirmation hearing, Chairman JOHNSTON said to this man, somewhat startling me, "When you make your decisions on the environment, will you make those decisions on the basis of sound science or superstition?" Well, I sat there as a new member of the committee and thought this is a very easy question to answer. I wondered why the chairman raised it. Then I heard the response from the witness. He started to give all kinds of discussions about considerations that had to be examined and constituencies that should be heard from, and so on. Chairman JOHNSTON interrupted him. He said, "You are not answering my question. When it comes to issues of the environment, will you make your decisions on the basis of sound science or superstition?" The answer came back in the same mode, that there are many constituencies of the Department of Energy and the constituencies have to be heard. A third time Chairman JOHNSTON stopped him and asked the question. "Do not evade it. Give me a direct answer. Will you make your decisions on the basis of sound science or superstition?" For the third time the answer started to come out, and the chairman cut him off, and said, "It is clear that you do not want

to answer the question, and we will move on."

I was sufficiently disturbed by that. But when it finally came my turn to question the witness, I said to him, "Do you realize what this Record says as it currently stands? You have been asked three times by the chairman of this committee, a senior member of the Democratic Party, a major figure in the party that controls both Houses of Congress, and the administration, that, 'Will you make your decisions on the basis of sound science or superstition?' and each time you have failed to answer. Unless you do answer that, the Record is going to stand quoting you as saying you do not believe that sound science should rule over superstition when it comes to the environment. Do you really want the Record to show that?" At that point he said to me, "Well, no, Senator, I do not want the Record to show that. Of course we will pay attention to science." I said, "That is the point that gets lost in all of this debate about the environment. We have a number of misconceptions about the environment to make us feel good, and I am delighted that you have finally made it clear that at least in your area under your jurisdiction environmental decisions will be based on sound science instead of response to the superstitions that are going around."

That particular exchange, long since passed into history, has stuck in my mind. I repeat it here on Earth Day because I think that is the crux of the various controversies that we are involved in when we talk about the environment.

Let me address one of the misconceptions that I find as I go around and talk to people about the environment. That is the notion that Nature is perfect, human beings are despoilers, Nature does things in an orderly way, and human beings just mess things up. That, I think, is the misconception that surrounds this whole environmental debate.

I sat in the chair one evening during the debate on the grazing bill, and the senior Senator from Wyoming, Senator SIMPSON, showed us some photographs. I was sufficiently impressed by that. I think we ought to take a look at them again. I brought them along.

It so happens that over 100 years ago, in 1870, a photographer went out in Wyoming and started to take pictures of the magnificent scenery that is available in Wyoming.

Here is the photograph taken on August 12, 1870, of a particular vista in Wyoming. In 1976, a photographer went back to the same spot and took a picture from the same location.

If you will examine the difference, you will see that under wise management by human beings, the grasses are much healthier, the area and vegetation is much lusher. Human beings, instead of despoiling the ground, have in fact improved it.

The Senator from Wyoming had a number of such pictures. I have brought along two of them. Here is another one. Here is the 1870 photograph—pretty barren, pretty bleak. Here is the 1976 photograph, 100 years later—much healthier vegetation, much healthier conditions.

In the debate on the Utah wilderness bill, I produced this photograph for our colleagues to see. This is not 100 years. This is only 50 years. The Escalante River in 1949. You can see how barren this is. After 50 years of wise management in the area, you can see now that this area is revegetated.

I showed this in Utah during the Easter break, and I was attacked by some people who said, "Senator, just because its pretty doesn't mean its wilderness."

They pointed to the lower photograph and said, "That's a violation of nature because," Senator, "you're not smart enough to know this. We are. Some of that vegetation down there is not indigenous to Utah. These trees that ended up here came from outside of Utah. It's a violation of the purity of this wilderness to have Asian species in that area."

I went back to some land managers to ask them about that, and they said, "Yes, there is some tamarisk there. Some of the green vegetation around the river area—you see no vegetation whatever here—some of the green vegetation is tamarisk, but most of the vegetation is cottonwood, shrubs, and grasses indigenous to Utah. Tamarisk is not a weed. It is a tree that was imported ironically for soil conservation reasons. The tamarisk was planted to prevent erosion.

Now, if we adopt the notion that everything nature does is perfect and everything we need to do should be geared toward preserving things in their absolutely natural state, we run into a very serious problem. That problem is this: Nature is not constant. Nature changes the face of the land all the time.

Secretary Babbitt has just spent 4 days walking along the C&O Canal to try to raise our awareness of Earth Day. Why the C&O Canal? Because with one storm, nature devastated the C&O Canal. It was all scenic, protected, and preserved, but nature came along and after one storm, with the winter floods the C&O Canal was devastated.

If you go back to my home State of Utah and say we want our land to remain in the condition that nature decreed that it should be, the argument could be made that the entire State should be under water. There was a time—and it can be demonstrated by the geologic features along the benches around the Salt Lake Valley, and throughout the mountains, that Lake Bonneville, as we call it, once covered most of the State of Utah and southern Idaho. It was bigger than any of the Great Lakes—bigger than Lake Michigan or Lake Huron or Lake Superior—it was a huge body of inland water.

Is it not wonderful that nature has created this magnificent, inland, freshwater sea? And then something happened. Nature changed it. One day, in southern Idaho, up by Lone Rock, the lake burst its banks and an outlet to that freshwater sea was created. It started, over the many millennia, to disappear.

What we have remaining in Utah now is another magnificent gift of nature. It is the Great Salt Lake. The salt flats to the west of the lake are the remnants of Lake Bonneville which over the millennia. In that area now you have this unique natural phenomenon called the Bonneville Salt Flats created by nature. If we are going to say that in the name of the environment we must preserve nature as it was, we have to go back to the boundaries of Lake Bonneville and try to find some way to fill it all up with water again because that is what nature once had.

The fact of the matter is—and this is sound science, Mr. President—nature changes. It changes daily. It changes over the years. It changes in ways that are good, and, as the C&O Canal, it changes in ways that are bad.

Our responsibility as proper, sound stewards of the land and environment is to make intelligent decisions and not get carried away with superstition, nor rely on misconceptions as fact.

Mr. COVERDELL. Mr. President, I yield up to 15 minutes to the Senator from Idaho.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Wyoming is recognized.

Mr. KEMPTHORNE. I thank the Chair. I wish to thank the Senator from Georgia very much for his leadership as we debate this issue.

Mr. KEMPTHORNE. Mr. President, today, as we celebrate Earth Day, we should stop to consider our air, the quality of life, and the world we will leave our children. And because of the lessons that he taught that we should pass on to our children, this is the right occasion to look back on the legacy of Teddy Roosevelt, a great Republican, a true conservative, who first taught America the importance of conservation. Under President Roosevelt's stewardship, America first endorsed the wise use of our natural resources, established the National Park System, and preserved for all time the great Yellowstone National Park.

In a message to Congress on December 3, 1907, President Roosevelt said:

> To waste, to destroy our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought—by right—to hand down to them amplified and developed.

President Roosevelt's words are as true today as when spoken 90 years

ago. We Republicans can be proud of President Roosevelt's heritage, but as a nation we must implement President Roosevelt's vision of leaving our children an environment and an economy better than that which we inherited.

We are all environmentalists. We have to be. Who can be against our life support system? Our own personal experiences make the environment an emotional issue. All of us have great stories of the outdoors.

Being from Idaho, I can tell you that I have had some tremendous trips down the white-water rapids where, as you begin to hear the first roar of the rapids, you are filled with anticipation, and then when you make it through those rapids the exhilaration that you feel camping under the majesty of the canopy of ponderosa pines, with the full moon above.

I know the great splendor of Idaho's Sawtooth Mountains, and I wish to leave my children a legacy of conservation of which they can be proud.

Before coming to the Senate, I served as mayor of Boise, ID. Boise is graced with the Boise River. This river serves many uses. It provides about a third of our drinking water. It serves as a major recreational and fishing amenity, and it provides habitat to many diverse species.

How many cities in America can boast of bald eagles and blue heron just 5 minutes from the center of downtown? Boise is fortunate, but Boise is not unique. From the Puget Sound to the Everglades, this country is blessed with some of the most magnificent natural and scenic treasures on the planet. We are also blessed with the largest and most vibrant economy on the planet. We must preserve these gifts of economy and environment.

If you have a high-paying job but you live in a community where the air and the water is polluted, weeds and trash have overrun your parks, you do not have quality of life. But conversely, if your community enjoys clean air, clean water, beautiful open spaces, but you do not have a job and you cannot provide for your children, then you do not have quality of life either. So, our challenge is to reach that balance between a clean environment and a sound economy. I believe that we can. In fact, this Senate has already taken major steps to make that happen.

I am proud of the work that we did on the Safe Drinking Water Act reauthorization. Working in a bipartisan way, we passed a bill that is strong on public health protection; in fact, we ought to call it the "safer" drinking water act. It takes into consideration the costs of providing clean and safe water.

The Safe Drinking Water Act should serve as a model for accomplishing sound environmental law. Everyone had a seat at the table and a say in drafting the legislation. The environmental and public health advocates, water utilities, States, cities, counties, businesses, all worked cooperatively on the bill. Republicans and Democrats put aside partisan politics for the good of the Nation.

As a result, the Senate passed the Safe Drinking Water Act 99 to 0, and everyone in this Chamber can be proud of that legislation. That is an example of a bill that improves public health and safety and leads to good quality of life. It is good for the environment, and it is good for our communities.

There were lessons learned during the 10 months we negotiated that bill, and those lessons will serve us well as we look at other environmental issues. One key was the active participation of State and local governments. Who knows better what each community needs, a local leader or a Washington bureaucrat, who quite often has never been to your State or your community? Believe me, as a former local official, I had much more confidence in my city's ability to meet its needs than any orders from Washington, DC.

True, Congress must set national standards, but we should allow local and State governments the flexibility to let those standards work in their specific situations. The only way to do this efficiently and economically is by bringing the local leaders and the State leaders into the process. We should also let local communities solve their problems without the burden of Government redtape.

One example is the Henry's Fork Watershed Council in northeastern Idaho. The council grew out of years of conflict between fly fishermen and irrigators. Each group had what they believed to be legitimate claims to the waters of Henry's Fork system. The river is a blue-ribbon trout fishery, revered by fly fishermen from across the world for is crystal clear water and trophy rainbow and brown trout. But the farmers in Fremont and Madison Counties need the water from the Island Park Reservoir also. They need the water to irrigate their acres of potatoes and barley. A great number of Idaho's famous potatoes are grown in this region, and those crops help sustain the economy of that part of Idaho.

Finally, after years of fighting, the Fremont-Madison Irrigation District and the Henry's Fork Foundation fly fishermen realized that while they argued, the quality of the resource that they both so desperately needed was deteriorating. So they put aside their differences and they started working together for the common good.

It has worked. Last summer, for example, when the water temperatures soared and threatened the fish, the irrigators voluntarily agreed to release the water from the dam, filling the streambeds with cold water and saving the fish. Before this cooperative agreement, it might have taken weeks of negotiations and miles of redtape before anything was done.

I will add that the Federal Government is a partner in this sort of situation—the U.S. Fish and Wildlife Service, the Forest Service, the Bureau of Reclamation, the Natural Resources Conservation Service. But the key is it was the local parties that got together and found the solution—local people, local solutions.

In another pristine part of Idaho, industry has taken the lead in environmental protection and restoration. Potlach Corp. has voluntarily set aside valuable forest land along Mica Creek. I have been to that location. I took with me the chairman of the full Environment and Public Works Committee, Senator JOHN CHAFEE. The goal of the Mica Creek project is to establish baseline management data surrounding natural events and conditions. The project is proof that there are so many, many businesses in this great land of ours who want to do the best possible job that they can to protect and even enhance the environment. And just as in the case of Mica Creek, they did not need Government to tell them to do this. They did this on their own, because they know it is the right thing to do.

Local people, local solutions—they can also help with other monumental tasks facing Congress, tasks such as the Endangered Species Act.

There is a growing recognition in this country that the Endangered Species Act must be reformed. Last year I introduced legislation to improve the Endangered Species Act, to make it more effective in recovering species and to make it more fair. Last month I began bipartisan discussion with my colleagues on the Environment and Public Works Committee and the administration with the goal of developing a bill over the next few weeks that will actually preserve endangered species, improve their habitat while recognizing the legitimate needs of people and making the act work. This is a goal that we can all share.

My view is that too often the interpretation and the implementation of the Endangered Species Act has gone far beyond the original intent. The Endangered Species Act should not be a tool that places entire communities at risk by threatening their economic survival. At the same time, we cannot turn our backs on the efforts to save endangered species.

For now, though, this Endangered Species Act, on its present course of heavy regulation, putting people at risk, is not working. To single out individual communities to carry the full brunt of recovery of an endangered species when the entire national community is the beneficiary is wrong. But to say that the extinction of a species is no big deal and just the luck of the draw of that particular species is also

wrong. The extreme entities that would advocate both positions, in all honesty, probably deserve one another, on some remote desert island where the only way they will survive is to help each other.

So, what is right? Should we make concerted efforts to save species? Absolutely. Can we prioritize which species we should make greater efforts towards? We must. Can we do this without undermining private property rights and putting whole communities at risk? We had better, or the outcry against the act will kill it.

Reauthorization of the Endangered Species Act is, without question, one of the most politically polarized issues that we will ever deal with. It may also be one of the most important environmental issues for us and for our children. As lawmakers, we have a duty to rise above the rhetoric. So, let us get real and let us get practical.

A lot has changed since the Endangered Species Act was enacted in 1973. For one thing, scientists have made tremendous advances in every discipline. Biology, botany, genetics, and other sciences are much more sophisticated than they were 23 years ago. But the rules and the regulations of the Endangered Species Act have not changed to keep up with the science. So we need to acknowledge the advances and use them to balance an improved Endangered Species Act.

Untold millions of dollars have been spent to save species with very few results. Of the more than 1,500 species of plants and animals that have been qualified for protection in the 23 years the law has been in effect, only 20 have been removed from the list, either because they have gone extinct or were placed on the list by mistake. Only six can be claimed as successes under the Endangered Species Act, and even they were largely recovered due to the efforts of private conservation groups.

One such group is the Peregrine Fund at the World Center for Birds of Prey in Boise, ID.

The efforts of this private group has led to a proposed delisting of the peregrine falcon. Just 20 years ago, there were only 39 known pairs of peregrine falcons in the lower 48 States. Today, recovery and reintroduction efforts have produced nearly 1,000 pairs. More than 81 percent of the falcons released have reached independence. The success of the Peregrine Fund should be a model for reforming the Endangered Species Act. If at all possible, we want to avoid putting species on the endangered list. We would like to take them off, and the only acceptable way is through recovery. This cooperative effort shows that we can use good science and manage a species early in its decline and bring about these kinds of results. We can recover species, and the work of the Peregrine Fund shows that if Government will provide incentives and then get out of the way, that we can, through innovation and good science, achieve the very results that all of us applaud.

I envision an Endangered Species Act that uses good science, innovation, incentives, and, where necessary, public financial resources to do what we, the stewards of this wonderful land, can do to benefit not only other species but ourselves as well.

I envision an Endangered Species Act that encourages all of us to participate willingly to conserve rare and unique species.

I envision an Endangered Species Act that treats property owners fairly and with consideration and that minimizes the social and economic impact of this law on the lives of citizens.

Working together, we can draft legislation that takes that important step in that direction. We can make the act smarter, and we can make that act better.

I believe that Congress has abdicated its responsibility by not dealing with the Endangered Species Act sooner. I can see why. Advocate change and you are immediately labeled as antienvironmentalist.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KEMPTHORNE. I ask for 2 additional minutes.

Mr. COVERDELL. I grant the Senator from Idaho 2 additional minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, this should not be a contest to see who is more for the environment. We should all be in favor of a cleaner, safer, healthier America for our children and their children.

I have called myself a probusiness environmentalist. We have been able to strike a balance between development and the environment. A good environment makes good business and, therefore, good business will invest in protecting the environment. Economic growth and quality environment are not mutually exclusive. They, in fact, can and should and must support one another.

With that, Mr. President, I yield back the remainder of my time.

Mr. COVERDELL. Mr. President, at this time, I yield up to 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

EARTH DAY, 1996: A DIFFERENT SHADE OF GREEN

Mr. GRAMS. Mr. President, on a day set aside to recognize the importance of protecting our environment and preserving our natural resources, I am pleased to join with my colleagues in this frank discussion of the substantial progress we have made and the steps we have yet to take.

But first, it is important to recognize that environmental protection is not a partisan matter. It is not about Republicans or Democrats. This is one issue which should bring us together, because on this issue, we share the same goal: We all want a clean America, where our children can breathe clean air and drink clean water. And there is not a man or woman in this Congress who would demand anything less for their families.

I am so proud, Mr. President, that over the past 20 years, we have made such great strides toward achieving that goal.

Our urban landscapes are no longer polluted by the thick, black smoke of industrial smokestacks. Our lakes and rivers are no longer the dumping ground for toxic sludge. We are recycling newspapers, glass, and plastics in record numbers. Through efforts such as the Conservation Reserve Program, Congress is working in partnership with the American people to ensure our generation leaves behind a cleaner Earth than the one we inherited.

We acknowledge that government at all levels can and should play a strong role in protecting our environment. Maybe that is why the United States spends more per capita on environmental protection than any other Western, industrialized nation.

The question is no longer whether or not we want to protect the environment—we all do. The question is, How do we achieve it?

It is an interesting coincidence that just a week ago, the American people were filing their Federal income tax returns and thinking about Government and how it impacts the family finances.

Today, exactly 1 week after Tax Day, we are marking Earth Day. And once again, the American people have an opportunity to think about Government—this time, its impact on the environment. But in the 26 years since Earth Day was first celebrated, Americans have grown concerned with Washington's environmental activism: What it is doing to jobs and salaries, and the bite it takes out of the family checkbook.

What they are telling us is yes, government ought to protect the environment. But they are also saying it can do better by the taxpayers, too. And so they have asked this Congress to find a better balance, a "different shade of green" for Earth Day, 1996.

Over the past two decades, the Federal Government has worked toward better environmental protection by passing new legislation and imposing necessary new regulations. But in our zeal to protect the environment, we have often neglected to consider the serious, unintended consequences of the actions we are taking here in Washington.

We have cleaned up neighborhoods by clamping down on pollution, but we

have handcuffed job-providers from finding better ways to achieve the same results.

We have sought out and protected wetlands and other unique environmental areas, but we have often commandeered people's land, without compensation, to do it.

We have demanded a great deal of the American people through our environmental regulations, but we have forgotten about the burdensome costs and confusing bureaucracies our vigilance have imposed on everybody.

It is hard to measure the benefits of our well-intentioned, environmental safeguards when these Federal regulations come at such a high cost.

The American people are telling us that Washington has gone too far, especially given the estimates that complying with environmental regulations cost an estimated $850 billion every year. That is $850 billion no longer available to pay higher wages and better benefits, and creating new jobs.

Is it possible that the environmental policies of the past have a cost that can be measured in terms greater than just dollars? Could they be costing human lives as well? According to researchers at Harvard University, the answer is yes. Because the government has increasingly focused its precious resources guarding the public against minuscule, theoretical risks, they are ignoring much greater dangers—a situation Dr. John Graham of the Harvard Center for Risk Analysis labels "statistical murder." It is a policy, say researchers, that costs 60,000 lives every year.

In other words, we have spent a lot of our taxpayers' hard-earned money on wasteful and nonproductive programs, rather than spending those dollars on finding a cure for, say, cancer, leukemia, or heart disease.

That kind of micromanagement, undertaken at such a horrible cost, is the wrong approach. No wonder so many average Americans feel they are being victimized by oppressive environmental legislation. In many cases, the Government has caused more damage than it has improved, and our goal should be to balance environmental protection with the need for economic growth as well. We always talk about the best welfare program being a job, but we have unnecessarily lost thousands of jobs because we have ignored the end result of bad policy. If we are ever going to achieve balance, the solutions will not be dictated from Washington, DC, where layers of bureaucracy and waste cloud every decision. Sensible relief will only be found outside the beltway, by reining in the Federal regulators and giving our constituents the freedom to achieve the environmental goals everyone shares.

The Government can set goals or limits, but we should then step back and let the creative genius of Americans work on the solution in less costly, innovative ways. Expensive, one-size-fits-all dictates from Washington are not the answer, nor is using old technology to treat new problems. If experience has taught us anything over the past 26 years, it is that wisdom and compassion does not flow from the Federal Government.

That has clearly been the lesson of the Superfund program, a classic example of Washington-knows-best gone wrong.

Let us look at the facts.

Mr. President, 25 billion taxpayer dollars have been spent over the past 15 years cleaning up toxic waste sites on Superfund's National Priorities List. Yet as of today, only 12 percent of these sites have actually been cleaned up. Excessive administrative costs and a bloated bureaucracy have eaten away a lot of the money, while billions of dollars have gone to line the pockets of trial lawyers, who continue to delay Superfund's important work. The lawyers are benefiting while the American taxpayers get burned.

The end result? Fewer hazardous sites are being cleaned up and more Americans are being put at risk.

Clearly, the Superfund program is broken. Congress has an opportunity this year to reform Superfund and redirect the taxpayers' dollars away from the bureaucrats and lawyers, and toward meeting the original intent of the law: and that was cleaning up the environment.

The Endangered Species Act is another well-intentioned, but problematic, piece of legislation.

I have always believed the Federal Government can assist landowners in being the best stewards of their lands. But the Endangered Species Act provides an incentive for them to actually harm endangered species.

Under the act, if a landowner is told by the Government that their property is home to an endangered species, they are stripped of their ability to use their own land. Not only are they deprived of that land—and the enjoyment and revenue it might generate—but they are also denied any compensation from the Federal Government.

While that is obviously not the intent of the Endangered Species Act, it has become an unfortunate, perverse byproduct of the legislation.

One way Congress could improve the endangered species legislation is to provide incentives for property owners that would enable them to protect the environment, instead of forcing them into desperate actions when they've been threatened by Federal bureaucrats.

Mr. President, what is most often lacking in Washington's attempts to improve the environment through regulation is an effort to get the big picture—a scientific approach to assess the various risks, and then direct resources where they can do the most good. Risk assessment and cost-benefit analyses are commonsense approaches undertaken out in the real world, but sorely missing in the Federal Government.

When businesses or individuals make important decisions, they usually perform their own version of a risk assessment. To best serve the taxpayers—who deserve to know what kind of bang their getting for their bucks—Federal agencies ought to be targeting their resources in the same way, eliminating overzealous regulation by asking the Environmental Protection Agency to focus on real solutions to real problems. This will not only free up more funds for financially strapped Federal agencies, but also provide a higher level of environmental and public health protection.

Giving our job creators more flexibility in meeting national standards is another way to eliminate the pervasive command and control approach that has infected many Federal programs. A pilot program called Project XL is proof that these efforts do work.

I have been working on Project XL with the Minnesota Pollution Control Agency, Minnesota-based 3M, and the EPA. This popular program allows participating companies to come up with their own methods to go beyond minimum environmental compliance. Allowing business to best determine how to meet all Federal standards is an innovative idea that should be expanded. As long as those standards are met, the path traveled to reach compliance should be open to experimentation.

And finally, the Federal Government needs to promote a better partnership between all levels of government, job providers, environmental interest groups, and the taxpayers. The most effective way for the Federal Government to play a strong role in protecting the environment is to do it in concert with those closest to the problems. Local solutions, not Washington domination.

That means setting reasonable national standards and giving technical advice to State and local governments and businesses. I have always believed that Minnesota taxpayers and our elected officials in St. Paul are much more aware of local problems and how to solve them than Washington will ever be.

"It is not easy being green," went the lyrics of a popular song from the 1980's. Maybe not, if being green in the 1990's means promoting an environmental agenda that flies in the face of common sense and treats the taxpayers with contempt.

Americans are looking for a different shade of green, Mr. President, an approach to the environment that strengthens the protection of our precious natural resources, promotes better health and safety measures, and

helps rein in the exploding regulatory costs that are threatening people's paychecks.

Government does have an important role in ensuring a strong environmental safety net. But we can do better. In closing, Mr. President, by reforming the system and providing balance, we will enhance environmental cleanup and preservation while we protect landowners from undue Government interference, reduce costly, arbitrary regulations, and ultimately, save more lives.

So, Mr. President, on Earth Day, 1996, that is the shade of green this Congress is working to deliver.

I yield the floor.

Mr. COVERDELL. I thank my colleague from Minnesota. I yield up to 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair. And I thank the Senator from Georgia for his effort to organize this group of conversations regarding the protection of our environment.

I noticed from some of the comments that certain Democrats, anyway, I should say, have appeared to take offense that Republicans are actually working to protect the environment, apparently under the belief that Earth Day is a special day for them to demagog and politicize environmental issues. The real purpose of Earth Day is to recognize important work being done to protect our environment.

Today I want to discuss briefly two specific projects undertaken by a broad group of interests in my home State of Arizona that do exactly that.

The first has to do with ranchers in southeast Arizona who are acting as true stewards of the lands for the purpose of protecting the grasslands on which they currently are grazing. Many ranchers are working in harmony with nature not only to earn a living but also to protect the environment upon which they are earning that living. They are using their natural resources in a way that it is meant to be used.

In his forward to Dan Dagget's book called "Beyond the Rangeland Conflict—Toward a West That Works," David Getches, who is chairman of the board of trustees of the Grand Canyon Trust, said of ranchers on the Colorado Plateau—I am quoting—

> It's not hard to find ranchers on the plateau who share some of our most heartfelt values. Most want their grandchildren to know a region with a healthy ecosystem and places of wonder, beauty and solitude. And most can understand that economic stability and permanence of communities are intertwined with the permanent health of the surrounding land, water, and wildlife.

Certainly Professor Getches is correct because some of the people who care the most about the land are those ranchers. I speak specifically of a new group called the Malpai Borderlands Group which is the essence of this commitment for protection. I met with representatives of the Malpai Group over the Easter recess when I was in Douglas, AZ. I was very impressed with the work they are doing as a combined group of ranchers, representatives of environmental groups, Federal agencies, and other people in the community.

The area in which they are working together is an area of thousands of acres in both New Mexico and Arizona which is the home of a great many endangered species and an environment that needs help. The land ownership is about half private and half Federal agency, the Federal lands being the Bureau of Land Management and the Forest Service as well as some State trust land.

But in 1990 this group got together to begin discussing ways of dealing with what they thought was a deteriorating situation, an attack on ranching generally, and also a deteriorating environment. The grasslands, with some shrubs, were moving inexorably to shrub lands with some grass. And this occurred for many reasons. But the principal one was the absence of a very natural element—fire.

For years fire used to sweep through this area every decade or so and, in effect, cleanse it of all of the woody shrubby plants which then promoted very shortly thereafter fresh new grass for the wildlife then to thrive on. But because of the fire suppression that has not occurred in the last 100 years or so, the result is that the grasslands have gradually now become woods where there are shrubby lands that cannot support grazing.

So the agenda of this group was to address both the threat of fragmentation of the landscape—selling off smaller parcels for development—and the decreasing productivity and loss of biological diversity accompanying the encroachment of these woody species on the grasslands.

What they did is form the 501(c)3 organization called the Malpai Borderlands Group with 45 rancher members. And its 19-member board includes local ranchers, a scientist, and a businessman, and, as I said, representatives of various environmental groups. It has a 5-year plan for ecosystem management that targets three key concerns.

First, conservation and land protection, including such things as on-the-ground projects, use of fire, and holding of conservation easements; second, sustaining rural livelihoods, including innovative approaches to grazing, possibly the cooperative marketing of beef, and exploring other opportunities with low impact to the environment; and, third, science and education, including a comprehensive resource inventory of the area.

The Malpai Group has taken an evolutionary, if not revolutionary, approach to ranching, working with biologists, soil conservation specialists, BLM and Forest Service representatives, and the Nature Conservancy to find ways to keep this area literally a working wilderness.

As I alluded to, reintroducing fire is a crucial element of the Malpai group's plan to restore the range. As a result, they have worked in several experimental areas restoring that element of fire and bringing back the grasslands.

The success of this group, as I said, is really due to a commitment of the landowners. Participation is purely voluntary. The enthusiasm of this group of land stewards is clearly a shining example to those who would like to create such organizations and protect their own areas, working together.

As Bill McDonald, Malpai Borderlands Group president, says of the group: "In a political climate where the traditional position on the issue of land use is usually to be at one end of the spectrum or the other, we find ourselves in the 'radical center.' We invite you to join us right there."

Mr. President, I joined that group just a couple of weeks ago to try to help them clear away some of the bureaucratic underbrush that might prevent them from moving forward with their very important, innovative experimentation.

Now, the second key thing relates to the forests in the arid Southwest. Natural fire is not just a friend of the grasslands but has also helped to maintain the health of our forests over the years. Once again, because of fire suppression and other problems, our forest health has deteriorated because that natural phenomena that used to keep it healthy is no longer part of our management process. Instead, what happens is that because we suppress fire, the fuel in the forests builds up and the growth begins to become very concentrated, with the result that when the fire comes, it burns not only the underbrush as it used to do, thus clearing the forest of the smaller, scrubbier kind of plants, but quickly crowns to the top of the trees and literally jumps from tree to tree, devastating entire forests.

The other problem with the forests is the health condition today. Too many trees are crowding into too small an area which then sucks all of the nutrients and the moisture from that area, thus providing a more disease-prone forest. Rather than the open and rather park-like environment that existed 100 years ago, tree densities now make a very unattractive and unhealthy forest. Mr. President, 100 years ago the tree density was typically 20 trees per acre, with most trees of a relatively large diameter. By contrast, the present forest averages about 850 trees per acre, with an average diameter of less than 4 inches. I have three cross

sections of trees in my office. One is about this big, one this big, and one is this big. All three trees are 60 years old, but the big tree exists in the open park-like environment, and the little tree exists in a cramped environment with 850 or 1,000 trees per acre. Obviously, all are competing for the same nutrients and water.

What we need to do is open the forests up. Two professors from Northern Arizona University have begun an ambitious program to do precisely that. Professors Wally Covington and Margaret Moore have begun to use what they call adaptive management techniques to restore the southwestern ponderosa forests to their natural presettlement conditions. Their partners are the Bureau of Land Management, the U.S. Forest Service, and Northern Arizona University. Their work is being supported by Secretary Bruce Babbitt, Secretary Glickman, and others in the region who understand the importance of bringing environmental groups and other persons interested in forest health together to reintroduce some of the natural methods of forest management that have been lacking in recent years, including both the thinning of the small, unhealthy trees and the use of fire to get rid of the brush and the fuel which could, of course, create the fire danger.

In October 1995, these scientists initiated the Southwest forest ecosystem restoration project near Mount Trumbull, AZ. This is roughly a 5,000-acre pilot project in which these new management techniques will be utilized to determine whether or not they can truly restore the health of the forest and whether these management techniques would then be useful throughout the arid Southwest. They will remove the dense, young growth to restore the open forests of large older trees and hope to do ecological sampling that include overstory trees, understory trees, understory shrubs, grasses, wildflowers, and forest floor fuels. Sampling will also extend to birds, mammals, and insect communities.

I saw a pilot project just west of Flagstaff which had only been under experimentation for 2 years, but it is amazing that sap contents of the trees—which did not mean anything to me before I heard about it—had grown by an order of magnitude in just 2 years, thus making the tree almost impervious to bark beetles.

Mr. COVERDELL. Mr. President, we worked with the other side. We have another speaker. I ask unanimous consent our time be expanded by 7 minutes.

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

Mr. COVERDELL. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

Mr. KYL. I see the majority leader is here.

Just increasing the sap content of the trees makes them more impervious to beetles, and thus disease, thereby creating more nutrients in the grasses because the forest has opened up. Wildlife needs less grass because the protein content has quadrupled. There are so many benefits to this kind of management that it is clear we need to expand it to broader sectors of our forest environment.

The point is there are innovative things being done to protect our fragile environment, with land stewards and environment groups and others all working together. These two examples I have discussed today show that through this kind of cooperation and innovation, we can truly protect the environment in a very bipartisan and cooperative way.

I commend these two experiments to my colleagues.

Mr. COVERDELL. Mr. President, I compliment the Senator from Arizona on his remarks.

I yield up to 10 minutes to the Senator from New Hampshire.

Mr. SMITH. Mr. President, I thank the Senator from Georgia for yielding.

As we celebrate the 26th anniversary of Earth Day, Americans will again have an opportunity to reflect on many of our past environment successes and, frankly, some shortcomings, which I hope we will be able to address. We should also take this opportunity to set a course to correct any past failures regarding the protection and restoration of our precious environment, as well as dwelling and focusing on those that have been successful.

Let me, as many of my colleagues before me have done, set the record straight once again, Mr. President. We are all environmentalists here in the Senate. I think most of us would call ourselves environmentalists in the United States of America as citizens. This is a beautiful country. It is home to all of us. The environment is not a Democratic issue. It is not a Republican issue. It should be a bipartisan issue. I very frankly and honestly, as one who has worked for the past 2 years on the Superfund bill, take great issue with those who would somehow accuse me or anyone else in my party of being antienvironment. Yet that is happening.

Unfortunately, the political environment has become so partisan during this Congress that it is almost outrageous. My children, I think, would like to drink clean water. I certainly recognize the fact that President Clinton's daughter might like to drink clean water. I hope you will recognize that my two sons and my daughter would like to drink clean water as well.

My family breathes the same air as Vice President GORE and his family and the President and his family. I have enjoyed fishing and hiking in the trails and ponds and lakes and streams of New Hampshire, probably some of the same lakes and streams that some of the people in the administration have. We are very proud of the fact that in northern New Hampshire we have the great northern forests which are protected by landowners, as well as the Federal Government. But landowners take good care of that land and have been good stewards. We are very proud of what they have done to protect that land.

I think most of the environmental laws on the books today were initiated—not just signed; were not vetoed, certainly—but were initiated by Republican Presidents—Theodore Roosevelt, George Bush, Richard Nixon, to name just a few. They have very strong environmental protection records. Our National Park System was started under President Theodore Roosevelt. The EPA was started under Richard Nixon. The Clean Air Act amendments and the Oil Pollution Act were under George Bush. They were all initiated under Republican administrations. Yes, the Congress, many Democrats in Congress, sent those bills to the President's desk. My point is it is a bipartisan matter, and these bills were signed.

One statute, though, I have been involved in stands out as one of the least effective. That is a bill called Superfund. Mr. President, $30 billion has been spent over 15 years to clean up 50 sites. If you do the math on that, it does not work out very well. I have devoted many hours on developing appropriate reforms to this failed program. Our goal is to change this program from one of litigation and wasted resources and delay to one that actually cleans up hazardous sites expeditiously.

While Republicans and Democrats agree on the need for reform, there is still some disagreement on how to get there. One of the basic problems with the current Superfund Program is that it is more focused on process than results, more focused on litigation and arguing than on getting results.

I issue a challenge now to my Democrat colleagues on the other side of the aisle and say that we are ready—Majority Leader DOLE is ready, I am ready, and Senator CHAFEE is ready to get a bipartisan Superfund bill and put it on the President's desk. I challenge my colleagues not to play politics with this bill and help us get it there.

A number of environmental laws are long overdue. For 3 years, I have been involved in efforts to reauthorize the Safe Drinking Water Act as was Senators CHAFEE, KEMPTHORNE, and others. The vote was 99 to 0. I find it hard to believe that we can be accused of being antienvironment.

There is no doubt that the environmental movement in the 1970's served an important purpose. Our air and water are cleaner today and continue to improve. Now is the time to reflect

on the successes and build upon them and address some of the failures, so that we can get more bang for the buck. Let us face it, many of the things that have been done to clean up the environment have been done, but pollution controls from this point forward will be very expensive. We need to be able to pick and choose the best technology and be up to speed on that. Carol Browner, the EPA Administrator, said, "We need to develop better, smarter, cheaper regulations."

I could not agree more. Is the environment getting cleaner? Yes, thanks to a lot of bipartisan leadership over a lot of years. Are there less expensive efforts to achieve the same or higher level of protection? I think the answer is yes. I think we have an obligation to look at those least expensive methods, and one condition is that it does not detract in any way from the pace of cleanup of the environment.

To what degree should the Federal Government mandate regulations on States and local communities without providing adequate resources to comply? That is another question we need to ask. But there are a number of themes that my Republican colleagues and I believe should be the foundation for effective improvements in current environmental law. One should be that we ought to promote sound, effective market-based environmental regulations, because when you bring the market in, you save the taxpayers money and you bring the businesses in as a partnership. Therefore, since they are responsible for some of the problems, they are willing to help us clean them up. We must recognize that States and local communities often do a better job of protecting the environment within their borders than the Federal Government can. So, partners, not enemies.

We must incorporate better risk management and cost-benefit analysis in our environmental regulations that will enable us to prioritize our goals. We must base our environmental decisions on the highest quality, peer-reviewed science, not questionable, unreliable data and unfair politics. Finally, and most important, our goal is to enhance, not detract from, a cleaner environment, to enhance it. That is our goal, not just to save dollars for the sake of saving dollars. If it detracts from our environment, then we spend the money. And if we can spend less and do more and accelerate the pace, why not do it? We have an obligation to do that.

I ask my colleagues to take a look at that and realize that just because we say we can do it better, not less efficiently, that does not necessarily mean it is negative. We all want a clean, healthy environment to pass on to future generations. It is one of our most important responsibilities.

However, the American people also believe we need to reduce Government waste and bureaucracy, to update environmental programs, to address problems more effectively and allow American business to remain more competitive. If we can do all of those things and enhance the environment, we ought to do it.

My Republican colleagues and I are trying to accomplish these goals. We consider such things as cost benefits and risks and rewards not as trivial, but as very important. We must strive to prioritize risk reduction and get the biggest bang for the buck in every American program. That is just common sense.

Environmental policy is at a crossroads, Mr. President. We have a historic opportunity to improve our environmental laws so that they better serve the American people. That is not to say that we have failed in the past. We have many, many, many successes, including the Merrimack River in my State, which is now beginning to see fish and recreation again. It should not be controversial. We all live on this planet, and we should be working together on this. If there is anything we ought not to be partisan about, it ought to be the environment.

I will close on this point. This week, as Earth Day commences, the Senate Environment and Public Works Committee begins hearings on a Superfund bill. During the Earth Day festivities, Americans will be presented with a number of conflicting images of what is good for the environment and what is not. It is my hope that the President and Members of Congress, as I said earlier, will rise above the urge to exploit this event for short-term political gain and join our efforts to inject common sense and fairness into the Nation's Superfund Program, which is the one program which I happen to be involved in because I chair the subcommittee.

So, Mr. President, at this point, I yield the floor and thank my colleagues, and I thank the Senator from Georgia for the opportunity to speak on this very important issue.

Mr. COVERDELL. How much time remains, Mr. President?

The PRESIDING OFFICER. One minute remains.

Mr. COVERDELL. I thank all of the Senators who came to the floor to honor Earth Day and to talk in very meaningful terms about how to manage our environment. This legislation, wherever it falls in the environment, should be guided by a working relationship between the Government and the stewards of the land. In too many cases, recently, we are seeing the Government taking on the form of arrogance. We have threatened the constitutional rights of personal property. That is a very high law, the Constitution. If it becomes public policy to take interests of private property owners, the public will have to assume the responsibility for that. That has to be a working partnership. We have to protect our constitutional rights. We must learn to work together on this legislation. We have heard words like partnership, balance, working together, common ground, nonpartisan. This is the answer to our modern environment.

I appreciate the Senate's time this afternoon, and I yield back whatever seconds are remaining.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. The leader time has been reserved.

Mr. DOLE. Mr. President, first, I thank the distinguished Senator from Georgia for his efforts this morning on Earth Day and on the environment. I will be making a statement later on that.

I thank Senator SMITH for his efforts on Superfund. He has been working on this, I know, month after month after month, and we have been trying to come together with a bipartisan bill. Hopefully, that will be accomplished and we can pass Superfund legislation in the next 30 to 60 days.

NOMINATION OF CHARLES STACK TO ELEVENTH CIRCUIT COURT OF APPEALS

Mr. DOLE. Last Friday, I outlined some of my views on the issue of judicial nominations, one of the most lasting legacies of any President. I said that Federal judges should respect the clear language of the Constitution as it is written; that judges should understand that society is not to blame for crime, criminals are; that judges should protect the rights of crime victims, not invent new and more expansive rights for criminal defendants.

Today, let me make another point: Those who seek to sit on the Federal bench should be well-grounded in the basics of constitutional law. Unfortunately, Charles "Bud" Stack, one of President Clinton's nominees to the Eleventh Circuit Court of Appeals, does not meet this standard.

During his recent confirmation hearing, Mr. Stack was unable to cite any fourth amendment case concerning the law of search and seizure. He demonstrated little knowledge about Supreme Court precedent on capital punishment. And despite the Supreme Court's highly publicized decision in the Adarand case, Mr. Stack was unable to discuss any Supreme Court or Federal case concerning discrimination or affirmative action.

When asked how he would remedy his own ignorance of key aspects of the law, Mr. Stack said he "Could attend some courses" or ask other judges for help.

Yet Mr. Stack has been nominated to sit on one of the Nation's most influential judicial panels, the court that effectively serves as the court of last resort for the citizens of Florida, Georgia, and Alabama.

Apparently, Mr. Stack's most important qualification is his prowess as a political fundraiser. According to news reports, administration aides had discussed offering Mr. Stack an ambassadorship and a seat on the Federal district court as a reward for his rundrasing efforts, but that Mr. Stack had his heart set on a court of appeals position.

Mr. President, I understand that Mr. Stack raised millions and millions of dollars for President Clinton and the Democratic Party, but does that qualify him to be on the next highest court in the land? I do not think so. That is not what the judicial system is all about.

Mr. President, I understand that the American Bar Association has given Mr. Stack a qualified rating, but in my judgment, this rating is yet another example of why we should not rely on the ABA to review the qualifications of our judicial nominees.

Although I do not know Mr. Stack personally, I have no reason to challenge his integrity. I am sure he is a fine man who has contributed much to his community and to his country. But that is not the point. The question we must ask is whether Mr. Stack is, in fact, qualified to sit on the Eleventh Circuit Court of Appeals, the second highest court in the land? The answer, or course, is, "No." President Clinton should withdraw the Stack nomination without delay.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

NO MORE GAMES—RAISE THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I know that under the rule we will move very swiftly to the term limit legislation, but I would like to speak before that debate starts on another matter which, although not directly before the Senate today, is very much in the thinking of Members of the Senate and the House of Representatives, certainly the President and, most importantly, working families and needy working families, and that is the issue of the increase in the minimum wage.

On "Face the Nation" yesterday, Senator DOLE was asked whether he would allow a straight up or down vote on the minimum wage. Senator DOLE said, "No, our view is that it needs to be packaged with other things—maybe comp time, flex time."

Let me be very clear in response. There is no reason to delay or saddle the minimum wage with other controversial measures. I intend to offer a clean vote on increasing the minimum wage on the nuclear waste bill or any other bill this week or next week that is open to amendments. There is no excuse for further delay in raising the minimum wage.

Raising the minimum wage is a matter of basic economics, not politics, for millions of American families. More than 10 million people will receive a direct pay increase if the minimum wage is raised to $5.15 or $5.25 an hour. To those millions of working Americans, the issue is not politics. It's paying the rent and putting food on the table for themselves and their families.

An overwhelming majority of Americans want the minimum wage increased. They do not want to see this legislation buried in procedural maneuvers, or loaded up with antiunion amendments. They want to see it increased, and increased now.

Yet, ignoring the clear interest of low-wage workers and the desire of an overwhelming majority of the American people, Senator DOLE intends to prevent a straight up-or-down vote on the minimum wage. We can only wonder why. Senator DOLE says it is politics, but it is hard to believe that this kind of inside-the-beltway politics will work to his advantage.

A Lou Harris poll released 2 weeks ago found that 85 percent of surveyed adults support an increase to $5.15 an hour, and Chilton Research Services found that 80 percent support such a raise. Even 73 percent of Republicans support raising the minimum wage to $5.15.

But no group feels more strongly about this than women. The Chilton survey asked about the strength of the respondents' feelings and found that a clear majority—57 percent—feel strongly that the raise should be enacted. But 64 percent of women strongly agree with the legislation.

What explains the strength of women's support?

First, 60 percent of the 10 to 12 million people who will get a pay increase from this legislation are women, and 77 percent of those women are adults.

That means 7 million women, and 5 million adult women will get a pay raise from this bill.

Second, who are these 5 million adult women? Two million are single heads of households with at least one dependent. They are raising families, caring for children, and trying to get by on poverty level wages.

Third, 60 percent of minimum wage workers are married. They contribute, on average, 51 percent of family earnings. We are not talking about teenagers earning pocket money. We are talking about people whose families depend on them for their survival and well-being.

Fourth, what kinds of work do these 7 million women do? Many of them are in the retail, hospitality, and food service industries, where they work as cashiers, serve meals, clean hotel rooms, and work in laundries. Their jobs are hard and unrewarding, but they do them with dignity, working to provide for their families.

Fifth, but many of these women work directly with children in occupations that are almost entirely held by women, such as child care. The vast majority of child care workers would get a pay increase from a raise in the minimum wage to $5.15. Teachers aides, too, hold low-paid jobs dominated by women. These people deserve more for the care they give the Nation's children—it is time they got a raise.

Sixth, the other major industry that employs large numbers of women at or just above the minimum wage is health care, including occupations such as nurses aides and home health care aides. These are some of the hardest jobs in our society, caring for the sick and helpless, washing them, feeding them, cleaning their bedpans. The women who hold these jobs deserve a raise.

Seventh, raising the minimum wage is the best, most targeted solution we have to the problem of the income gap between the richest and poorest American families. Its distributional effects are powerful and positive.

Since 1979, the bottom three-fifths of American families have experienced a loss in their real income, while the top 1 percent of families saw its income grow 62 percent.

The bottom 40 percent of American families, whose incomes have suffered the most since 1979, would get 60 percent of the gains from raising the minimum wage.

That says that those workers who are out there now working 40 hours a week, 52 weeks of the year, the ones that have fallen the furthest behind since 1979, they would get 60 percent of the benefits of the increase in the minimum wage, and they are the ones who have been left furthest behind.

This is the single most effective thing Congress can do for those families. Compared with balancing the budget—I ask the attention of our colleagues on this issue—compared with balancing the budget, for example, which the Congressional Budget Office claims will raise average wages one-half of 1 percent by the year 2002, the Congressional Budget Office says, if you pass the Republican balanced budget amendment by the year 2002, average wages will increase one-half of 1 percent. Raising the minimum wage will increase the earnings of people in the bottom 40 percent by 4 percent in just 2 years—the bottom 40 percent. If you go down to 30 percent or 20 percent it becomes 8 or 10; down to just the bottom line, you go up to about 20, 22 percent, because you will go from $4.25 to $5.15, or $5.25, as suggested over in the House of Representatives. That

represents almost 25 percent of the wages.

But just with this very modest increase, we are seeing for the bottom 40 percent of American workers that they will go up 4 percent while just the balanced budget in and of itself will provide one-half of 1 percent.

Eighth, women will not lose jobs, despite the scare tactics of the Republicans. The economy has added 10 million new jobs since the last increase 5 years ago. A dozen studies show that even teenagers won't lose jobs. In fact, the Card & Krueger study of New Jersey and Pennsylvania showed that employment in the fast food industry increased after New Jersey raised its minimum wage. Other studies have also found employment increases. There are two reasons: First, better wages attract more employees to the job market; second, because workers have better pay, they have more to spend and the economy gets a boost that leads to more employment.

Massachusetts raised the minimum wage to $4.75 an hour as of January 1, 1996. Unemployment has fallen in Massachusetts since the start of the year, while in neighboring New Hampshire, which left its minimum wage at $4.25, unemployment has increased.

In Massachusetts, we have seen the continued reduction in the unemployment figures virtually across the State, even with that increase up to $4.75 an hour.

The opponents of raising the minimum wage cry crocodile tears about its effect on the employment of people at the bottom of the economic ladder, but the people at the bottom of the economic ladder want the raise.

Lou Harris' most recent poll showed that 94 percent of Americans with household income of $7,500 or less support the legislation.

So to all those on the other side from whom we hear the arguments that they are most concerned about those poor workers, many of them women, many of them minorities; we do not want to have them thrown out of a job, the fact is the poor workers are the ones who overwhelmingly say they want the increase in the minimum wage.

Industry lobbyists probably should not try to speak for families at the bottom of the economic ladder.

This is an issue about women and the children they raise; 100,000 of whom will be lifted out of poverty with this bill's passage—100,000 Americans lifted out of poverty when this bill passes. Two million single heads of households who have to feed their children on poverty wages, get them to school while getting themselves to work, arrange for child care and provide them shelter is the issue in this legislation.

Mr. President, $1,800—the annual increase in the earnings this bill will provide to minimum wage workers—provides 7 months' of groceries for those families, 9 months' worth of utility bills, and an entire year of health care costs; the tuition for a community college or a State 2-year college.

This is an issue of fairness. CEO pay is up 30 percent and corporate profits are higher than they have been since the 1960's. It is time businesses shared that wealth with the lowest paid of their workers. Productivity has increased 25 percent over the last 20 years, but the value of the minimum wage has fallen 25 percent.

Is that not an interesting phenomenon? Productivity has increased 25 percent and generally at other times when we have had a level playing field, where all of the country moved up in terms of wages, the standard of living, the hopes and dreams for everyone, for the families and for their children, and for the parents, everyone moved up together. Now we have seen a 25-percent increase in productivity, which is usually associated with the increase in the wages for those workers, and we have seen a 25-percent reduction for those individuals at the lowest level of the economic ladder, again men and women that are working.

Finally, Mr. President, this legislation could mean important savings to the Government. This is an argument that is forgotten by those who are unalterably opposed to the minimum wage. It would mean savings to the Government in food stamps, Medicaid, and other public welfare programs. We can save more than $600 million in AFDC, $350 million in Medicaid, $300 million more in food stamps.

In a two-earner family where both parents earn the minimum wage, $3,600 in additional pay would make a dramatic difference in their dependence on public support. Why? Because their income would be sufficiently raised that they would no longer qualify for that kind of safety net. And if they no longer qualified for it, that would be a savings. And what should that mean savings for? Workers and workers' families because they are the principal ones paying taxes.

Or you can ask the question the other way. Why should all American workers, who are the bulk of the taxpayers, subsidize certain companies that are using sweat labor and refuse to pay the minimum wage for those who are working in the workplace?

That is what is happening today. So this is action in the interest of saving American taxpayer funds because it will raise sufficient numbers of needy people out of eligibility for these various support payments.

Mr. President, it is time to stop playing games and raise the minimum wage. I urge the majority leader to schedule a clean up-and-down vote on our bill to raise the minimum wage to $5.15 an hour. We need that. American workers need it.

It is interesting to those of us who had introduced at the start of the last Congress the increase in the minimum wage; that could have taken effect a year ago. We have already lost that year. Purchasing power has already declined. At that time, it was 50 cents, 50 cents, 50 cents. Instead, we went 45, 45, 45 as a way of compromise, and it is time we address this issue. This issue is not complex, nor complicated. It is a simple, straightforward issue that every Member is familiar with. We do not need to have more studies, more hearings. It is a matter of fundamental economic justice and fairness for hard working Americans. It is about time we get about that business.

I thank the Senator from Tennessee for allowing me the opportunity to speak at this time. I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I thank the Chair. Before I discuss the pending business, I might make one comment. It certainly seems that partisan accusations are still alive and well. I sit here and listen to Republican this and Republican that. Of course, we are in the middle of an election year, but it occurs to me that in a 2-year period when the President of the United States was a Democrat, the Democrats controlled the Senate and Democrats controlled the House, we did not hear these calls on behalf of women and children and lower income workers. Such a bill was not introduced, and no committee hearings were held. In fact, the President indicated that was not the way to go. So now I am relieved that we have discovered women and children and the lower paid workers of this country and perhaps we can have a debate on it and do the right thing. But I would like to discuss something that should be of bipartisan concern.

Mr. KENNEDY. Could I just respond?

Mr. THOMPSON. Yes.

Mr. KENNEDY. Will the Senator yield?

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I just wanted to mention the fact that, of course, during that debate in the earlier Congress we were debating comprehensive health care. The value of the comprehensive health care was between 40 and 50 cents an hour. It was the request of the workers at that time that we focus on that rather than the minimum wage, and the minimum wage came back into play right after that was defeated. It was very easy and understandable for those of us who had been working on it, but I just mention to our colleague that the last time we had a bipartisan increase in the minimum wage, as the Senator knows, was in 1989. At that time we had two-thirds of the Republicans who supported it. We had a Republican President, Democratic Congress, and now we have a Republican

Congress and a Democratic President. Presidents Eisenhower and Nixon supported it as well.

So this is, as we have tried to point out over the period of time, what Republicans and Republican Presidents and Republican Congresses have supported, as Senator DOLE and Congressman GINGRICH did at other times. So it is a bit of a stretch to say that they would have supported it another time if it was just a partisan issue but not supporting it now.

I know we may have differences on the understanding of those series of events, but I wanted to just have a chance to add those brief comments to the RECORD.

Mr. THOMPSON. I would just say to my colleague that it is not I who was making it a partisan issue or saying it was a partisan issue. It has not been that in times past. It seems as if recently it has become a partisan issue. And I think the point still is well made that for a period of 2 years, both before and after the health care debate, certainly after the health care debate, when control of the Congress was well within the power of the other side, this could have been brought up and discussed. And the President did indicate that the minimum wage was not the way to go. As I understand it, the position is that there was other legislation which would obviate the need for the minimum wage, and some would say today there is other legislation that could obviate the need for the minimum wage. I am not even saying where this Senator would come down. I would like to listen to the debate on it. We have not had a chance to debate it.

I just find two things that are happening very strange. First, is now it is an issue that is first and foremost in the minds of some of my colleagues on the other side. And, second, they seem to be the ones who are trying to make this a partisan issue. I say, let us consider it on its merits, both sides of the aisle, and do the right thing about it. But, if we start off in the very beginning making it a partisan issue and trying to draw lines and distinctions when the people on the other side of the aisle have sat and done nothing with regard to the minimum wage when they had it within their power to do so, we are not going to have much progress.

Mr. KENNEDY. Could I have one final moment in the exchange? Of course, as the Senator knows, we have had good Republican support on the last vote for an increase in the minimum wage. That, I think, was something that was notable.

Second, as the Senator knows, we have not been given an opportunity to get to this issue scheduled as an order of doing business. As we have said—and I am sure the Senator is familiar with this—if we were able to get a time agreement on a clean bill, we would certainly welcome that opportunity. We have indicated we would be glad to let time go, as the Senator knows, on the two last occasions where the Senate has addressed it. We have had Republican support, the majority of the Members. There was Republican support.

Finally, as the Senator knows, we have both the minimum wage and the EITC, both of which affect the working poor. The increase in the minimum wage has the greatest advantage for single individuals, which, increasingly, are numbers of single women. The EITC has a greater impact on those families where they have a number of children. Really, if we are interested in doing it, these matters ought to be embraced and put on together. We have seen the expansion of the EITC in recent times, although there were attempts to cut back on that during the budget consideration.

So I agree with my colleague and friend. I would welcome the opportunity to join with him so we could have a good discussion. Let Members of this body have a look at these items and then make a judgment. I am just concerned, as the time goes on, and as we know we have less than 40 days legislatively where we expect the Congress to meet and where the House has not taken action, it might be appropriate to do so at a particular time. But I am grateful to the Senator for his comments, and I certainly welcome the chance to engage in further discussion when we focus on this particular matter.

Mr. THOMPSON. I appreciate the comments of my colleague, and I share his view this is something that ought to be considered deliberately and fully at the appropriate time. I think it is wise that we approach it from the standpoint of what is good for the country; that neither side try to make undue political points at the outset. Otherwise, we are not going to get anywhere. I simply say, I share my colleague's concern and desire to get anything up for a vote.

It has taken 49 years to get the matter I am about to discuss up for a vote in this body, so I would like to turn to that now unless my colleague has any more comments.

Mr. KENNEDY. I thank the Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAMS). Twenty minutes has expired. Morning business is now closed.

CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 21, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) proposing a constitutional amendment to limit congressional terms.

The Senate resumed consideration of the joint resolution.

Pending:

Thompson (for Ashcroft) amendment No. 3692, in the nature of a substitute.

Thompson (for Brown) amendment No. 3693 (to amendment No. 3692), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate.

Thompson (for Ashcroft) amendment No. 3694, of a perfecting nature.

Thompson (for Brown) amendment No. 3695 (to amendment No. 3694), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate.

Thompson amendment No. 3696, to change the length of limits on Congressional terms to 12 years in the House of Representatives and 12 years in the Senate.

Thompson (for Brown) amendment No. 3697 (to amendment No. 3696), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate.

Thompson motion to recommit the resolution to the Committee on the Judiciary with instructions.

Thompson (for Ashcroft) amendment No. 3698 (to the motion to recommit), to change instructions to report back with limits on Congressional terms of 6 years in the House of Representatives and 12 years in the Senate.

Thompson (for Brown) modified amendment No. 3699 (to amendment No. 3698), to change instructions to report back with language allowing each State to set the terms of members of the House of Representatives and the Senate from that State.

Mr. THOMPSON. Mr. President, this is a constitutional amendment to limit the terms of Members of Congress. It calls for a limitation of 12 years, 2 terms in the U.S. Senate; a limitation of 12 years, 6 terms in the House of Representatives.

As I indicated, the last vote on term limitations in this body was in 1947, so it has taken about 49 years to get the second vote on this, not that anybody has been particularly pushing for it.

I believe it is the first constitutional amendment for term limits to ever come out of committee. This had a full committee hearing. It passed out of the Judiciary Committee, and now, for the first time, a committee bill is on the floor ready for consideration. I think it is long overdue.

In this body, it has been my observation that we pay as close attention as we can to what the American people want. We pay as close attention as we can to what our constituents want. We have offices all across the various States. We go to those offices, we listen, we get tallies on what people are calling in about, what people's concerns are. We go out and we pride ourselves, as elected Members, having town hall meetings, and we say a large part of the purpose of that is to listen, to see what is going on so we can be reflective of the opinions of the people that we represent.

We run our campaigns on the same basis. We say, let us be your Representative and we will go up and listen to the people. Let us turn the Congress back to the people. We try to respond every time we get the feeling that 51 percent of our constituents want something. There is nothing more responsive than someone who has been elected to office, who feels his constituents are pressing for something, even by the barest of margins—except in one area. That is the area we are dealing with here today, term limits.

We see poll after poll after poll, and we poll early and often. Sometimes it is like all that is happening around here is a rendition of those polls. My colleague from Massachusetts was talking about how many women favored minimum wage, how many Republicans, how many Democrats, all based on polling results. Who is ahead in the Presidential race? All these various issues. Who is for us and who is against us? By what margin? The distinction between last week, when 52 percent of the people were for this proposition, and the week before last when only 49 percent of the people were for this proposition, so we see a little movement there.

There is extreme, extreme attention to the temperature of the American people and to our constituents, except about one thing, and that is term limits. Poll after poll indicates that upward of 75 percent of the American people favor term limits, and the overwhelming majority of States and localities that have had the opportunity to vote on term limits have come out in favor of term limits. Mr. President, 22 States have imposed term limits on themselves, even while other States were not doing so, saying: We think it is an idea whose time has come. It would be for the benefit of America for us to set the example, and we are willing to impose it on ourselves even though there is no obligation for other States to do so.

Yet, even in light of this overwhelming majority of the American people who feel something is basically going wrong with their country and they are searching for something fundamental to do about it, we pay absolutely no attention to what is going on. We pay no attention to the overwhelming sentiment of the American people with regard to this one area.

The case can be made that we ought to be more reflective in some cases, that we ought to be a little more isolated. This is supposed to be a deliberative body and sometimes we do not take enough time to really reflect on the important issues that are facing us. Sometimes we get too caught up in the number of bills that we can pass and the gamesmanship of what is going on in this town. But, why is this the only one area where this rule seems to apply to this body, and no other area? The answer, of course, is because in a Congress that busies itself in regulating other people's lives and purifying other institutions, other businesses, other individuals, that changes when it comes to doing something about ourselves, even something as innocuous as a 12-year term. This constitutional amendment would not even need to be ratified for 7 years. Then it would be prospective. It is the most minimal first step toward trying to put us in a position to face the 21st century that we could possibly think of. It probably would not affect anybody in this body right now, another 12 years on top of what they have already served, and on top of the 7 years it might take for ratification of the constitutional amendment. That is not exactly a drastic move, not exactly a revolutionary change. Yet we have all this difficulty even getting to first base.

Let us talk about what this is not all about, because the detractors of term limits, in their scrambling around to try to come up with reasons why in this particular case the overwhelming majority of the American people are wrong, have set the terms of the debate for us, in many cases.

What it is not about is vindictiveness. A lot of people are angry with the Congress of the United States, but this is not about vindictiveness. Life is too short for that.

On the contrary, Mr. President, I really believe that imposing term limits on ourselves would do more to restore the dignity and the esteem of Congress with the American people than anything else. I pointed out the other day that columnist George Will wrote a book awhile back called "Restoration," and it was about term limits. Most people would have a hard time seeing that connection until they got into it and read it.

The point is, and a very valid point, I think, indeed, is that at the time our country was founded, people would line the streets and say, "Long live Congress, long live Congress." Can you imagine what most of them would be saying today if they had a shot at making a comment at us parading down the street together?

What has changed in that period of time? We have lost the respect of the American people. I believe this self-imposition is something that the people feel in their hearts is right and something that would, in one way, be to our own detriment—it might cut a few careers a few years short—but would do more to restore the faith of the United States people in the U.S. Congress than anything else. And that, Mr. President, is probably more important than anything else, because Congress is the message deliverer, and we have some tough messages to deliver to this country. A lot of it is not going to be well received. A lot of it is not being well received, but it is the truth, and it has to do with the future of our country and the things we need to do to make sure we fulfill that tacit understanding that each generation is supposed to have with the next, and that is, that we will leave this place a little better off than we found it. We are not fulfilling that commitment now.

Another thing it is not about is simply changing new faces for old faces. There is nothing that inherently goes wrong with someone because they have been around a place for a while. There is nothing beneficial about changing a new face for an old face if a new face comes in with the same attitude as the old one had. That is not what it is all about.

In fact, I am willing to concede that you could make a pretty good case for the proposition that for the majority of our history in this country, our system served us pretty well. We went through two world wars in this country, we went through a Civil War, we went through a Great Depression, and we had to dip into the till pretty deep sometimes, but we always came back and balanced our budget. We had a balanced budget as late as 1969 in this country.

Our Founding Fathers did not address term limits. It never occurred to them that we would wind up with the professionalism and the careerism that we see today.

So, for a long, long time, we could get by with what we had, because we did not have the culture of spending, we did not have the growth of Government and all the demands and pressures that are on us day in and day out to spend more and more and more. We did not have members so faced with the proposition, are we going to get along with people and get reelected by saying yes to any and every spending measure that comes down the pike, or are we going to risk our political future and say, "We can't do things the same old way anymore; we can't necessarily grow each program at 10 percent a year anymore."

Everybody in this town knows that—both ends of Pennsylvania Avenue and both sides of the aisle. We know that, and yet we are afraid, basically, to say that. Or somebody says it and somebody else will get up and say they are trying to harm old people and trying to harm young people to get political advantage out of it for the next election. We get into that cycle: scare people momentarily. Sometimes it works, and yet the American people have this sense, this innate sense that something is really going wrong, something is not working right.

So it is not about vindictiveness or even throwing the rascals out. My goodness, we in this body, anything that we are able to accomplish, we stand on the shoulders of giants. Many giants have been in this body. I hold this body in the highest esteem. I have

reverence for this body. I have never understood why somebody would want to be part of an institution for which they did not have any respect.

I used to come here as a very young man and sit up in the gallery and watch the great debates that would take place, even at that stage, and that has not been that long ago. People were talking about the issues. People seemed to have a little bit more time to deliberate. We were still right at the point where we were capable of balancing the budget. That time has changed.

So what is it about? What it is about is not all the little things that you hear debated back and forth on the 6 o'clock news. If you cannot get it out in 15 or 20 seconds, it is going to be totally lost. It is not about new faces, it is not about experience, it is not about whether the lobbyists or the staffs are for it or against it. It is about dealing with the monumental problems that are facing this country, problems that are so great and so ingrained that many thoughtful people on both sides of the aisle think that it is already too far gone for us to do anything about. And it is about the fact that we are proving ourselves incapable under current circumstances of dealing with it.

We are mortgaging our future, and it has to do with nothing more basic than our need to perpetuate ourselves and to avoid risk, which too often means avoiding the truth, and, therefore, we continue to go down the road that we know is bound to lead to disaster unless we make significant changes.

What does this desire for reelection and staying do to us? It causes us to spend. It all comes down to the growth of Government and the culture of spending. This is not a partisan issue. You can pick your administration or you can pick who is in control of Congress—the House or the Senate—and go back for the last few decades, and I am willing to say that there is enough fault on either side; that neither side can take partisan advantage of this if you view it objectively.

Every time someone stood up to speak the simple truth about the future and took their eyes for a few minutes off the next election and tried to do something that would make this country stronger for the future, the other side would invariably get up and take partisan advantage of it, scare people, go on television with 30-second ads, and whoever brought it up would cower back to their corner, not to be brought up again for a while.

Mr. President, there is no simple solution to what I am talking about. It is fundamental. We have gotten ourselves into a deep ditch. We did not get there overnight, and we will not get ourselves out of it overnight, but we have to start examining possibilities that will put us in a position of doing something about it.

How can we continue down this road? This proposal will not affect me personally either way and it will affect hardly any of the Members in this Congress, I would think. But if we had a system that concentrated on how best could we operate in the next century in order to solve these problems, I think that term limits would be a major, major step toward doing that.

I believe if we open the system up so that people knew that these jobs would be open from time to time, in the first place you would draw more people into the system. Right now, unless you have access to millions of dollars—and usually through incumbency, which allows you to raise millions of dollars—it is not a participation that you can enjoy as an average citizen. We have 250 million citizens in this country, and one small fraction of 1 percent are all that have any realistic shot of ever setting foot on this floor.

So bring more people in. What kind of motivation would those people have? If people were coming into the system knowing from day one that this could not be their career, that, hopefully, they have already had a career and, hopefully, they will have another one and this will be an interruption to a career and not a career in and of itself, would they be as frightened of the special interests?

Would they be as frightened of the poll numbers? Would they be as frightened of the proposition that 51 percent of the people might get temporarily mad at them if they spoke the truth and said, "You can have a 7 percent increase this year but you can't have 10 percent"?

I think we would have people who would come in with a different agenda. I think we would have people who would come in with the idea, more likely—not universal, because nothing is—more likely that, I'm going to give a few years to my country. Just because it is 12 years does not mean you have to stay 12 years either. That is a maximum. Give a few years to my country the way they used to, the way they used to some years ago, and try to do the right thing. It is called public service. That is what it used to be. Citizens used to come in and do that. That is what the Founding Fathers had in mind, and that would go on. I think it is only a Congress which is peopled by individuals who have that attitude that is ever, ever going to get us out of the monumental straits we are in.

By the year 2000, the net interest paid on the national debt will surpass defense spending and is projected to become the second largest Federal expenditure after Social Security. This is from the Bipartisan Commission on Entitlement and Tax Reform —the bipartisan commission. By 2012, unless appropriate policy changes are made, projected spending on entitlement programs and interest on the debt will grow so rapidly they will consume all tax revenues collected by the Federal Government—all tax revenues. In 2030, to bring the deficit down to the current level, the Bipartisan Commission on Entitlement and Tax Reform concluded that either all Federal taxes would have to be increased by 85 percent or all Federal spending programs would have to be cut in half. This bipartisan commission is telling you what is going to happen. Have you heard it anywhere else?

By 2012, mandatory spending, interest, and entitlements will exceed all Federal revenues, leaving no money for the Federal Government to spend at its discretion on programs like education, law enforcement, research and development, national defense, and health research. By 2030, entitlement spending alone is projected to exceed all Federal revenues.

We have had a philosophy now for several years in this town that a Senator is judged in large part by the amount of pork he can bring back to his State, not realizing that ultimately what is good for Tennessee is good for America and what is bad for America cannot be good for Tennessee or any other State.

We have a proliferation of interest groups as we pass more and more laws and regulate more and more things. Those who are the objects of those laws and those who are being regulated naturally come to town to tell us what we are doing to them. When these programs are ingrained and people are used to receiving these moneys, there is no turning back. It is always more and more and more.

You attend hearings for a month, and you will never hear anybody coming back in saying they want to give some money back to the Federal Government. It all goes the other way. We are now facing what one philosopher said a long time ago; that is, the ultimate test for any democracy is whether or not, when they discover they can pay themselves out of their own treasury, there can ever be any turning back.

The other thing we need to address, along with the absolutely horrendous fiscal problem that lies for our children to keep up with, is the public cynicism. Out of all of this trying to be responsive, out of all of this poll taking, out of all this technology that we have to monitor the pulse so we can claim we are doing just exactly what the people want us to do, what do the people think about their Government?

A very thoughtful gentleman by the name of Haynes Johnson wrote a book a year or so ago called "Divided We Fall." He stated the following:

> For at least a decade, and in reality far longer, people at the bottom have grown increasingly alienated from those at the top, and especially from leaders who seem unable and often unwilling to address their concerns. Over the last generation, surveys on public alienation have tracked America's

steadily eroding confidence in its leaders and in its institutions—a decline so uniform and so steep that it raises the most serious questions about public faith in the democratic system and therefore the ability of that system to function.

Mr. President, that is serious stuff. Mr. Johnson went around the country talking to people, and spent a long time in researching this book. He pointed out a recent Harris poll indicating that, "At the bottom in public esteem were law firms, with only 11 percent of Americans expressing great confidence in them. Barely above them was Congress at 12 percent." Thank God for law firms.

He further states:

Traditionally, American politicians are driven by the short-term approach. From city council members to members of Congress, emphasis is on the "quick fix" to complex problems and on claiming political credit for responding to immediate needs. The result, as we have seen, is postponement of decisions on major long-term issues. Thus, the real size of the budget deficit is masked. Genuine attempts to reduce it are put off to the next session of Congress—and the next and the next. Action is not taken today; it is always planned for tomorrow, to take place in what Washington policymakers, in typical semantic obfuscation, call "the out years." The out years never quite arrive; they continue to lie beyond grasp. So the debts increase and the charade continues with each new congressional session.

I ask my colleagues whether or not that sounds familiar.

Finally, he states that:

These are among the many reasons the political system remains under siege. A more elemental one involves the public conviction that the American political system has produced a generation of politicians in both parties who can't, or won't, tell the truth, because if they do, they will not win; and that lie permeates American politics.

It is a sad situation, Mr. President, sad situation. For those of us who simply say, the status quo, we cannot make any fundamental changes, things are going great, I think the evidence is overwhelmingly to the contrary.

So, Mr. President, I say let us give the States an opportunity. That is all we are doing with this constitutional amendment. Let us give the States an opportunity to address this issue and see whether or not the people really believe what the polls indicate that they do. I feel like that is the least we can do and is our foremost responsibility to see if we cannot better derive a system in the future that would allow us to cope with this unbelievable cynicism of the American people toward us and our clear inability to get a handle on problems that are going to be the ruination of the next generation. I yield the floor.

[Disturbance in the visitors' galleries.]

The PRESIDING OFFICER. Just to mention to those in the gallery, it is against Senate rules to have any show of approval or disapproval of any statements made on actions taken on the Senate floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

Let me begin by offering my appreciation and compliments to the Senators from Tennessee and Missouri for having worked as hard as they have on the issue of term limits and bringing the issue of term limits to the attention of the U.S. Senate.

I think our freshman class is strongly supportive as a group of the term limits effort. I think that Senators who have led this battle deserve special acknowledgement for the support they have given. I rise today and thank them and also make some comments of my own which are pertinent to this debate.

Mr. President, in my State of Michigan, the people have already spoken on an important issue the Senate will consider here this week; that is, term limits. In 1992, Michigan voters passed term limits for Federal officials by an overwhelming margin—6 years for the U.S. House of Representatives and 12 years for the U.S. Senate.

I repeat, it was an overwhelming margin, Mr. President. This was not a close vote. In 1993, as a candidate for the U.S. Senate, and in 1994 I ran on a platform committed to trying to make certain that the will of the people of my State was acknowledged and was followed by the Congress of the United States.

The fight for term limits in Washington, however, must continue. I pledge to fight in Washington and make sure that the limits the people of Michigan voted for would be permissible. Term limits are widely observed at other levels of Government, Mr. President.

The President of the United States, 41 Governors, 20 State legislators, and hundreds of State and local officials currently abide by term limits. Why not Congress?

There has been an overwhelming expression of support for term limits in State after State. Since 1990, more than 25 million votes have been cast by voters in 22 States supporting congressional term limits. Polls have consistently shown that more than three-quarters of the American people favor term limits. I believe, Mr. President, that it is our obligation to fight to make sure that the people's voice does not go unheard.

The 104th Congress is the first Congress to have recorded votes in either Chamber on term limits. The Senate vote this week will join the 1995 House vote to produce first-ever votes in both Houses. The vote in the House was held in March 1995 and received a majority of 227 votes. Passage, however, of a constitutional amendment would have required a two-thirds majority, or 290 votes.

For the first time in history, the Senate will vote on term limits. While the measure is not currently expected to receive the necessary 67 votes required for passage, this vote is an important beginning to what I believe is an inevitable outcome. While approval by two-thirds of the House and Senate will not be easy, the support of 75 percent of the American people will make a difference as we continue this important effort.

When I campaigned for the Senate in 1994 in my State, I heard from one end of Michigan to the other a consistent and very, very responsive, positive public outpouring of support for term limits. People felt that the Congress, in particular, and Washington as an institution was out of touch. They felt that a lot of factors were at play, but, most importantly, they felt that too many people ran for Congress or for the U.S. Senate, went to Washington, and ultimately stayed so long that they lost sight of the reasons that they ran for in the first place.

Promises in campaigns were seldom, if ever, kept. Indeed, by the end of a term the promises of the previous campaign had often been totally forgotten. People felt that this lack of contact and communication, this out-of-touch, Washington, inside-the-beltway mentality was the reason that Washington had not been able to deal with important problems confronting America and, in particular, the problems of the Federal budget deficit and runaway Federal spending.

People in my State believe that they have sent too many of their hard-earned earnings to Washington. They would like to keep more of what they earn. They feel the Federal tax burden is too high. They cannot understand why they have to balance their family budget, but we in Washington have not been able for 25 years to balance the Federal budget.

The reason, they feel, more than any other that has led to this problem, this lack of responsiveness, is that too many Federal officials have been away from home too long, too many Federal officials have lost touch with voters back home and do not understand the things that motivate the average working families in Michigan.

Mr. President, I do not think Michigan is atypical. I suspect that virtually every Member of this body hears the same thing in their State. I suspect Members of the House of Representatives, likewise, hear the same sentiments expressed to them when they are in their constituency.

Now, this Congress has begun to move, I believe, in the right direction to address some of these concerns. Last year, for the first time we voted in the very first action taken by the Congress, to apply the laws that apply to the rest of the country to Members of Congress themselves. We put an end, in the Congressional Accountability Act, to the double standard that said that

things we adopted here as Federal law were fine for the rest of America but not fine for ourselves. That has begun to change the way we do things here in the U.S. Senate.

I have been intrigued by the fact that so many of my colleagues and I have found that meeting the various labor and other laws, requirements that we now are required to follow, have changed the way we operate our office and made us more mindful and concerned about labor relations and other issues that come on a day-to-day basis before us in our Senate offices. In the same way that has put us more in touch, I think nothing will put Congress more in touch with people back home than a frequent and regular turnover in the composition of the House and Senate of the United States.

Mr. President, I believe that the term limits movement is a movement that will only grow. If 75 percent favor term limits today, I believe it will be even a higher percentage in the years to come. That is why whether or not we are able to succeed this year in passing term limits, it is only a matter of time, I believe, before we will have term limits as part of our Constitution.

To that, I want to commend the majority leader, Senator DOLE, for scheduling the vote on term limits here in the Senate. For all the talk about bringing reform to Congress, I believe our best approach to make Congress better is through term limits. I urge all of my colleagues to support this much-needed reform of our political system. I urge them to support it because it is the right direction to take. I urge them to support it because it has such strong popular support. I also urge them to support it because I think it is only right that the citizens of the various States have the chance to set the limits on terms of Federal officials.

To conclude, that the citizens of Michigan do not have the constitutional authority to determine how long their Members of Congress and their U.S. Senators may serve, is, in my judgment, a strong repudiation of the rights of people in a free democracy to make decisions for themselves.

Mr. President, I close on this note, by urging my colleagues to support the term limit efforts we are undertaking this week.

Before I yield the floor, I will ask unanimous consent to speak as in morning business for 2 minutes to make a brief statement.

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

SYMPATHY TO MICHIGAN FAMILY

Mr. ABRAHAM. Mr. President, I rise today to express my deep condolences to the entire Bitar family of Dearborn, MI, who lost their two sons due to the most recent violence in Lebanon that occurred last Thursday. Hadi, who was age 8, and his brother, Abdul Mohsin, age 9, were visiting their grandmother in their home village of Qana during their spring break from school when the fighting broke out last week. They sought refuge in the United Nations shelter, which was tragically bombed.

The loss of civilian lives, Mr. President, no matter where it occurs, is always devastating, but it is especially tragic when children, in this case, 8- and 9-year-old children, are killed senselessly. When a loss such as this occurs so close to home, as it did in an important city in my State, many individuals in the Michigan community were affected. They feel this very deeply. I am here today to speak on their behalf.

This occurrence highlights both the urgency and the necessity of bringing peace to the Middle East. I strongly urge the administration to persist in trying to negotiate a cease-fire in Lebanon and to bring an end to the hostilities immediately. I sincerely hope that no more tragedies such as this occur and that no more innocent lives are lost while these negotiations persist. Yesterday, I attended a special prayer service for the two boys who were killed last week. The ribbon I am wearing today, Mr. President, was given to me at that service as a tribute to the lives that have been lost. All I can say, Mr. President, is I intend to be on the floor every day to talk about what is going on, and these tragedies, until, hopefully, we will see a cease-fire and an end to the senseless killing and the bloodshed.

CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The amendment before the body is amendment 3698.

Is there further debate?

Mr. ASHCROFT. Mr. President, thank you for the recognition. I want to thank my friend, the Senator from Michigan, for his outstanding analysis. I also want to express my sympathy to him and to those citizens of Michigan whose children were victims of the latest bombings. I commend him for his work in this area and thank him for bringing our attention to this matter.

Mr. President, I want to talk about term limits. I want to mention some important reasons why I think it is essential that Members of this body support the opportunity of the States to ratify a constitutional amendment.

The Senate does not have the authority to amend the Constitution. We merely have the authority to extend to the States the right to ratify a proposed amendment to the Constitution. To vote against this proposal is basically to say that the wisdom of the Congress is so superior to that of the States that we should not even entrust them with decisionmaking power on limited tenure.

Why, then, should we have congressional term limits? Why should we send to the States this opportunity for ratification? I believe we ought to because that potential for ratification is consistent with the central values of this Republic, the central political themes and understandings of our democracy. The first of those is that we are representatives of the people. We come here to provide the people a voice. And while we are to exercise our own judgment, we are to represent the people of the State or district from which we hail.

What do the people of America think about term limits? Well, the polling data indicates that 74 percent of them favor term limits. And 41 States have imposed term limits on their Governors. As it relates to city councils, many cities—from New York to Los Angeles—have imposed term limits on their own city councils.

As you look at the political map, you find out that there is a glaring hole in the term limits net: the U.S. Congress. It exists for the President, not the Congress; it exists for Governors, for State legislatures, for cities, counties, and towns. all kinds of things across America. But there is one place where it has not existed.

There is another fundamental value of American culture that term limits respects and reinforces. It is the value of access and participation. When a few people believe they are the only people that have the capacity to do a particular job, they tend to shut others out of the process. The unfortunate effect of incumbency is that it has closed down the system even further.

The American people are understanding folks. They have watched as 91 percent of the incumbents who run for office win reelection. That means that a challenger has a 1-in-10 chance to defeat a sitting Member. Now, you do not have to be a math wizard to understand that, in an open seat situation, the two challengers have a 50 percent chance of winning. Furthermore, the data suggests that when there is the prospect of an open seat, the number of candidates increases exponentially. In other words, there is a substantial broadening of the variety of choices that the American people have from which to choose.

I think we ought to make sure that happens more and more frequently. Those who study political science indicate that as you approach an open seat race there are increasing numbers of individuals who prepare themselves for the vacancy by offering themselves as candidates.

That is one of the reasons why I think the 6-year limit in the House is so valuable. It would virtually guarantee that we would have enhanced levels

of choice for the American people in every elections.

It is also important to look at the history of term limits. I think the word "history" is important here. So often people debate term limits as if this were some theory that needs to be hashed out in the think tanks before the American people could understand it. This is not a decision made in a vacuum of facts or experience. It is a decision made in an arena with which the American people are fully familiar.

The American people have a history of term limits. It is not the passion of the moment. It is not the whim of a particular time. It is an understanding about the way government works. And they have said, yes, we want it for the Presidency of the United States. So you have term limits for the Presidency of the United States.

Let me also say that I believe that those who indicate that there are not enough qualified people in the country to replace qualified Members of the Congress have a view of a talent pool in America which is unduly shallow.

When George Washington walked away from the Presidency after his first two terms in office he understood that America was a place filled with knowledgeable citizens whose judgment and capacity would sustain this Republic, and he did not allow himself to be swayed by the arrogant nonsense that there are just a few people in America who are bright enough, or capable enough, or sound enough to make decisions. He understood that the tree of liberty would be nourished by an influx of creativity that would be found as individuals stepped aside to return to citizenship and as citizens stepped in to accept the responsibilities of government.

It is high time that we had the same understanding of the talent pool in the United States. The pool of available talent in this country is incredibly deep. We have great resources. We have tremendous citizens. There are outstanding persons, and we ought to tap them and call them into the process. Then we ought to send ourselves home to live under the very laws for which we vote.

I do not want to be a part of those who underestimate the strength and the capacity of the people of this great land. We have a tremendous capacity in America. We should open the door of self-government to those individuals so that they can participate in government by virtue of coming in and being a part of the U.S. Congress.

What would the United States look like if we were to have had term limits? What kind of changes would there be? Mind you that I am prepared to say that I believe we ought to make the decision about term limits based on the fundamental values of this country, based on the sense that we ought to have open access and that we ought to have more participation based on the fact that we represent the people.

But what would America look like? When Stephen Moore of the Cato Institute conducted a study, he indicated that we would have had a balanced budget amendment, something we have yet to get. In 1990, 1992, and in 1994, we would have approved the balanced budget amendment.

Not surprisingly, the line-item veto, which we only passed this month, would have been enacted more than 10 years ago, in 1985. Think of the thousands, tens of thousands, think of the millions of dollars that might well have been saved had we had the capacity to knock pork out of Federal budgets as early as 1985. I believe that newcomers do reflect something special about the process.

Let me make another point. Some people have said that we need experienced people in Washington. I could not agree more. But I have to say that I do not believe that the only experience we need in Washington is government experience. Some of the very best Members of this body are individuals who have brought a wealth of experience from the private sector. To suggest that we need people who have years and years of experience in government is a bankrupt idea which fails to understand that experience happens in places outside the public sector.

A couple of other things that are significant to me about the Cato study.

And what are the things which would have failed? You guessed it. The last two tax increases and the last two congressional pay increases would not have passed the Congress. Interesting. All of the things that would restrain Government would have passed, and the things which fund Government would not have.

It comes down to this fundamental set of values as to whether government exists for the benefit of government or whether government exists for the benefit of the people. In "The Federalist Papers," Madison wrote of a Congress with a "habitual recollection of its dependence on the people." Unfortunately, we find ourselves in a democracy where the citizens all too frequently have a constant recollection of their dependence on government.

Just think of the agriculture bill we passed early this month. Farmers were waiting to find out what they could plant. It was a country dependent upon government, instead of a government that was dependent upon, and cognizant of, the citizens.

The principal value here is that we recognize what it is the people want. In this case, it is a constitutional amendment on term limits. I believe we should reinforce a reform which would promote access and participation, and which would level the playing field so that individuals who offer themselves for service have a fair shot.

One last footnote. A term-limited Senate would be a different Senate because it would require the Chamber to operate on the basis of merit, rather than seniority. While I respect the individuals whose dedication to their country has allowed them to serve this body, I do not concede that they are, by virtue of their service, the most qualified to lead committees or determine policy. I believe we should think about developing, and would develop if we had term limits, a leadership framework based on merit, not rank seniority. Incidentally, the 3–2 constitutional amendment I proposed would do just that.

Mr. President, it is time for us to respect the values of the American people; 70 percent of them would like to consider a term limits constitutional amendment. The time for us to extend them that opportunity is now.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

(Mr. ASHCROFT assumed the chair.)

Mr. THOMPSON. Mr. President, I thank my colleague from Missouri. He has been a leader in this fight for a long time. His points are so well made. He mentioned the precedent set by George Washington, that after serving two terms, purportedly got on his horse and rode out of town never to return to Washington. People asked him to stay, but he knew better. He knew there were other people who were qualified to serve, and because he left when he did, other people were able to serve. He set a good example.

The same example was set by Thomas Jefferson. He served two terms back when a President could serve for as long as they could continue getting elected. So this is the example that was set for us. And, of course, the people who were in the Congress at that time would not have thought of serving many, many years in Congress. They were citizen legislators who came to town to interrupt their career and not make a career. So I think that the Senator's point is very well made.

I see my colleague from Colorado is in the Chamber. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the distinguished Senator from Tennessee for his leadership on this issue, as well as the distinguished Senator from Missouri. Both of these first-term Senators have made an enormous difference in the body, and I think their service speaks volumes about the talent that is available in this Nation.

Mr. President, this is a hotly debated item, and while opinion in this country overwhelmingly supports term limits,

it is not a secret that it is not the most popular item ever presented in this Chamber. We have had difficulty getting votes. The first vote on this was in 1947 by a Senator from Texas. He succeeded in getting one vote—his own—and it was a long time before it was raised again.

In the last several years, we have been able to get several votes, but they have never been clear and on the point. I think we should note at least that Senator DOLE's leadership provides the first opportunity in the history of our country to have this issue aired in this Chamber in a clear fashion. He is the first majority leader of the Senate to bring it to the floor and hopefully provide us with the opportunity for a vote. It is a courageous thing to do because there is enormous pressure in this body and outside this body not to allow it to come forward.

Over 200 years ago, Thomas Jefferson wrote a friend and he suggested some interesting things. He said three things were missing in the American Constitution: a Bill of Rights, of course, which was passed later on; limits on the tenure of the chief executive—he was about 150 years too early, but he got that right, because, as all the Senators are well aware, that was eventually passed and added to our Constitution—and lastly, the third item Thomas Jefferson mentioned was rotation in office for Members of Congress.

What prophetic words. Two of the three have come to pass. Mr. President, I believe with all my heart the third will come to pass as well.

Many Members for whom I have deep respect have spoken on this subject and expressed real regret about this issue. To some, they have taken the issue personally, as a question of the value of their service or a question of the value of their continued effort to serve this country.

Speaking for myself, but I believe speaking for others as well, no such intent or castigation of their service is intended at all. As a matter of fact, there could be nothing more American than putting a limit on power. That is really what this is all about. It is not just about the example of Cincinnatus returning to his farm after serving his country. It goes to the very core and very heart of what Americans believe about government. We are unique. We are not simply the longest surviving democracy in the history of mankind, but we are a shining example to the rest of the world of what can blossom forth when people are free, what can happen when the power of the Nation is primarily centered in the individual and not in those who govern.

The world's history, recorded for some 4,000 to 5,000 years, is replete with examples of people who performed great service. It is also replete with examples of countries where power corrupted. Americans, when we drafted our Constitution, were more aware than any people in the history of mankind of the value of governments in the past. The writings of Polybius, Montesquieu, and Cicero were on the minds and words and lips of the drafters of the Constitution.

They understood the cycle of government that Polybius had observed, so many, many centuries ago; the tendency of power to corrupt. The tendency of democracy to turn into an aristocracy, ruling by the few; and the tendency of an aristocracy to devolve into a dictatorship, and the corruption that comes from dictatorship; followed by anarchy and then the process starting all over again.

Those evils were on the minds and in the hearts of the people who drafted our Constitution. They sought for something different and greater than anything in the history of mankind, any government in the history of mankind. They sought to find a government that would last. They sought to find a government that would provide the blessings of tranquility and order and liberty; that would not be simply temporary, as every government had been in the past, but that would be as close to permanent as we could achieve.

They believed that reliance on the individual and a stable form of government could bring about blessings to mankind that had never before been seen. This great experiment in democracy, in republican democracy, has shown exactly what they had hoped for. The very essence of what American government is all about is an understanding that power corrupts and a firm belief that, to have a stable, lasting government, we need to limit power. We need to limit power because power can corrupt and destroy and harm the stability and the freedom that we so highly prize.

For those who think that term limits is out of touch with the American experience, who have not read the words of Jefferson, who have not looked at the history of this country, where the pattern was for a turnover in Congress—for those who have not focused on that and somehow doubt that term limits is in the tradition of the American experience, think about the limits we put on power. It is the very essence and the very genius of what the American experience is. We designed a Government where the House is able to check the Senate and the Senate check the House. We do not allow a rush to judgment. We think a longer view, a more thorough analysis, can be beneficial. Is it slower? Yes. Does it limit one body's power? Yes. Would the Senate be more efficient without a House? I suspect you could get an argument on that. But our founders thought the essence was to limit power to cause good deliberation and also prevent corruption.

It is not just the House and the Senate that balance each other. It is an executive that has the power of a veto. And it is not just the executive and the Congress that face limitations, we have a Supreme Court and a court system that limits our power as well. The founders thought long and hard and they set up a system of government whose very essence, whose very core is a limitation on power.

They were concerned, some would say obsessed, with preventing the corruption that comes with too much power so they set up a system that puts its primary focus on individuals and not in government, not in the hands of a few but in the hands of many. And what power we gave to the Federal Government we limited.

It is not just the checks and balances in the Federal system that exist, but a separation of powers between the Federal and the State level. Specific provisions, article X, the Bill of Rights, leaves those powers to individuals and States not specifically given to the Federal Government. All Members know this. They are familiar with it. But to say or to think for one moment that term limits is not the very essence of the spirit of the American experience of government is to miss the point. Our whole approach has been an understanding of the corruption power can bring about, and the need to make sure—the need to make absolutely sure—that no one can rule without limitations. This is not an aberration. This is not a change of the spirit of the American government. This term limit is the embodiment of it.

Some will say wait a minute, we have gotten along pretty well without it. For those, I suggest they look at the history of this Nation. For one, term limits was not included in the Constitution because people never thought Congress would turn into a lifetime career. Service in the U.S. Congress was thought to be just that, a service. One of the big issues early on was raising of the pay to $6. For that they threw out most of the Congress, for that huge pay increase. Service in the House and the Senate was thought to be a time where you would serve your country, not gain financially. That has changed. Some will say Members of Congress are overpaid. Others, many here, think they are underpaid. But whether you believe we are overpaid or underpaid, there is no question that the salary for a Member of Congress is much different than what it once was.

There is no question that it is a good living compared to any standard in America today. Are there people here who could earn more? Yes, I hope so. There are some who could earn less on the outside. But the point is this. Serving in Congress has changed from a period of service that costs people money to serve, where the remuneration was much less than what they could get on

the outside, to a compensation that, even by the most meager description, is fairly adequate; something quite good.

The phenomenon of people serving a long period in Congress has accompanied a number of things. One, a dramatic increase in compensation, and a dramatic increase in the power that is here. Service now is different than it was in the 1800's. There are financial motives that did not exist.

Do we want to go back to those days where Members of Congress received little or nothing? No, perhaps not. But neither should we close our eyes to the impact of that change. The simple fact is, this country has changed. Because of the power and because of the rewards, people now wish to serve long periods of time.

There are three areas that I believe will change dramatically if we pass term limits. Here they are.

First of all, I believe the background of the people who serve in this body in both the House and the Senate will change if we have term limits. One need only look at the lengthy service of time that some Members have. But even more significant, I think, is that when we debate legislation we debate without the benefit of people having fresh experiences in the real world with regard to that legislation. I cannot tell you how many times I have come and listened to millionaires discuss the minimum wage, when they never held a minimum wage job in their life. Let me tell you, if you got through school by working and paying your own way with a series of minimum wage jobs, you have a different view of minimum wage jobs than if you inherited your money.

If spring break meant you had a chance to get a second job to make your tuition payment instead of taking a yacht tour on your daddy's yacht, you have a different view of what that issue is.

If you are concerned about welfare, I can tell you, if you have had to work for a living, if you have had to scratch for a living, you have a different view of what welfare is and ought to be than if you have been wealthy all your life.

If you are talking about regulating businesses and jobs, you have a different view if you have been subject to that regulation. Members of Congress for the first time—and I think it is of great benefit to this Nation—are now being subjected to the same laws, or almost the same laws—we are not quite there but we are close—almost the same laws that working men and women in this country are. Does that make a difference? You bet it makes a difference. I see, day after day, thoughtful, reasonable, intelligent people on this floor talk about imposing regulations on the working men and women of this country.

Mr. President, with due respect, I cannot help but think if they had actually had those jobs, if they had actually done that work, they would have a much different view. I believe term limits will change some of that. Term limits will mean some turnover in the people who serve. I think it is much more likely we will have people serve here who have actually had working experiences in the areas they attempt to regulate.

I see the distinguished Senator from Tennessee here, a physician, in our midst. All of us have grown to respect and admire him greatly as we have gotten to know him and seen the integrity that he brings to his job. But he brings something more than just a bright mind and great integrity. He brings firsthand experience of his profession as a physician. It is not a secret that when Members have questions about that, they turn to the Senator from Tennessee for a practical view. Do they always agree with him? No. But they at least have access to someone who has actually done it, who understands it, who has been there firsthand. How much more effective this body could be if we had more Members who had real lifetime experiences like the Senator from Tennessee.

I believe, as I listen to these issues debated, if we had that, we would have much more effective laws. One thing else I would suggest. If we had people who worked for a living and a real turnover, I do not believe we would have had 65,000 pages of new regulations put in the Federal Register last year.

For Members who are not aware of it, that is what it was—over 65,000 pages of new regulations were added last year. That is not the total regulations that Americans are subjected to; that is just what we added last year.

If you sat down today to read the regulations to which you are subjected and for which you can go to prison if you violate them or at the very minimum face heavy fines, if you simply wanted to find out what it is you are required to do, and you read 300 words a minute, which is pretty good for regulations, and you read all day long, 8 hours a day, with no coffee breaks, 5 days a week with no holidays and 52 weeks a year with no vacations, you would barely get halfway through. You literally could not read them if you devoted yourself full time, and those are what we expect the American people to follow. That is just the new ones; that is not the ones that are already on the books.

(Mr. THOMPSON assumed the chair.)

Mr. BROWN. Mr. President, one of the great benefits of term limits is to bring into this body a group of people who have a broader wealth of practical experience. By that turnover, I think what we will find is that we have become better legislators.

There are a few subjects, no matter the most liberal Democrat or conservative Republican who, if they sit down and get their facts right, cannot come to agreement on. Yes, there are differences; yes, there is a different philosophy. But generally when men and women have the same basis of facts, they are able to come to a similar logical conclusion.

I believe one of the great advantages of term limits is it will give our Members broader background, a greater basis of personal facts and, as a consequence, they will be able to work better together. I think you are going to find them able to do a much better job.

There is no society in the history of mankind that has ever produced 65,000 pages of new regulations every year, not Hammurabi, not Napoleon with his code, nobody ever came close.

If we think we can continue to be effective and competitive in a world market when we have committed to tying ourselves in redtape and regulations, we are dreaming. That is not going to change until we have legislators who have had real-life experiences. That is one reason I think term limits will be a great blessing for this Nation.

Second, it is my observation, from having spent 10 years in the House and 6 years in the Senate, that unlimited terms has led to a corruption of the process. Mr. President, I do not make that charge lightly. Let me be specific about it.

One of the political action committees or groups that supported me when I ran for an open seat for the Senate was very frank. They said, "If we had an incumbent that had a decent record, we would never have supported you, no matter how much we like you, no matter how you would vote, no matter what you would do. Our policy is to support incumbents."

Is it a good policy on their part? I do not think it is good for the country, but it is probably good for their narrow issues. I do not mean to give short-change to those issues. I agree with this particular group and many of the things they do, but not with their announced policy to only support incumbents. Is that unusual? Tragically, it is not. The reality is many of our political action committees support incumbents if they have a voting record that is close to what they want.

Instead of being viable competitive races, what we have seen is a system where the funding for campaigns has become huge and incumbents have had an enormous advantage. Let us not kid ourselves. Anyone who says, "Look, we don't need term limits because democracy will take care of the process," has not looked at the facts.

In 1 year in the House, we had more people indicted than we had incumbents defeated. Let me repeat that. One of the years in the House, we had more Members of Congress indicted than we had incumbents defeated. Does that mean some people who were indicted

got reelected? Yes, that is exactly what that means.

Mr. President, this is not a fair fight; this is not a fair process. Incumbents have an incredible advantage. Those who say, "We don't need term limits because the voters will take care of it," overlook the fact of what happens when one candidate is on the air and can outspend the other candidate 3 and 4 to 1. They are closing their eyes to the reality. The simple fact is, as long as you have long-term incumbency, you are going to have an enormous advantage for incumbents in this Congress. We have corrupted the process.

In the House of Representatives, even in years when you have huge turnovers, you have had more than 90 percent of incumbents reelected. The Senate incumbency is of little less value, I suspect, because there are slightly more competitive races. But make no mistake about it, incumbents in the Senate have a huge advantage in terms of fundraising.

If you believe in viable, competitive races, you are going to want term limits. The process has been corrupted and it is not going to change until we put a limit on the number of terms a Member of Congress may serve.

Third, Mr. President, I think there will be an advantage to this Nation with term limits with regard to the pork-barrel spending. Let me put it as succinctly as I can.

This Nation, in 1945, was the greatest creditor nation in the history of the world. More people owed us more money than any in the history of mankind. We produced 50 percent of the world's GNP. One nation, 6 percent of the world's population, produced half the world's products and services, and we were the greatest creditor nation on the face of the Earth.

Today, we are the biggest debtor nation on the face of the Earth. We owe more money than any nation in the history of mankind.

How does that happen? How could thoughtful, reasonable people spend themselves into potential insolvency? How could we set up trust funds that promise benefits, require people to pay in for their whole life on a chain-letter financing scheme? If private insurance companies did what the Federal Government does, we would put them in jail for fraud.

How could this happen? All of us know how it has happened. All of us know how this spending went wild. It happened because we set up a system where people would be in place for long periods of time, and the way to get along was to go along.

Members have heard this on the floor. This does not shock or surprise anyone. Perhaps someone will come down and say, Hank, that's not true, but, Mr. President, it is true.

I cannot mention how many times I have been in debate on farm bills and we will offer an amendment to eliminate the honey program. Some Members sincerely believe, if we did not have a subsidy program for honey, that bees would lose interest in flowers. Perhaps their parents did not give them a talk about the birds and the bees. But, they either believed that or they voted for the honey program for another reason, and that reason, if you review the debate, is pretty clear.

People said, "Look, this may not be the best program in the world, but if you do not vote for the honey program, I will not vote for your cotton program." And, "If you don't vote for the cotton program, I won't vote for the tobacco program." And "If you don't vote for the tobacco program, we won't vote for the peanut program."

Mr. President, how does this happen? Everybody here knows that is what happened. Everybody knows and understands how we got into these silly programs. We got into these silly programs because people said, "I can get what I want for my State if I will simply support these programs for other States."

Term limits make a big difference in that. Are you going to go against the chairman of the Appropriations Committee who you know is going to be there for another 20 years and you know that if you ever want anything out of that Appropriations Committee, that person, that man or woman, is going to remember you and is going to penalize you?

The simple fact is, the majority of Members of Congress over the last quarter century, and perhaps the last 50 years, have not done it. It is part of how we got into this circumstance. The pork-barrel spending, spending not on what each of us felt in our heart was a good program—we have passed programs that are nonsensical.

How do you defend a subsidy program for tobacco, for heaven's sake? I do not think anybody comes here thinking that makes sense—maybe there are some—but it gets passed and it stays in law. And it does, not because people think it is such a great idea, but because they know to get along you have to go along.

Mr. President, if you have term limits the world changes. Suddenly the person who could retaliate against you, if you did not support every one of his appropriations or her appropriations is not there permanently. Yes, you may not get what you want this year, but next year or the year after there will be a new chairman, there will be a rotation, there will be fresh ideas, there will be new people, there will be a turnover in thoughts and ideas and personnel and the ability to enforce the go-along, get-along rule will be dramatically reduced. Will it be ended? No. I wish there was a way to end it. But this will dramatically reduce the ability of people to enforce a go-along, get-along policy. It will dramatically cut back on pork barrel spending.

Mr. President, I am persuaded that all three of these things will happen if we have term limits. We will have much more knowledgeable people. We will eliminate some of the corruption in the process by having a turnover rather than having the built-in advantage for incumbents. We will strike a blow at pork barrel spending in a way that will be more effective than anything that is currently being done.

But, Mr. President, I am persuaded not just by these three things, but by something much more important. There are people who can come to this body and serve and keep their confidence and keep their independence and keep their integrity. I salute them. Many serve in this body right now, and America is a better place for it. But we must decide whether or not it is better to have a rotation of those who serve in public office. It is better to have a turnover. Will some great talent be lost? Of course there will. But, Mr. President, some great talent will be found. This is not a zero-sum game. For every person who retires we bring in someone new with fresh, new vibrant ideas and new experiences.

This Nation was founded on the precept that we will reflect the will of the people. Almost 80 percent of the American people in every survey that is found support this idea. Some surveys go as low as 75, others to 85 and 90. But the reality is the American people support term limits. They support that because they do not believe that anyone in American Government should be that powerful or that this should be a lifetime job.

I believe, Mr. President, we will find an enormous benefit to the American public with term limits. Is it going to pass this time? I do not know. The vote count seems to indicate that we are short. But, Mr. President, I do believe it will pass. I do believe Thomas Jefferson's third suggestion for the Republic will be enacted. I believe we will be a stronger, greater, more productive and creative people because of it. I yield back, Mr. President.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I associate myself with the remarks of Senator BROWN. He has outlined the issue very, very well, as has the Presiding Officer, and as others.

Mr. President, as Americans from across this great Nation demand true congressional reform and greater accountability from their elected officials, I rise today to strongly support this resolution which would impose term limits on Congress.

When I ran for the U.S. House of Representatives in 1992, I made a firm commitment to the voters of Minnesota's Sixth District that I would support

Federal term limits. When I ran for the Senate in 1994, I made that same commitment. And amidst a political climate of voter distrust and disgust with the system, I firmly believe that my strong support for term limits is one of the reasons I won both of those elections.

On January 5, 1993, after I was sworn into public office for the first time, the very first thing I did was cosponsor a bill to establish term limits for Members of Congress: two 6-year terms for Senators, and six 2-year terms for Members of the House.

After 2 years in the House, and now into my second year of serving in the Senate, my enthusiasm for term limits has not wavered. If anything, I am even more convinced that congressional term limits would be the single most important reform measure Congress could pass this session.

When we look at the problems facing our Nation today, and the inability of Congress to deal with our skyrocketing budget deficit and national debt, much of the responsibility rests upon career politicians, because studies have shown, the longer elected officials are in Washington, the more they come to believe that government has all the answers. More spending will solve the problems.

The longer they serve in Congress, the more likely they are to support even larger spending programs which means they believe—maybe they have been here too long—that Congress or Government has all the answers, not the individual.

Congress is no longer the body of the people that was envisioned by our Founding Fathers. Instead of citizen legislators, it has become a body of professional politicians whose ultimate goal, again, is to spend the entire balance of their careers in public office. Public service has become the basis of their way of life. Again, I would like to add, public service in itself is not bad. But, again, too much power or control in the hands of too few for too long is bad.

But when individuals have a vested interest in maintaining their elected positions, they are hardly the people you should entrust to reduce the size of Government and reform the institution that keeps them fed.

Career politicians too often put their own short-term personal interest in seeking reelection ahead of the long-term good of the country.

Too often, they are the first to cave in to special interests and too often, career politicians are the last people in Washington who really want to cut spending.

And again, statistics show, the longer a person serves in Congress, the more spending he or she supports, because they believe Washington has all the answers.

During the 1980's, it was easier to remove a member of the Soviet Politburo than it was to remove a Member of the U.S. Congress.

The arrogance of power exhibited by these career politicians has led many voters to become disenchanted, frustrated with Congress' inability or unwillingness to put aside personal motives of protecting political careers and honestly deal with the Federal Government's budget problems.

Fortunately, Mr. President, times have changed. Some of the most ardent opponents of term limits are no longer among us. I believe one of the reasons for this change is the commitment of so many of our new Senators and Representatives to the concept of term limits. And it is a message that resonates mightily across this country. National polls have shown time and time again that the American public overwhelmingly supports term limits.

Throughout my campaign in 1994, I spoke with voters across my great State—Minnesotans young and old, Republican and Democrat, from factory workers to corporate executives. And these individuals impressed upon me the importance of term limits.

Opponents of term limits claim that Congress will lose effective leaders, which it will. I will say there are many who have served many years and served well, but, at the same time, Congress will gain effective new Members, who will take up where others have left off. In the private sector, many corporations and factories replace their CEO's, every 5 to 10 years, mainly to get new life, new ideas, and new enthusiasm, new direction for their business, times change and needs change.

In the words of former Minnesota Congressman Bill Frenzel, "All the titans of Congress were pea-green freshmen once. They were good when they got there. Experience did not make them smarter. It just gave them more staff and made them harder to say no to." Like Congressman Frenzel, I, too, believe that "Congressional term limits would restore balance to our system by extending to the legislative branch the noble precedent of term limits applied by the 22d amendment to the executive branch only. Both branches need limits."

The 1994 elections were a mandate for change. Establishing term limits will deliver on a promise we made to the American people. It was a promise, I can assure you, from which this Minnesota Senator will not back down. Because service in this institution should be exactly what our forefathers intended it to be—that is, a temporary period of service to the Nation, followed by a return to our jobs, to the family business or to other careers, a return home, to live under the laws he or she helped to enact.

We talk about the lack of faith Americans have in Congress and those who serve here. We joke about those polls which show Members of Congress at the lowest levels when it comes to the public trust. But, Mr. President, it is not a joke. We have got to restore the public confidence which has been stripped away by years of abuse by powerful, lifelong politicians.

Mr. President, let me conclude by saying that term limits are a first step toward restoring that trust. I believe that is a vital step. I urge my colleagues to support the passage of this resolution which will go a long way toward restoring the faith of the American people in their elected representatives here in Washington.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SIMPSON. Mr. President, I want to thank our friend and colleague, Senator FRED THOMPSON of Tennessee, for what he is doing and the way he is doing it. He does it out of the utmost sincerity, the utmost authenticity. I have known him a long time, since back in the days when he worked with our leader, Howard Baker, in a different role. He ran on this issue. A lot of people did. This was just one of many issues that he laid himself out to the voters on. He said, "I believe in this." And they said, "We believe in you." So that is why he is here.

There are those in both parties who would hope to avoid this measure, obviously. I want to indicate my strongest support for this measure which is offered by our friend, to limit the terms of service in the U.S. Congress—contentious, a bitter pill for some, difficult to grasp for others, but seen pretty clearly by the people of the United States, especially in my own State, where 77 percent of the people voted for term limits. Of course, they did not do that when I was running for my third term. But I was always very, very much in favor of limitation of terms, as I say, until I got to my third one. Then I had a lapse, just a light lapse, and now I am restored. I am back. Of course, not running again, but I will get to that in proper context.

Let me tell you why I am here to support Senator THOMPSON. I did not come quickly or early to this position. I came painfully to this position about term limits. I really thought they were a mistake at first. I say facetiously—obviously, when I ran for my third term, but I cannot help but notice now there is a certain strain in some editorial commentary about this measure, implying that it is some kind of "feel-good", toothless symbolic action, a

way of diverting us from our real challenges. Saying if we would only do our work, "if you would just do your work, you would not need all these remarkable dodges and sophistries."

I cannot disagree with those charges any more strongly than I do right now. I will briefly describe for my colleagues the real-world road which I took to my current opinion—book, page, and hymn number, with no musical accompaniment. Here it is. My interest come only when I first served this party in this Senate as the Republican whip—I hope you hear this—when I became the whip, the second in my party serving under this remarkable man, Senator BOB DOLE, who I have the richest admiration and regard for, in every respect. I served him loyally and will continue to do that in any capacity that he would request of me—here or whatever the endeavors of his life take him. It was when I was the Republican whip that I began to appreciate the severe need for some kind of term limitation.

Let me tell you how that work went on, even though many of my colleagues know exactly what that work is, the work of the whip. We would have a very tough vote ready on this floor. The troops would be out, the deputy whips, and the leader would say, "This is a critical national issue," and I and my colleagues would go to each Senator and say, "This is a tough bill, but this is a critical national issue. This is bigger than you, bigger than me, bigger than any individual item. Are you with us?" About once every 2 months, sometimes even once a month, one of my colleagues would say, "You know, I would love to do that, but I can't, because if I do that, I'll be history. I'll be out of here. I've got a tough campaign and you are asking me to cast this vote—forget it. I'm gone if I vote that way. They will just use it against me, and I'm out of here. I'll be history."

So we would go down the list. Both parties do this—do not miss this. I hope the American people do not miss it. OK, you go down the list and say, "This Senator is up for reelection. So we cannot ask too much of him or her, that would be terrible. We cannot put the heat on them. But this other Senator was just reelected. We can get him or her to go with us," and so on, down the list. Everyone around here knows how very solicitous we become of our colleagues on our own side of the aisle when they have a tough reelection fight. That is the way this remarkable arena works. Help so-and-so, he is coming up, get the heat off of him, put it on this fellow who has 5 more years, and they will forget his vote by the time it is time for his reelection. On and on it goes. That is the way it is played.

On every even-numbered year, one-third of the Senate and the entirety of the House is quaking in its political skin, afraid to cast any of the really, really tough votes, because they dare not do anything but cast the really political vote, the one, if it is called political, for which there is only one reason, and that is to get reelected.

That is what I found. It was very clear to me what was happening. There is this large number, every even-numbered year, all of the House Members, a third of the Senate, a large number of legislators in Washington, thinking too much about politics and not sufficiently about principle and about the best interests of their Nation. It is no wonder that it is terribly hard around here to take action against the challenges that so vex this country.

That is what I observed. What I felt then and now, if we do term limits, then after it kicks in—I shall tell you what you have after it kicks in. You will have one-third of the U.S. Senate voting right. That is what you will have. Then you go find 18 other people, and that will give you 51. You can always find those other 18 people because they are in that pool of about 40 Democrats and Republicans in this body who are "always right there." They are always there. They are steady, thoughtful, they watch, they sometimes do their partisan strut—often, and we are all good at that—and they are always there. They are the ones from whom you would draw 18 and then with the 33 you have voting right with no pressure, you find the 18 out of the pool of 40 and move on with the Nation's business.

The astonishing and truly regrettable aspect about all of this is, even when there is a broad consensus about the nature of the problem, pure politics will keep us from addressing it.

If you want a few examples, well, I just happened to drag a few in. Case in point. This year, the Consumer Price Index—this is a pure "no-brainer," and there was not a shred of substantive controversy here until the senior citizens groups got worked up. Every economist who testified before the Finance Committee said that it is overstated. Every single one of them. Every budget analyst agrees that so long as the Government indexes inflation at too high a rate, we will overspend on COLA's—and in everything from Social Security to Federal retirement, to military retirement. And we will also collect too little in tax revenues as a consequence of improper indexing. That, my friends, results in larger and larger deficits. This is no secret. We all know this is the case.

There is not a thing that I will relate in these remaining minutes that is not consistent with the facts. We all know this is the case. The economists who have testified know it to be true. That CPI overstates inflation by 0.7 to 2.2 percent. CBO knows it is true. OMB knows it is true. And that is why neither of them is using CPI to index our discretionary appropriations caps. I hope you heard that. No, they both use a "chain-weighted GDP index." I am going to try that one on the floor. I know that is a mouthful. But if it is good enough for OMB and CBO, surely it should be good enough for us, as we wander through the wilderness here. So we will try that chain-weighted GDP index, which will knock off about 0.4, and that will be a lot better progress than what we are getting right now.

But the politics have been diagnosed as the problem. The President does not want to offend anyone who might be receiving a COLA. I understand that. Even if the COLA they are now getting is certifiably too large and even though it has nothing to do with your net worth or your income. Try that one. That is the way it works. It does not matter what your net worth or your income is. CPI, Consumer Price Index—oh, is that a COLA? They are not the same. Heed the words of our able friend from New York, Senator PAT MOYNIHAN, about how the distortion has come about with the cost-of-living allowance and CPI. They do not fit. But they have been fitted.

So even if the COLA is now certifiably too large, we do nothing. And so the President, being the very savvy political person he is, in a political year, intends to use this as a political weapon. A Republican-controlled Congress will refuse to jump off the cliff, then, because of that effect, not wanting to give him any political benefit. As a consequence—both parties playing what is called partisan politics—nothing gets done, even when we all agree that it is a must and could be done without really setting back this country in any sense. And a 1-percent reduction in the CPI—and nobody is suggesting that—in 10 years lops $680 billion off the pile. It is a lot smaller in 7 years, about $68 billion. So that shows you the exponential growth, if 1 percent of the CPI would save $68 or $70 billion in 7 years in 10 years it will save you $680 billion. You are saying that is impossible, but it is not. That is what is happening here, and that is what we should address—and we do nothing.

When we did this and discussed it in the Bipartisan Commission on Entitlement and Tax Reform, we actually, naively, thought that it would be like falling off a log, to simply do something with the CPI, which is so overstated at every turn. But, no, the AARP did not like that idea at all. No, indeed. And the Commission for the Preservation of Medicare and Medicaid thought that was an ugly trick. And so they will help us administer it on into bankruptcy.

I am grateful to my colleagues for hearing me out, because I deal with these issues regularly, and I have been talking about these things all of my political life. This is not something new or some swan song caper in the middle of the night. I am grateful for those who come up and say, "You are

right, AL, we need to do something about CPI." I wish I could count all of my colleagues who have said that; yet, nothing gets done. How can that be?

The answer lies wholly in the area of political fear. That is a word I want to use. The word is "fear." Forget all the rest of it. "Fear."

So there is an example just right off the bat—and that is the meat part of the bat, not the end—how term limits might immediately save future taxpayers untold billions in deficit spending. One percent in 10 years would be $680 billion. And we are not even asking that.

So, as I say, in 1994, I served on the President's Bipartisan Commission on Entitlement and Tax Reform. And like that movie, "The Man Who Knew Too Much," I almost wish I had not been appointed to do it. I have shown you a copy of our report. This is the interim report. This was approved by a vote of 30 to 1. Who was on this Commission? Who were these dastardly people that were pointing out these things with regard to Medicare, Medicaid, Social Security, bankruptcy in the system? I will tell you who they were. Let me read the names: Chairman BOB KERREY and Vice Chairman John Danforth, two very fine men that I have come to enjoy. Who was on the Commission? I am not going to read the titles because the names will be so familiar: BILL ARCHER; DALE BUMPERS; MIKE CASTLE; EVA CLAYTON; THAD COCHRAN; CHRIS COX; KIKA DE LA GARZA; Robert Denham; JOHN DINGELL; PETE DOMENICI; Tom Downey; Sandra Freedman; PORTER GOSS; William Gray, former Congressman; Robert Greenstein; JUDD GREGG; Karen Horn; Tom Kean; ALEX MCMILLAN; CAROL MOSELEY-BRAUN; DANIEL PATRICK MOYNIHAN; PETE PETERSON; HARRY REID; Roy Romer; Dan Rostenkowski; MARTIN SABO; Jim Sasser; Myself; Richard Trumka, and Malcolm Wallop of Wyoming. Those are the Members who served on the Commission. Some did not attend any meetings. I think you might be able to pick out one or two.

There we were. That is the work we did and we put out this statement. It was signed by all but one of these people. I have shown you the remarkable cross-pollinization of the issue with those people that I just described and some of them we enjoy and work with every day. Then why did we sign this—30 of 31 of us? It was because it is a report of a statement of fact. It is not about ideas, not about ideology, not about partisanship. These are facts.

One fact is very evident—and remember we were appointed by our President—and that one fact is that we are on an unsustainable course. We have locked into the law a huge promise of benefits that far exceed our country's ability ever to pay. The unfunded mandates for these programs will simply wipe us away. We all know this to be the case. Largely due to the growth of Social Security, Medicare, Medicaid, and Federal retirement, this country stands, by the year 2012—now here is what the report disclosed: That with no increase in revenues—that means no more taxes, no more, never, never, ever no taxes—and having done a perfect health care bill, which we know would—as we see in our votes with regard to the Kassebaum-Kennedy proposal—be tough to do, and ours is presently an incremental approach and has to be—but if we were to do a "perfect health care bill" and no further taxes now, and of course that would please all of our constituents. Then hear this scenario:

Were this the case then in the year 2012, there will then be only sufficient revenue—that is, money—to pay for Medicare, Medicaid, Social Security, Federal retirement, and interest on the national debt. There will be not one penny for transportation, education, defense, WIC, WIN, Head Start, NEA, NIH, the National Institutes of Health, or anything else in this Government. Remember too—I do so hope the people of America can remember that those of us in this body do not even vote on 67 percent of the national budget. Those of us in the Congress of the United States do not cast a single vote on 67 percent of the national budget. It goes right on out the window, period Automatic pilot. In 7 years we will not be even casting a vote on 73 percent of the national budget. It will just be going out, being paid out and it goes out regardless. It goes out without regard to means testing or "affluence testing." It just gets paid out. It goes to people regardless of their net worth or their income. Every year that we are here—you have seen it, and I have seen it—we spend our time hacking around on the Appropriations Committee on the only things we can find that we can cut, which is defense, education, transportation, WIC, WIN, Head Start, and we don't lay a hand on all the things we call "mandatory spending."

So we are trapped. We are trapping ourselves daily ever more deeply. These things cannot be sustained. That is the situation which is impervious to ideology, or philosophy. It really does not matter whether your highest priority as an elected Senator is placed on a strong national defense, or on the children, or on vaccinating our kids, or the NIH, or the NEA, or roads, or whatever, or veterans, or seniors, or whatever it is we most want to do ourselves—or on keeping the size of the Federal Government within reasonable bounds.

It is a reality that we cannot escape unless we radically reduce the growth of the largest entitlement programs.

What has been our response? The first response was to leave Social Security "off the table". That is a remarkable thing to do—to leave off the table an item that is $360 billion a year, and it is now "off the table." Both Republicans and Democrats did that. If one single Senator can demonstrate to me that this was the result of substantive critical analysis rather than political positioning, I would be most intrigued to hear the rationale. The truth is we all know better—as we admit in a jocular way to each other when the cameras are not rolling.

Let me show you Social Security, the one we left off the table, which we are never supposed to talk about. I do like to talk about it. I take these charts to my town meetings to ward off the gray-haired cat in the back of the room. When I ask for a final question, I will often say, "I will take a final question from the gray-haired gentleman in the back." Then the fellow will respond, "I'd rather have my hair turn gray than turn loose," which is disturbing, when you look at my hairline, that I have to take that kind of terrible abuse.

So then he will say, "I put in it from the beginning. SIMPSON, I want it all out, every bit of it. That is the contract." I say, "By George, you are right. I agree with you. You put in from the beginning, did you?" "Yes, I did." "Great. Let us then review for everybody here in the town meeting how much you put in because, if you put it in it from the beginning"—and any 64-year-old, gray-haired cat like me cannot escape this because we all put in the same. "So, if you put it in from the beginning, you never put in over 30 bucks a year for the first 8 years. And then you never put in over 174 bucks a year for the next 18 years, ladies and gentleman." Not one of them did.

Then, finally you got stuck 300 bucks a year, 800 bucks a year, $1,000 a year, $1,500 a year, $2,000 a year, $3,000 a year, and in the 1980's, $4,000. Now I think I am putting in $5,000 a year, which is my Medicare and Social Security.

So when I am all finished up with contributions of payroll tax" if I retire next year at 65, I will have put into the Social Security system about $55,000 in an entire lifetime. I will get it all back in 6½ years. Everybody knows that. Everybody knows that. And if you retired in the 1980's, the early 1980's, you got everything back you put in, plus interest, in only 2½ years. And those are people who still show up at your town meeting.

There is no means test of benefits, no affluence test of their COLA, and that is the way that is. But take a look at this.

This is a chart about me, ALAN K. SIMPSON. This is a blow-up of my Social Security earnings record for a lifetime. It started between 1937 and 1950. I went to work at the Cody Bakery at the age of 14; got the Social Security card that year. My particular role in that particular confectionery was to place the pink glob in the midst of that

white, crusty sugary business on top of the mushy sweet roll. I have never touched one of those since; never will eat another one of those because that was my job—plop, plop, plop. I was paid $583, to which I coughed up a real chunk into Social Security—5 bucks that year. The next year he paid me less—for they found what I had been doing with the confectioneries.

Then I went off to the University of Wyoming and paid nothing because I never earned over $3,600 in a summer. I worked every summer, but I never earned $3,600. Remember, ladies and gentleman, you could make a million bucks, but you never paid anything over this lid here. So, if you made 40,000 bucks this year, you never paid any Social Security over $4,800 in this year. Then they slowly raised that through the years.

So, anyway, I finished the Army, finished college, went on to practice law, and in the first year of practice when my father took all the money and I did all the work, I put in 42 bucks—42 bucks. I made a little over $1,600.

Then, in the most productive years of my life to that point, for 18 years of practicing law, I never put in over 816 bucks a year. Nobody else did either. Not one person in this country put in any more in those years as a self-employed person than 816 bucks a year.

That is where we are. And you are telling us that this is sustainable? How absurd. But it is "off the table." The biggest gorilla in the jungle is now off the table.

So, then, finally I came here in 1979, and put 615 bucks into Social Security that first year. Then the next year, 951. Then, you know. There it is—in 1989. My total contribution was $2,980. So was it for everybody else in America; period. So, if you total it all up, over a lifetime it is about $55,000.

Now here is the slot machine handle. Here is what I will get, and so will anybody else my age. This is my estimate of benefits. This is a photocopy of the document directly from the Social Security Administration. Thank Heaven they are sending this to people now. It is going out automatically to people. Millions of copies are going out thanks again to Senator MOYNIHAN. We owe him a great deal.

We owe him a great deal because, do not forget, he was very involved in the blue ribbon commission that met in the early 1980's and said to us all: We can save Social Security with a deft blend of payroll taxes and some other changes, and if we do—and we all voted on it—if we do, it will save the Social Security System until the year 2063.

Do you remember that? I hope you all do. Because now we are told by the trustees of the system that Social Security can only now be saved until the year 2029. So from 1983 to 1996, we have compressed the drop dead date from 2063 to 2029, and everybody knows it. Everybody knows it.

So if I were to retire at age 65, I will receive $1,170 a month. But if I wait until age 70, I will get $1,555 per month, with a life expectancy of—well, it is cheerful news. My father lived to be 95, my mother 94, my grandmother 100. I will be rolling and rolling over in it, and it will not matter what my net worth or income is. Then also add to it a COLA every year.

Does anybody within the range of my voice believe this is a sustainable system? It is not. Senator KERREY and I are trying to restore long-term solvency to this system, because it will be broke in the year 2029, and will begin to go broke in the year 2012 when we start cashing in the bonds and Treasury securities.

Remember, ladies and gentlemen—and please do not lob anything—there is no Social Security trust fund. There is no such fund. You know it. I know it. All we have is what Franklin Delano Roosevelt as President and the Congress set for us, which is this: That if there is any surplus, any surplus at all in the Social Security funds, it must be invested in securities of the United States, backed by the full faith and credit of the U.S. Treasury. So when there are reserves, the Treasury purchases T bills, savings bonds, whatever. Some of those are purchased by those of us in this body. They are purchased by banks. By other Americans. The interest on those securities is not paid out of some kitty called the Social Security trust fund. It is paid out by the General Treasury, ladies and gentlemen. We all know that. Everybody knows that. We do not "steal" from the Social Security trust fund and in profligate ways just poof it on down the street. We do not do that. But we go back to the town meeting and they will say, "Now, that's what you did. You stole from the Social Security trust fund and blew it. You never put it back." I said, "My friend, there was nothing there to blow." It is a series of IOU's that would stack to the top of this Chamber.

It is all good stuff. It is good financial paper, but it is not—it is not—some kind of separate fund. If it was a separate fund, it would be, right now, over $220 billion. Do you think we would leave that untouched if we could find our way into it? Of course not.

The thing about it is that those reserves could reach $2 trillion before the year 2012, but then when we get to the year 2012, that is it. That is it, because there will not be enough revenue coming in to take care of the monthly payments going out—period, nothing.

This is a pay-as-you-go system. It has nothing to do with a rolling trust fund or anything else. The people who are paying their Social Security payroll tax in today, that tax is going right out this month to senior citizens regardless of their net worth or their income.

Now, that is the way it is, and the sooner we get to dealing quite honestly with what this system is, I think we might have some semblance of ability to get out of it.

Then came the proposal to reduce the growth in Medicare below catastrophic rates—not "cut" it, but to slow the growth in the way that every objective analysis has shown that we must. The President was suggesting slowing the rate of growth when he dealt with his very controversial health care plan which was defeated. The President then later talked about letting Medicare go up 7.6 percent or 7.8.

I admired that. I said that at the time. Republicans are trying to let it to go up 6.4. The President might be at 7 now. We are not that far apart. That gap could be closed very well. We could close that gap because both the President and the Congress know that we must slow the growth in Medicare. Because why? Who is telling us all this bizarre business? The people telling us this bizarre business are the trustees of the Social Security and Medicare Programs. Slowing the growth in the way that every objective analysis has shown us that we must.

Are we going to get a severe political lesson from that one, an example of what the Washington Post had called "Medagoguing?" President Clinton and too many others of us, Republicans and Democrats, have decided to run for office this November on the assertion that we are saving America from "cuts" in Medicare while at the same time "behind the scenes" every single one of us agrees somewhat on what kind of target needs to be hit to bring Medicare within reasonable bounds. We all know that. As a consequence, what have we accomplished? Not much on the Medicare front. That spending continues to spiral upwards unabated.

Get this one. A few weeks ago what were we told? A little miscalculation there. Instead of a surplus of $4.2 billion that month in Medicare, we found a $37 million deficit. That is the trustees telling us this too. It was startling to them. So maybe Medicare will not go broke in 2002; it will only go broke in 2001.

But do not forget this. If the Republicans get away with all these terrible tricks and do everything that we have proposed to do to balance the budget in 7 years, and do it, Medicare will not go broke in 2002; it will go broke in 2010. What a deal. What a deal that we have "balanced the budget" and Medicare will not go broke in 2002; it will go broke in 2010. Everybody knows that. Everybody.

So as the spending continues to spiral upwards unabated, the only real accomplishment of the exercise possibly will be to elect some new legislators who have pledged on their highest honor to stop any cruel efforts to ever deal with that silly problem again. Oh

no, we will not do that one again, because obviously too many people got beat when they tried to do that.

Then I do have this other document here which is worth everyone's attention. It is a little yellow booklet entitled, "Status of the Social Security and Medicare Programs." It comes to us from the Board of Trustees of Social Security, and those persons are three of the President's Cabinet, Robert Rubin, Robert Reich, Donna Shalala; and Shirley Chater, Stanford Ross, and David Walker.

Then let me read this from page 11 in the section entitled "Need For Action." Remember, these are the trustees of the system, the stewards of the system telling us this:

During the past 5 years, there has been a trend of deterioration in the long-range conditions of the Social Security and Medicare Programs and an acceleration in the projected dates of exhaustion in the related trust funds.

I paraphrase what the words "projected dates of exhaustion" mean—that is, going flat broke is what that means.

And further then:

To some extent, the increasingly adverse projections have come from unforeseen events and from the absence of prompt action in response to clear warnings that changes are necessary. These adverse trends can be expected to continue and indicate the possibility of a future retirement crisis. We urge that concerted action be taken promptly to address the critical public policy issues raised by the financing projection for these programs.

To repeat the line I found most interesting: This situation arises "from the absence of prompt action in response to clear warnings that changes are necessary."

In other words, we know fully that we must act, and yet we refuse, out of political fear, to do so. That, to my mind, is well defined as irresponsibility, or as akin to chickens, as I have patterned upon my tie here. I wore this appropriately today. These are chickens that I try to show to people between 18 and 40, so that they know that they will be picking grit with the chickens when they are 65 and that they must get in this game and figure out what is going to happen to them. That is why I wear this beautifully patterned haberdashery.

I could go on, but I can see my colleagues rising and heaving at their desks. My colleagues have heard me speak on this issue before. Perhaps somewhat tiring is the message. But remember this. It will not work to say SIMPSON is off the rail, or easy for him to say, he is not running, because I have said these things back in time immemorial, every time I ran. But I assure you I, too, am tiring of the inaction. If we want to be spared the alarm bells that will be coming in this area, all we need do is meet our responsibility to our citizenry and cast the tough votes to correct these problems. I have heard that one, too. Do not think I have not cast these politically correct votes, too, as a chicken. I have done that. But we will not get there by enacting tax cuts. That was something the President wanted, something we wanted. I was ready to go for capital gains. I will still go over the cliff, but we will not get there by doing that.

We will not get there by increasing the minimum wage. We will not get there with line-item veto. We will not get there by getting rid of fraud and abuse. That will not get you there. More of it. The only way you get there is to deal with Medicare, Medicaid, Social Security, Federal retirement—period. All other is true fiction.

And we will not get there by saying we are going to slavishly posture to protect Social Security from the balanced budget amendment and thus let it go bankrupt on its own. We will not get there by giving out more money to employed seniors with no affluence test, and I voted for that one, too. We will get there only by slowing the growth of spending to the point where revenues can keep the pace, and that is it, substantively. That is very difficult politically. That is, alone, why it does not happen.

Finally, I just could not let this go by. I have a new missive from the remarkable group, the National Committee to Preserve Social Security and Medicare. These people are something, they really are, not quite as slick as the AARP, but nearly. Do not forget the AARP is simply a group of 33 million Americans bound tightly together by a common love of airline discounts and automobile discounts and pharmacy discounts, and they are really a rugged and remarkable group. They are. They live in poverty downtown here in a building they lease for $17 million a year—$17 million a year. They have about $345 million in T-bills in the bank and rake in about $106 million a year from Prudential Insurance Co., getting 3 percent of the premiums on the MediGap policies.

And guess who helped kill off any reform and helped stall the Government? Do not miss this one. You remember why we shut down the Government? One of the reasons is because part B—a totally voluntary program—premiums in Medicare were going to go up $7 a month. Some said, "We cannot have that." So the AARP rose in high indignation, then helped kill that off, and, at the same time, they watched the increase in the MediGap monthly insurance policies they placed with Prudential go up 31 bucks a month—all while they killed off the ability for us to say that those who have more should pay more for part B premiums—like $7 a month.

You have a current situation in America about which every thoughtful American must scratch his or her head. Part B premiums are paid, 25 percent by the beneficiary and 75 percent by the people working here in the Senate kitchen. Those folks pay 75 percent of the premium for us, or for anyone else, regardless of their net worth or their income. And we cannot even change that.

So here is AARP, through Prudential raising their own premiums $31 a month while they are killing off a program in America to raise it $7 a month on something which is totally voluntary. You do not want anything to do with a group like that. Yes, I know people stay in AARP because you can get a room at Westin Hotel for $80 instead of $140—I know those things—and the senior discounts here and there and at the movies. I know those things. I do not want to detract. I am a member. I am using some of those.

But here is this new one, just this little one from this remarkable group, regarding the type of political pressure I am talking about. This is the most recent mailing from one of our most intriguing senior citizen organizations, the National Committee to Preserve Social Security and Medicare. It is labeled as "The 1996 Benefit Cut Impact Survey." Very interesting stuff.

Question 1: "After promising never to touch Social Security, many political leaders in Washington are discussing proposals that will result in smaller Social Security COLA's, making it impossible for your benefits to keep pace with the real inflation you experience." This is best described—in the West, we would have a different term, a different, perhaps, appellation for it—it is a lie right off the bat. Because no one is talking about taking COLA's below the true size of inflation—nobody, not a soul.

Next question, "Should your congressional representatives pose any measure that would result in lower Social Security COLA's?"

Oh, that one should not be too difficult to answer for the citizen that receives it. It is a rather brazen appeal to the recipient's financial self-interest without any accompanying discussion about the country as a whole and it skillfully say the seeds for wrath to be expressed subsequently at the ballot box. That is very important, that you do that when these mailings go out.

Question 2: "If such COLA legislation goes through, would you support your national committee in an all-out campaign to repeal it?"

That is pretty easy to understand, I think, pretty easy. Another way of saying it is: "Will this committee be able to bilk you out of more contributed bucks to our organization as compensation for raining political threats down upon the bald or hirsute domes of those in Washington and environs?"

Question 4: "If a balanced budget amendment, one that did not protect the Social Security trust funds, came to a vote in Congress this session,

would you urge your elected representatives in Congress to oppose it?" How nice. We have seen that campaign brought to the floor of the Senate several times, the use of the Social Security "hot button" as a means of derailing the balanced budget amendment. And it worked. It was also marvelously done when we repealed catastrophic health care. If we had done that 1 year ago, we would not be in this box today. And the AARP, although they say they never did have any official fingerprints on that, I mean, it looked like the Abominable Snowman footprint when you got right down underneath it all—much more than a fingerprint, a giant track, a gaping hole, a crevasse in the ice. And there they were, then, and it worked, and it continues to be a source of political agitation to this day and on into the future.

So this—and I conclude my remarks—this mailing is but one example of the cottage industries which have sprung up all over this country which aim to drain the Treasury of everything they can get by whipping credulous Americans and senior citizen into a frenzy and scaring elected representatives half to death. It matters not that these mailings are filled with sophistry and distortion and emotion and obfuscation. What matters is that they have a political impact and raise big bucks, and too many here are afraid to buck the tide which they produce.

By the way, I should note that the final request on page 6 of this missive is for additional bucks, for the poor, ragged committee, a curious way to protect the meager finances of the poor senior citizens, is it not? Asking them to give up $10 of their hard-earned Social Security money for this committee's sake? And one effect of term limits, in its most succinct form, is the one effect it would hopefully have on organizations like this, who are dedicated, apparently, to the bankruptcy of our country, is that it is very likely such groups would vanish without a trace. And no one would miss them.

Then lacking any substantive basis for their position and lacking any further clout stemming from political fear, what reason would still persist for their existence? I can bet you that the national committee here is not too excited about term limits legislation. They would find it far more effective to frighten legislators, simply continue to do it, to do their bidding. What a bunch. Martha and Max should be ashamed, but I can tell you they are not.

So, I am very pleased to support my colleague, Senator THOMPSON, with his initiative.

I, of course, have been forcing my own brand of term limitations this year by retiring from Washington and going on to other work. But it is extremely refreshing and like a splash of mountain spring water not to have concerns about November mixed in with one's vote recommendations. I can say to you, it is a rare tonic which I recommend in large doses to the entirety of the House and the Senate, and I believe if we enact this measure, we will have taken one significant step toward resolving some of the largest, greatest and most serious challenges facing this country.

We all know it, we like these jobs; we want to continue. None of these critical things I describe will be done without a term limit. None. After it kicks in, I can only say one-third of the U.S. Senate will be voting right every time, and the Democrats or Republicans who are leading this body at that time will be able to find those other 18 to get the 51 votes to do the Nation's business. I think that is a very important thing to do, is to be about the Nation's business and not just continue to be assailed and hammered flat by the groups who are so skilled at peddling fear, but ever more skilled at raising bucks, as they terrify the American senior citizens.

I thank the Chair.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I think that I may be the first person today to speak against this resolution, but let me say, first of all, I am delighted to do so. It is, admittedly, a freebie. You can vote for it in the absolute certainty that it is going nowhere, and you can send out your newsletters and press releases and tell your constituents that you did your best.

I have heard a lot of speakers this afternoon say, "Well, this is popular with the American people." Slavery was once popular also, but I don't hear any of my colleagues arguing that slavery was a good idea.

Prohibition was also once popular. Do you know what we got out of prohibition because it was popular? Organized crime, and that is all we got out of prohibition. Organized crime is still ensconced as part of our society because we voted for a constitutional amendment because it was popular.

In my State of Arkansas in 1992 the voters approved term limits, by a 60–40 margin, for both State and Federal officers. As you know, the Supreme Court, by a very narrow vote of 5 to 4, ruled that the people of Arkansas did not have the right to limit the terms of Federal officials which had been set by the Constitution. It is still in effect.

Interestingly, while 60 percent of the voters of Arkansas were voting by a 60-percent margin for term limits, they reelected me to a fourth term by a margin of 60 percent. You can only conclude that it is all those other guys who they are wanting to get rid of. I do not quarrel with the popularity of this proposition with the American people. They have a right to favor it. But I also want to say that one of the biggest responsibilities Members of Congress have is to be an educator as well as a legislator, and I have never passed up the opportunity at a Rotary Club or a chamber of commerce banquet to express my unalterable opposition to term limits. It is not meant to demean, it is meant to give people a side that they never hear at the coffee shop and why I think it is a bad idea, why Alexander Hamilton thought it was a bad idea, and why the Founding Fathers dismissed it almost summarily.

People have a right to believe something is a good idea, but I have an obligation, if I happen to disagree with that, to try my very best to educate them, at least to an alternative view.

This whole idea is based on the assumption that every man and woman who seeks public office does so, not to serve the public good, not to promote a national agenda, which is good for our people, but to feather his own nest, to pursue a personal agenda. "You just cannot trust those people in the U.S. Senate for more than 12 years, because you give them 13 years and they lose all of their integrity, all of their interest in the national good."

Unhappily, occasionally somebody around here proves that to be true. Somebody proves himself to be dishonest or unethical or just a lousy Member of Congress. But I tell you, Mr. President, the vast majority of the 535 Members of Congress are honest, they are ethical, they are hard working and they are fighting for what they believe is in our national interest.

Ethics has become a very big issue around here. Most secretaries and office managers keep the Ethics Committee on autodial. So intent are they in complying with arcane rules that a lot of people around here do not understand, and the ethics manual gets thicker and thicker each year.

In 1960, 70 percent of the people in this country said they had quite a bit of confidence in Congress. In 1960, while 70 percent of the people were saying they had quite a bit of confidence in Congress, Members of Congress could take a $100,000 contribution in $100 bills and did not have to report it to anybody.

Members of Congress could make a speech and take $5,000 in honoraria and did not have to report it to anybody. They could practice law. They could take the people who came into their offices soliciting their favors, lobbyists and could refer them to their law firms back home and then share in the profits of that law firm that fall. And 70 percent of the people in this country thought things in Washington were just hunky-dory, because they did not know it.

Today, the ethics manual grows thicker and thicker, to the point that people are afraid to take an insulated coffee mug from the Rotary Club, and

you dare not risk allowing anybody to buy you a dinner for fear that it might exceed $50, if you are a Senator, or any amount if you are a House Member.

Every Member must file an ethics report of what stock he owns, the value of it, where his income came from last year. It is all there, and the press microscopically examines it every year, and it is appropriate. That is the way it ought to be.

So today, you have to report every significant contribution made to your campaign and lay bare your own personal net worth. And you cannot receive honoraria for any speeches that you give. And today, 1996, 23 percent of the people of this country have quite a bit of confidence in Congress.

Can you imagine the people in this Chamber voting aye on this resolution, and essentially saying, "You're right." I will be a good, decent, ethical, honest Senator for 12 years. But if you elect me to a third term, look out, I'm going to be uncontrollable. If you allow me 6 more years, don't count on anything."

That is what we are saying here. I cannot be trusted with more than 12 years in this body. What we are engaged in here is the height of pandering. This is not a serious debate. If it were, why would the manager of the resolution offer immediately seven amendments which are identical to the resolution to make sure that no Senator can offer an amendment to improve the resolution?

That is right. We are going to talk about this resolution until 2:15 tomorrow afternoon. We are going to have a cloture vote, and cloture is going to fail miserably. Everybody here knows it is going to fail miserably. Everybody knows this is a freebie.

Do you know something else? Of the 45 Senators that voted for Senator ASHCROFT's resolution in support of term limits last year, 25 of them have been here longer than two terms, which is what this resolution would deal with. Do you know why else they filled the tree? To keep anybody from offering an amendment to it, because they knew that Senator LEAHY or I would offer an amendment to make the term-limits resolution apply to terms already served.

They did not want any of that retroactive stuff. You have been here five terms, and you are hot for term limits? Of course you do not want it to be retroactive so you cannot even run again.

I do not mean this personally because I admire him and I like him and I consider him my friend. The senior Senator from South Carolina will be eligible for four more terms if this resolution were to pass and it took 7 years for the people of this country to adopt it—four more. He would be 117. I would be eligible for three more terms.

Oh, it has all been carefully crafted to take care of those who have. We have a saying in Arkansas "them what has, gets." Oh, it is very popular. You know, when you are standing before an audience and there is a question: "Senator, how do you feel about an amendment to the Constitution to balance the budget?"

"I'm for that."

"How do you feel about flag burning?"

"You bet. Count me in."

"Well, how about term limits?"

"You bet. I'm for term limits."

It is so easy to agree with what you know is popular among the group you happen to be speaking to.

I saw a story the other day in the Hill newspaper discussing how the Republicans requested that term limit supporters not punish the junior Senator from Kentucky because he is adamantly opposed to this resolution. I guess only the Democrat opponents of term limits are worthy of criticism.

You think about even considering punishing somebody for the courage of their convictions. The proponents of term limits say that is the reason they want it, so people will be courageous and stand up for what they believe.

Mr. President, do you know what a courageous vote is? It is an unpopular vote. If it were not unpopular, it would not be courageous. So the people say, "If we limit them to 12 years, they will be courageous knowing they cannot run again. If we won't let them run again after 12 years, they are going to be statesmen. They will say what they really believe. And they are going to say courageous things. They are going to be men of principle."

Here is what Alexander Hamilton said about that in Federalist paper No. 72:

> There are few men who would not feel much less zeal in the discharge of a duty when they were conscious that the advantage of the station with which it was connected must be relinquished at a determinant period, than when they were permitted to entertain a hope of obtaining, by meriting, a continuation of them.

That is right. Let them stand for reelection on the merits of their past 6 years' performance. Do not pass some kind of undemocratic nonsense saying the people do not have enough sense to know who they want to vote for.

I daresay, my colleague, Senator PRYOR, would probably have run without opposition this time if he chose to run again. But if he had an opponent, I can tell you he would have won overwhelmingly. Do you know why? Because he has been a man of conviction, he has been a man of courage, he has not jumped under his desk every time the National Rifle Association issued a press release. He has talked sense to his people. And they love him for it. And Alexander Hamilton says that is what Members of Congress are supposed to do. Why take away that right of the people to elect whomever they choose?

What was the origin of term limits? Let me tell you, I have so many friends on the other side, I do not like to describe them in terms of partisanship a lot of times—but I think organizations, many times ultraconservative organizations, have made up their minds that the Democrats were never, never going to lose control of Congress if we did not have term limits. So it became fashionable.

Congress was losing credibility and respect and prestige with the people all along. As I said, down to 23 percent. So they said, "We believe we can sell this constitutional amendment to limit people to 12 years in the Senate and 6 or 12 years in the House." So what happened? The American people said, we will decide for ourselves. The two Senators—one from Tennessee and one from Arizona—are sitting here and are the beneficiaries of the American people saying, "We're tired of the Democrats. We're going to give the Republicans a chance." That is the reason those Senators were elected in 1994. That is what is called term limits, allowing the people to vote. They just did it. I personally hope the American people are not happy with their decision, but in any event that is their call, not mine.

Mr. President, I think about some of the greatest Senators this body has ever had, who would not even be an asterisk in the history books if they had been limited to 12 years. When I came to the U.S. Senate, Abe Ribicoff, Jack Javits, Cliff Case, Jim Pearson, Scoop Jackson, Ed Muskie, Hubert Humphrey, on and on the list goes of truly great Senators, Republican and Democrat, that would be a footnote in the history books if this thing had been on the books.

Finally, let me just close by expressing my utter contempt for trying to solve every single problem from whether drinking water ought to be on the Senator's desk, to term limits, by an amendment to the Constitution. There are a few people in this body who apparently feel the Constitution is just a rough draft for them to finish up. I am one of those people who believe that Hamilton, Adams, Ben Franklin, James Madison, and the other Framers was the greatest assemblage of minds ever under one roof in the history of the world, who produced the document second only in its powerfulness to the Holy Bible.

I do not vote often for constitutional amendments. I am not saying I never would. All this nonsense that comes through this place—"Let's amend the Constitution," think about it. Over 17,000 efforts to amend the Constitution since 1789—17,000, count them. Taking the Bill of Rights out, the first 10 amendments which were adopted almost as part of the Constitution, and the American people, out of those 17,000 efforts, have chosen to amend the Constitution 18 times. You take prohibition which was ratified in the late

1920's, and the repeal of prohibition, take those two out, and the people of this country have tinkered with the Constitution 16 times out of 17,000 to 18,000 resolutions offered since 1789. There have been 83 amendments introduced in this Congress, and 2,000 since I came to the Senate. How can we conclude that Members of the Congress do not think the Constitution is just a rough draft, when they treat it with such contempt?

As I said a moment ago, who likes flag burning? I do not. But it is presented in political terms. It is not presented the way things were presented in Philadelphia 206 years ago. It is always politics.

Let me digress just a moment to say I have been reading a book by James Fallows called "Breaking the News: How the Media is Undermining American Democracy," and he makes this point, that if you watch "Face the Nation," "Meet the Press," and David Brinkley on Sunday morning, you hear how well Medicare or Medicaid is working. Do you hear anything about the environment and how it is working and the new regulations coming out of EPA? No, those are policy decisions. For a writer to write about a policy, that writer has to go to the stacks and do some work, find out the history of them. Why do we have Medicaid? Because we do not want elderly people laying in the streets, we do not want children without health care—a policy decision that was debated a very long time here before we adopted Medicaid policy. Why do we have school lunches? So children are not hungry. Why do we have food stamps? So nobody is hungry. We did not do that willy-nilly. That was debated in the Senate. We adopted it as a policy, as a great nation who believes in trying to help people.

So when you hear all the gurus on the Sunday morning talk shows: "What do you think about block grants? Do you think that will help Bill Clinton or hurt him? Do you think that will help BOB DOLE or hurt him?" Not a question of whether the States can do a better job administering it. Will they comply with the policy we made that we do not want children to go without health care, we do not want the elderly to be lying on the streets, we want them taken care of in nursing homes? No, you do not hear that. It is the politics of this issue. So it is with this.

What is the politics of it? Well, you do not have to be brilliant to know what the politics of this is. If you want to go home and tell the townhall meeting and the chamber of commerce and Rotary Club, if you want them to stand up and clap, you vote "aye." If you took your oath when you came here to perfect and defend the Constitution of the United States against all kinds of assaults on it, vote "no."

I promise you, when the people of this country voted the way they did in 1994, they were not saying they wanted to turn their back on the environment. They were saying they did want the budget balanced, but they did not say they wanted to cut educational funds, because the one thing people in this country would still vote taxes for is for the education of their children. They did not say they wanted Medicare whacked, though everybody knows Medicare is going to have to be reformed. Be honest about it and talk sense about it.

Mr. President, this will be the last time we will address term limits for some time to come and get it off the agenda. Everybody knows it is going nowhere, but everybody can go home and say they did their best. But they did not. They did their worst. I yield the floor.

Mr. THOMPSON. Mr. President, I am sorry that my friend from Arkansas thinks that this is such a partisan debate. This is my second day in the midst of this debate, and until a few minutes ago I had not known it was.

If my colleague had been following closely, he would have heard a discussion by several Members of this body, some of whom are new to the body, some of whom have been here for a while, who are greatly concerned about the future of their country and are struggling for means and methods to do something about it. He would have heard that the bipartisan commission, which my friend from Arkansas is a member of, reported that in 2030 to bring the deficit down to its currents level, either all Federal taxes would have to be increased by 85 percent or all Federal spending programs would have to be cut in half. That by 2012, mandatory spending and interest and entitlements will exceed all Federal revenues, leaving no money for the Federal Government to spend on programs like education, law enforcement, research and development, national defense, health research and all the other programs he mentioned. By 2030, entitlement spending alone is expected to exceed all Federal revenue.

That is what this debate is about. I find it unfortunate that certain Members who choose this particular occasion to exhibit courage to stand against the overwhelming will of the people will not address the true nature of this debate and what is happening to this country. It is equated with slavery. Term limits, I heard just a few minutes ago on this floor, being equated with slavery. That is how much some Members want to cling to their profession, as professional politicians.

I heard that no amendment, no amendment ever is a good idea. I assume that would include the 13th amendment which abolished slavery. I hope we would have all been for that. I wish the strong stands on principle had resulted over the past few decades and some hope for the next generation, instead of bankruptcy and total loss by the American people in the confidence of the legislative branch of Government, which is exactly what we have today. It may not go anywhere because everybody is hunkered down in their offices, feeling confident that their colleagues, when it comes right down to it, will not vote for term limits.

Yes, they can stand in the face of the will of 75 percent of the American people, because at a time when we rush to get the American people's opinion on everything and anything that comes across the horizon, in this particular case, we will stand firm against it as a matter of principle. Yes, we can be confident when it comes right down to it. We may not have the votes, because there is only one thing worse than risking the wrath of the American people on term limits. It is just one issue. That thing is actually putting your career in jeopardy. That is what it is. That is not what our Founding Fathers envisioned. We can quote Alexander Hamilton, but Alexander Hamilton, that aristocrat, that Federalist, wanted lifetime tenure for Senators. So I can see why some of my colleagues might want to line up with him.

This is not based on the assumption that Members of Congress and Members of the Senate are only interested in feathering their own nests. This is not a get-even strategy, and not something that is mean spirited to get at people. We all have Members whom we admire. As I said earlier, I sat in the lobby and watched, as a boy, what went on in this body. I had the opportunity to serve with Senator Sam Ervin of North Carolina and Senator Howard Baker of Tennessee as I was counsel on the Watergate committee many years ago. I did not go through what it took to get here to become a member of a body that I had no respect for. What I am trying to do is to try to help get that body back to the level of esteem with the American people that the American people once had for that body.

When my colleague points out that, once upon a time, we had no ethics rules, we could take money and do lectures and all these things; yet, 70 percent of the people approved of Congress. Now we have all these ethics rules and nobody approves of Congress. To me, that demonstrates that it is not matters of ethics rules that are concerning the American people. The low esteem they have for us has to do with other things. Those other things have to do with the fact that just like Senator SIMPSON said, we are bankrupting the Nation, Mr. President. We are bankrupting the Nation, and just because we get used to hearing it makes it no less true.

Yet, we hear on and on and on again about these favorite programs that we cannot touch. No, I agree; this is the reason for the abysmal decline of confidence of the American people, barely

above, according to some surveys, 12 percent approval—only law firms had lower at 11 percent approval—by the American people. We want to stand up and be proud of these last few decades and all the people who have served, proud of what we have done as an institution, and all the people who would not have been able to serve if we had not had the system that we have now.

What about those 250 million people who have no hope of serving under the system that we have now? To my colleague, it may be inconsistent for his State to pass term limits and reelect him. To me, it is not. We have a closed system, whereby, regardless of the disgust the American people have with the Congress of the United States, or the distrust they have, or the feeling of revulsion, even, according to some of these surveys, we get reelected at a 90 percent rate. Does that have to do with some schizophrenia in the American people, or does it have to do with the fact that the incumbents get all the money? Most people with good judgment do not even try to break into a system like that. He mentioned my colleague from Arizona and myself as being a part of the system. I believe those were both open seats. If those seats had not been open and we knew we were going to have to go against a well-entrenched incumbent, the decision might have been different because the odds are not good.

In the 1950's, a vote was taken on who the best five Senators in history were. Five Members were voted the best, and their portraits adorn the reception room of the Senate. These are Webster, Calhoun, Clay, La Follette, and Taft. Only one of these great Senators served more than two full terms—Senator La Follette.

So let us not worry too much about the proposition that it takes 20 years in order to make an impact in this body. We know different. We know different. We heard yesterday from the Senator from Vermont and today from the Senator from Arkansas. The basic criticism, as I understand it, of this constitutional amendment—which they vigorously oppose—is that it does not go far enough. They would be for retroactivity; that this is not real term limits. They want real term limits, and they are concerned they are not going to get a vote on that. The reason we filled up the tree, of course, was the fact that the Senator from Arkansas and his colleagues wanted to add amendments totally unrelated to term limits so we would never get a true vote on term limits. Everybody knows that.

Mr. President, I just urge, as this debate goes on, hopefully, we can shed a little more light on the subject than heat. Hopefully, we can keep it from being a partisan issue. It should not be a partisan issue. Those young kids coming up today, and those yet to be born, are going to be Democrats and Republicans. It does not matter what party we are a member of or what party they are going to be members of. They are going to bear the consequences of the system we have now. We do not have the political will to do the things that we know we have to do to save this Nation from bankruptcy. We do not have the political will because, as Senator SIMPSON said, it is fear. It is stark fear of having to do something else for a living. We are willing to put our own professional careers ahead of the welfare of the next generation.

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise today to continue our discussion of Senate Resolution 21, a constitutional amendment providing for a limit of six terms in the House and two in the Senate. As a freshman Senator who came directly from the private practice of medicine, I believe strongly that Washington would not be out of touch with average Americans if Members of Congress were not permitted to make a career out of serving in Congress, and instead came to Washington to serve only for a time, and then return to live under the laws they passed.

More than 200 years ago, the Founders of this great Nation fought and won a war that replaced a tyrannical, permanent government in London with a democratic Republic where the people, not an aristocracy, rule. James Madison wrote in Federalist 10 of his concern about the influence special interests—he called them factions would have if Members of Congress were permitted to remain in office for too long. He argued that without the regular rotation of citizens into and *out* of elected office, those elected would put the interests of the well-connected ahead of the interests of the country.

Mr. President, Madison was right. Unfortunately, the Constitutional Convention in 1787 did not adopt Madison's approach. Why? Not because the Convention attendees believed in political careerism—they had just fought a war against a permanent government back in England. They did not include term limits on Congress because they felt it was unnecessary. Who would want to stay in Congress for year after year, traveling back and forth on horseback to this city, which was literally in the middle of a swamp, WITHOUT a staff, without air conditioning, without an office, for a tiny salary, with no pension? Very few, Mr. President. And for more than 150 years, the Founders were right. Citizens would often come to Congress, serve a single term, and then leave voluntarily. Others would leave after serving only two or three terms, either voluntarily or after having been defeated at the ballot box. The era of career politics is a relatively new one in our Nation's history.

Our Founding Fathers believed in a citizen legislature. They believed, as I do, that for the Congress to accurately reflect the will of the people, rather than the factions Madison feared, it must have the frequent and regular rotation of its Members into and out of private life.

Yet today, Mr. President, we have drifted from that principle. No longer do citizens from every walk of life come to Washington to lend their expertise to the Nation, then return home to live and work under the laws they passed. Over the last 40 years, we have seen the ideal of the citizen legislator displaced by the career politician—and the American people are not happy about it.

Mr. President, since the end of World War II, the Federal Government has swollen to a point where it now consumes more than $1.6 trillion every single year. We have incurred a total debt of nearly $5 trillion, a debt that we will shamefully pass on to our children and grandchildren, a debt that threatens the ability of every child born today to achieve the American dream.

In fact, by the year 2012—16 years from now—our entitlement programs Medicare, Medicaid, welfare, retirement, and Social Security plus interest, will be greater than all Federal receipts, leaving no funds for spending on other priorities such as our Nation's defense, roads and bridges, education, national parks, or the environment. And worse yet, last year's debate over the Balanced Budget Act of 1995 showed that reelection politics will continue to thwart any serious debate regarding how to solve the entitlement situation. Unfortunately, demagoguery and scare tactics rendered true reform of unbridled entitlement spending impossible.

When politicians have careers to protect, there will be politics to play. Washington is a 2-year town, focused on the next election—short-term thinking. It should be a 20-year town, focused on long-term thinking and on the true problems facing America. Two weeks ago, one of my constituents told me that he thinks America lacks statesmen. He said, "Senator Frist, what we really want are statesmen. People who will put the interest of the country ahead of party and politics and self-interest. People who will make the tough calls." Mr. President, he's right. I think a vast majority of Americans would like to see so much more of that in Washington, and term limits is the way to accomplish it.

Mr. President, we must ask ourselves how we've ended up in this position. And more importantly, what's the solution?

The problem lies not with the individual men and women who are elected to Congress, but with a system of perpetual incumbency that has become so

entrenched that it shields the Governors from the governed, and creates a culture that separates Washington from the rest of America. The longer Members serve in Congress the more removed they become from the rich blend of experience of American life. More importantly, career legislators become ever more risk averse, avoiding tough but necessary decisions because of consideration for political constituencies needed for reelection. A true citizen legislature would suffer from neither of these problems.

Still, the American people know that Members of Congress have a tough time with the issue of term limits. It is, after all, our own jobs that are at stake. That's why, beginning in Colorado in 1990, the American people took matters into their own hands and began voting, at the State level, to enact term limits on their Federal delegations. Twenty-two States followed, Mr. President. From Alaska to California to Florida to Massachusetts, and several States in between, more than 25,000,000 people voted for term limits.

Mr. President, I think the American people have made their point. Unfortunately, in May of last year, the U.S. Supreme Court invalidated the term limits laws of 23 States and made it clear that the only remaining course to impose term limits is to enact a constitutional amendment.

So here we are. And the question is what we will do. Will we swallow self-interest and career protectionism and do the will of the people? Or will we stonewall the will of the people and tell them we know better here in Washington?

There are some who argue that the American people can already decide when they want new representation by simply voting us out of office at the next election. That claim, Mr. President, assumes that incumbents and challengers compete on a relatively level playing field. They don't. Look at the 1994 elections. In 1994, a year of radical political change in America, 92 percent of all Members of the Senate and 90 percent of the House Members who sought reelection were returned to office. The power of incumbency is vast.

Mr. President, I was the only Member of this body elected in 1994 to have defeated a full-term incumbent Senator. Now, some have said that my election proves it's possible to defeat an incumbent, and they're right. But I believe, as do the American people, that it should be more than merely possible for ordinary citizens to be elected to Congress. What of the ordinary citizens who never even come forward to challenge incumbents because of extraordinary odds against them? Surely the current system, which gives so much power to incumbents, discourages some of our finest citizens from ever running in the first place, clearly depriving the electorate of the widest possible choice of candidates. Every Member of each body should know that there is a date-certain when they will return home to make room for another citizen to serve in Congress. That is not a radical idea; it's an idea that is embraced by over 80 percent of the American people.

And to those who argue that the American public is served well by legislators who have years of experience in Congress, I say that the Federal Government should not be so large and complicated that only a professional class of politicians can possibly understand or oversee it. We should restructure, streamline and downsize the Federal Government so that Americans from all walks of life can serve in Congress without having to become professional politicians to master its inner workings.

President Andrew Jackson who occupied the seat I hold in the Senate said it well, nearly 170 years ago: "I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience." Later Presidents agreed. A former Member of this body from Missouri by the name of Harry Truman said in a way that only Harry Truman could, that term limits would "cure both senility and seniority, both terrible legislative diseases."

Mr. President, I do not believe the Constitution should be amended any time there is another way of reaching the same legislative goal. That's why the first bill I introduced in this body was the Electoral Rights Enforcement Act of 1995, a statute that would have given the States and the people additional authority to enact limits on the terms of their delegations in Congress. I also believe, as Justice Thomas argued in his dissenting opinion in U.S. Term Limits versus Thornton, that the States already have the right to enact term limits under the 10th amendment to the Constitution, which states that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Nevertheless, Mr. President, the Supreme Court of the United States has ruled that the only way to implement the American people's demand for term limits on Members of Congress is through a constitutional amendment. If Tuesday's vote is unsuccessful, I intend to support the grass roots term limits movement that grows ever stronger outside the beltway. This movement will not be quelled with the Senate's failure to enact a constitutional amendment this week. In fact, this vote may well fuel an even stronger groundswell in favor of a term limits constitutional amendment.

For those who oppose the reforms which I consider to be of seminal importance, a term limits constitutional amendment and a balanced budget constitutional amendment, they should take note of article V of the Constitution, which would allow the calling of a Constitutional Convention upon a vote of two-thirds of the States. That is only 34 States, Mr. President, and 23 States have already voted in favor of term limits. Term limits activists approach their cause seriously and tenaciously, and I support their efforts to enact a term limits constitutional amendment in whatever way is possible. I look forward to Tuesday's vote, and I hope that each Member of this body will consider his or her vote carefully, with the knowledge that a vote against this measure is a vote against the will of the people.

I thank the chair and yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

THE VOID IN MORAL LEADERSHIP—PART 5

Mr. GRASSLEY. Mr. President, on March 19, I began a series of speeches on this floor. The subject—the common thread in these speeches—has been the void in moral leadership at the White House. What this means is simply this: The President and the First Lady are failing to set a good example for the American people.

These are failures of the most basic principles that Americans expect from their leaders: Failures like accountability; taking responsibility for one's actions; straightforwardness and candor; the public trust. The breakdown of these principles has eroded the President's ability to show strong leadership. It has undercut his moral authority to lead. The best way to lead is by example. If this is true, then White House leadership is truly lacking.

In my previous speeches, I gave illustrations of my observations. I identified specific actions from each of Whitewatergate, Travelgate, and Cattlegate. And I showed how these illustrations are of great significance to the average citizen.

In my March 22 speech, I referred to a familiar quote from John Mitchell. He was an Attorney General in the Nixon administration. He's remembered as saying, "You will be better advised to watch what we do instead of what we say."

People all across America now are discovering the secret of politicians who give the profession a bad name. People in this town have known this little secret for a long time. The secret is this: Say what the public wants to hear, but then do whatever you want. By the time they figure out what you did, you can point the finger at someone else.

The governing-industry in Washington has mastered this game.

It has created a process designed to avoid accountability. It is designed to

avoid taking responsibility for one's actions. Most data are presented in a way that avoids measuring performance. They are designed to show that everything is always rosy under their watch.

Think of how a used car dealer often buffs up a lemon of a car until it gleams—to gloss over all the defects. Unless you know about cars and what to look for, you might be tempted to buy that pile of junk because it looks so pretty. A few months later, you suddenly discover that the parts are falling off right there on the highway.

This is what our Government is like. They tell the taxpayers all the great things they are getting in this budget, or that bill. What a deal. And the people buy it. But after a while, all they see are piles of debt, a rising tax burden, growing job insecurity, serious social pathologies, and rampant crime and drug use. Do you see the analogy, Mr. President?

The question is, How can we be told everything is going to be rosy, and yet it turns out so bad? The answer is, We listened to what they said, not what they did. We made the mistake of falling for the ol' political soft shoe routine, the ol' used car pitch. They did a bait and switch on us, and we took the bait. Many of us here in Congress have worked hard to shine a big spotlight on this racket. We have tried to expose some of the games played that create the illusions—just like Dorothy exposed the Wizard of Oz.

For instance, by showing systematic bias in budget estimating, we were able to cause the Congressional Budget Office to produce more realistic estimates of Congress' budget decisions. For the lay person, all this means is, we can now better estimate how much our income and outgo will be. Before that, we were always unjustifiably optimistic. We always assumed we would have a flood of revenues pouring into the Treasury.

Why? Because that way we could keep the spending faucets on full blast. Things did not look so expensive as long as we could cook the books and show a rising tide of revenues. The shell game was on, Mr. President. It got us all re-elected, but it also got us in a ton of debt. I call this problem the Narcotic of Optimism.

There are other examples of attempts by some of us to expose Government by illusion. Let me just describe some that I have taken the lead on, just to illustrate what I am saying:

First, most recently, I and my colleagues in both the House and Senate forced the President's AmeriCorps Program to clean up its act. It is a program that was paying $29,000 per volunteer. Imagine the taxpayers paying $29,000 per volunteer. This gave boondoggles at the Pentagon a real run for their money.

We poured through AmeriCorps' documents during a 2-year battle. We shined a big spotlight on the program's activities and costs. We showed where the bulk of the money was going—overhead and bureaucracy. We have now reinvented the program.

Before this, the program never lived up to the President's lofty rhetoric. Now, it has a chance to do what the President says it will do.

Second, I worked hard, with the help of many of my colleagues, on protecting whistleblowers, who are the footsoldiers of the war to expose Government illusions. Every administration waxes poetic about how much they honor whistleblowers. But as soon as our backs are turned, Government managers search them out like a heat-seeking missile.

That is because whistleblowers, want the truth out; Government does not. Congress has toughened up the laws protecting whistleblowers. And we are always on the vigil.

Third, I have worked to pass or bolster initiatives that detect and measure bureaucratic sleight of hand at the Pentagon. We created an independent office of testing to make sure our troops have fully and effectively tested equipment. We were not getting that before.

We have also worked on numerous financial reforms that expose cost and budget problems. All of these are designed to make it easier for us to see what the Pentagon is actually doing, as opposed to what they say they are doing.

I have been at this kind of reform since I first joined the Senate in 1981. Sometimes it is a lonely battle. I often think I can live to be 100 years old and work on reforms non-stop, but I will still only make a dent because the problem is so big.

That is what Presidents are for. Presidential leadership can make the biggest difference in the world. The credibility of the presidency, as leader of the executive branch, can bring leadership to bear on the system and really shake things up. The President has not just the ability to do this, but the responsibility to do it as well.

In fact, Mr. President, these were the types of things that Bill Clinton pledged to do as a Presidential candidate in 1992. He would expose and put an end to the illusions game in Washington. That is what he promised. And that would help put on an equal footing those who had played by the rules, yet had failed to get ahead. And so the American people put their thrust and faith in Bill Clinton to lead the way.

After 4 years, however, a different picture has emerged. As I have specifically laid out in my previous speeches, the President has failed in such leadership, because he has failed to set the proper example.

For instance: How can this President end cronyism and favoritism? He fired innocent, low-level public servants in the White House Travel Office, and gave the travel business to a family member and a slick Hollywood buddy. What kind of example is that for equal treatment and fairness?

How can this President end the failure in this town to take responsibility for one's actions? When the Travelgate Seven were fired, fingers were pointed at others for having made the decision to fire them. What kind of leadership is that? What kind of example is that? How can this White House end the enormous problem in this town of cover-up, and lack of candor and straight shooting?

The mysterious appearance of the Whitewater documents in the White House reading room were blamed on the Document Fairy. Whenever the First Lady or her staff are questioned in either the Whitewatergate or Travelgate affairs, no one can recall a thing.

In my speech of March 28, I gave an example of this. On March 21, the First Lady responded to questions from Chairman CLINGER of the House Committee on Government Reform and Oversight. The subject matter was, who knew what, when, about the firing of the Travelgate Seven. In 16 pages of responses, I counted 54 instances of "I cannot recall;" "vague recollection;" "it's hard to remember;" and so on. Anything but candid, Mr. President. And this from people who are at the very top of their profession—the legal profession—in terms of intelligence and competence. That is kind of hard to swallow.

Moral leadership means leading by example. If you are a leader, that means the people expect you always to be candid in what you say; they expect you to treat everyone fairly and equally; they expect you to be accountable and take responsibility for what you do, both good and bad. That is what people expect in their leaders.

The American people are not getting that kind of leadership from this White House, Mr. President. Instead, they are seeing their leaders commit acts of favoritism, cronyism, avoiding responsibility, cover up. When people who work for such leadership see this, they follow the leader. People tend to do what their leaders do. Could this be why there are an unprecedented four independent counsels looking into questionable actions of Clinton cabinet secretaries?

We certainly should not be surprised at this record-setting pace for investigating high-level government officials.

I have been searching for an explanation for why an administration that promised to change all this is instead caught up in it, at record levels. I think I may have found a clue. It is a quote from this week's Time magazine. The article is called "Clinton's Stealth Campaign." It is written by Eric Pooley.

Here is what it says:

Since the Republicans control Congress, he [meaning, President Clinton] opted for an illusion of control, which suits him just fine. In this almost holographic approach, speeches are as important as substance and rhetoric becomes its own reality. For this President, says senior adviser George Stephanopoulos, "words are actions."

Do you see, Mr. President? Here is a senior adviser to the President saying "words are actions." There is no distinction. Either this shows a breakdown of leadership, or it reflects very questionable leadership from the top down—remember I mentioned that workers tend to do what their leaders do. This practice—as articulated by a White House senior adviser—turns John Mitchell's adage into something you would read in Kafka, or Orwell. It turns Mitchell's statement on its head. In effect, it is a sly, Washington way of saying "watch what we say, not what we do." It says "watching what we do is irrelevant; only words are relevant."

This clarifies a lot for me, Mr. President. It reinforces my perception of the void in moral leadership in this White House. But it also gives us a glimpse into how the continuing charade of illusions is being conducted and perpetrated by this White House. It does so precisely because of an absence of leadership.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE OAK RIDGE BOYS

Mr. DOLE. Mr. President, I apologize for being a bit late, but I was listening to the Oak Ridge Boys next door. You might be able to hear them.

The PRESIDING OFFICER. The Chair was listening, too.

Mr. DOLE. They were very good.

EARTH DAY

Mr. DOLE. Mr. President, as America marks Earth Day 1996, I would like to remind my friends across the aisle that the environmental heritage we are all so proud of was forged under Republican stewardship. Our Republican environmental heritage stretches back to Ulysses S. Grant, who established Yellowstone as the first of the crown jewels of our precious national parks. President Theodore Roosevelt set up the National Wildlife Refuge System and promoted the value of conservation.

It was Republicans, under President Nixon, who created the Environmental Protection Agency and enacted the first Clean Air and Clean Water Acts. Under Presidents Ford, Reagan, and Bush we enacted and implemented the majority of the enabling statutes to protect our environment. An important Clean Air Act revision in 1990, which introduced new initiatives like using markets to achieve our goals, has helped to set new directions for the future.

The progress we have made as a nation over the last 25 years deserves praise. We saw problems that needed to be addressed—setting pollution standards to protect public health and dealing with pollution that crosses State and international boundaries. We responded with laws that I was proud to support—laws that addressed those problems in the best way we knew then.

We have learned a lot over these 25 years of environmental experience and progress. America's ability to create innovative ways of dealing with environmental protection and, at the same time, have continued economic growth is the envy of the rest of the world. Now we are at a crossroads about how to make further progress. I want to improve the system so it protects people's health and the environment better with less cost and complexity. I want to put more trust in the ability of all Americans—at all levels of government—and their desire to do the right thing. The old ways won't help much as we face new problems in the future.

During the last 25 years, the States have become very knowledgeable about the best way to deal with most environmental problems. The States have become laboratories of innovation on better ways to deal with many issues of concern: Welfare and health care reform—and environment as well. California, for example, is leading the way in setting up an integrated approach that calls for simpler permits and dealing with air, water, and waste in a coordinated way that goes after the worst problems first. Other States also lead the way.

Wisconsin, for example, has a Brownfields program in place which allows appropriate clean up for urban areas previously written off for development. That makes good sense and shows a sense of the right priorities.

Eighteen States—including Kansas, Texas, Indiana, Colorado, and Oregon—are encouraging their own companies to voluntarily find and fix environmental problems on their own. This is a partnership that works. We should follow that example and encourage rather than punish our communities and businesses for trying to do the right thing.

The States and localities are leading the way in these and other areas. We should use the most appropriate level of Government for the problem at hand. Try the local level first, States next. Try regional solutions when environmental issues involve more than one State. The Federal Government should step back when it can and use its expertise when it is most helpful to the States: To provide scientific or technical help.

Farmers, ranchers, businesspeople, families—all are partners, not villains. We should acknowledge that these people do the right thing every day. Let us measure environmental protection not by the size of a Federal bureaucracy or the number of regulations on the books but by the desire of our people to work together to protect the environmental values that we all treasure.

One of the things I have tried to promote this last year was that we must use good science to set environmental priorities, and then we should tackle the most important problems first. We know we could do better. The Harvard Center for Risk Analysis, for example, estimates that 60,000 lives per year could be saved with the same level of spending if we targeted our money at the worst problems.

It takes leadership to make choices. We need to be wiser about what we go after and at what level that is done.

I want to say one word about individual private property rights, which are so precious that they are protected by the Constitution. Owning property is a right that makes us strong and is a powerful force for the environment. If the Government takes someone's property for a public purpose, that person should be compensated. If we as a society believe that that person's property is needed for an important purpose, let us make that choice as a nation and ensure that we are not diminishing our citizens' rights.

I am proud of what we have done this year on the farm bill. It is the most environmentally sensitive farm bill ever. The conservation title of the farm bill reflects a commonsense approach. The bill continues the Conservation Reserve Program, expands the Wetlands Reserve Program, making this program the Nation's biggest and most successful environmental efforts. In addition, we provided $300 million to restore the Everglades. This was an immediate response to a need identified by the people of Florida.

The farm bill provides a good example of what we can do in other areas: Injecting simplicity, common sense, and flexibility, and lifting the heavy hand of the Government. These goals were also met in the Safe Drinking Water Act and resulted in a bipartisan bill that passed the Senate 99 to 0. We have set the same goals for Superfund reform, to get the lawyers out and get sites cleaned up. Yet today, no Democrats have joined us in this effort. We can get things done when we focus on the goals and not the rhetoric.

Today I received a letter from my Democrat colleagues. I share their environmental goals. But there are better

ways to achieve these goals. No one is interested in repealing or weakening environmental protections. Years ago, we accomplished our work by using typewriters. Today our offices are run by computers. Were we rolling back our desire to communicate efficiently by moving from typewriters to computers? I think not. Let's take the same approach on the environment.

That proud tradition and the strong Republican values of personal stewardship, good science, trust in the people, and respect for the States and localities will be used to build a better environmental future for our children.

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask that there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 5 minutes each.

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

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny that keeps moving and moving and moving on television—precisely in the same manner and to the same extent that the President is allowing the Federal debt to keep going up and up and up into the stratosphere.

A lot of politicians like to talk a good game—"talk" is the operative word here—about cutting the Federal spending and thereby bringing the Federal debt under control. But watch how they vote on spending bills.

Mr. President, as of the close of business Friday, April 19, 1996, the exact Federal debt stood at $5,100,053,596,414.66 or $19,268.51 per man, woman, and child on a per capita basis.

STATEMENT HONORING THE McWORKMANS ON THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Mr. Robert A. and Mrs. Clara Belle McWorkman of West Plains, MO, who on May 30 will celebrate their 60th wedding anniversary. They understand the meaning of the word "covenant." My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The McWorkmans' commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

HONORING THE SHANNONS FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data is undeniable: individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Paul and Thelma Shannon of St. Peters, MO, who on June 8, 1996 will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Paul and Thelma's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

TRIP TO PEOPLE'S REPUBLIC OF CHINA, HONG KONG, AND TAIWAN

Mr. THOMAS. Mr. President, I recently returned from a trip to the People's Republic of China, Hong Kong, and Taiwan over the April recess in my capacity as chairman of the Senate Subcommittee on East Asian and Pacific Affairs. While I would like at some time to share my observations of that trip with my colleagues, some confusion has arisen in the Asian press over a remark I made on that trip which I feel I need to correct sooner rather than later.

On April 3, I was privileged to have an hour-long meeting with Chinese President Jiang Zemin at Zhongnanhai in Beijing. A central focus of our discussion was the tense situation in the Taiwan Straits and strained relations between the PRC and Taiwan. When the conversation turned toward what President Jiang perceived to be the then-current situation and prospects for a return to a more stable cross-strait relationship, he replied paraphrasing a Chinese saying to illustrate his position. The President said, "When the wind blows through the pavilion, it means the rains will come," or, in Chinese, "Shan yu yu lai feng man lou di xing shi si hu yi jing guo qu le." After a brief pause, he then added, "But in this case, I think the rain is over." I took this to be an encouraging sign that, perhaps with the conclusion of Taiwan's presidential election and the PRC's somewhat worrisome military exercises in the Strait, the situation might be calming down and the two sides might be ready to resume cross-strait contacts through the Association for Relations Across the Taiwan Strait and the Straits Exchange Foundation, the two semi official bodies set up to handle that relationship.

After visiting other cities in China and then Hong Kong, I spent a day in Taipei, Taiwan, on the way back to the United States. There I met with Foreign Minister Chen and President Lee Teng-hui, both of whom I told of my conversation with President Jiang, and Jiang's statement about the "rain being over." They found the statement to be encouraging, just as I had. In meetings with the Taiwan press during my stay, I made it clear that I was not delivering a message from the government of the PRC to the Government of Taiwan; I had simply relayed the particulars of my conversation with President Jiang to Chen and Lee. This is where the confusion arose.

One of the Taipei newspapers, on hearing that President Jiang had said "the rain is over" incorrectly assumed that he had cited another Chinese saying: "the rain is over and the sun is shinning"—in Chinese "yu guo tian qing." The Taiwan press sometimes tends to shoot first and ask questions later, and other papers were soon picking up the inaccurate statement. As a result, by the next day papers island-wide were reporting that Jiang had made statements that were much more rosy than what was actually said. Not only were the newspaper reports inaccurate, but they missed the entire gist of Jiang's statement. By referring to the saying "the rain is over * * *" but leaving off the part of the saying "* * * the sky is blue," President Jiang was making the specific point that while the storm had passed things were still far from "sunny."

Anyway, Mr. President, soon other newspapers in Asia were repeating the inaccurate Taiwanese reports. As a result, the Chinese Government, through two newspapers in Hong Kong known to be directed by Beijing—Ming Pao and Wen Wei Po—began to publish articles denying—correctly of course—that Jiang had made the statement attributed to him by me as reported by Taiwan's press.

I became aware of the confusion when I returned to Washington last week, and issued a press release to several Asian papers in an effort to correct the inaccuracies. Although many papers ran articles correctly reflecting

the actual comments made by President Jiang, the confusion still persists.

So, Mr. President, I come to the floor today to publicly set the record straight once and for all in the hopes of removing the last vestiges of confusion. I did not travel to Taipei to deliver a specific message from the PRC to Taiwan; I simply reported to the Taiwan Government the details of my conversation with President Jiang. In that conversation, President Jiang said, "When the wind blows through the pavilion, it means the rains will come. But in this case, I think the rains are over"—no more, no less. I hope this will lay the issue to rest.

THE PASSING OF COMMERCE SECRETARY RON BROWN

Mr. ABRAHAM. Mr. President, I rise to note the passing of our Commerce Secretary, Ron Brown, in a plane crash outside Dubrovnik, Bosnia. This tragic accident took with it a vast amount of talent and expertise in the persons of numerous American business people, and specifically in the person of Secretary Brown. A dedicated member of his party and this administration, Secretary Brown fought hard for the ideals and programs in which he believed. His commitment to the Commerce Department he led was shown by his willingness to brave the dangers of Bosnia, business leaders in tow, in pursuit of opportunities to help rebuild that war-torn country.

Secretary Brown also was a committed family man, and I know that his death is a great loss to his wife, his family, his friends, and his neighbors. I extend my condolences to his family in particular and hope that they can find solace in the knowledge of God's grace and in memories of the life they had with Ron Brown.

COMMEMORATING SECRETARY OF COMMERCE RON BROWN

Ms. MOSELEY-BRAUN. Mr. President, it is always painful when death comes too soon. It is even more so when the circumstances are so overwhelmingly dramatic and tragic as the airplane crash in Bosnia that took the life of our Nation's Secretary of Commerce, Ron Brown, and 34 others.

Ron Brown was a dear and personal friend. His loss was compounded by my personal friendship with four other people who died that day. The shock of it still resonates.

His family, and the families of the others who died with him in the service of their country feel the pain most directly. There is no substitute for the love and the loss of a husband, a father, and relative. I want to offer them my sincere condolences and prayers at this sad time.

His colleagues in the Government and in the private sector will miss him and his leadership. Ron Brown not only energized the Democratic Party, but the Department of Commerce as well. The result of his efforts ranged from the creation of jobs for hundreds of thousands of American workers, to a special job for a singular American, Bill Clinton, now President of the United States.

Ron Brown's legacy of achievement is a beacon of hope to all Americans, precisely because he exemplified the possibilities when the higher angels of the American character prevail. He overcame potential limitations, and turned liabilities into assets by dint of commitment, effort, and talent. His was the essential American success story. But his was also a success story for all humanity. Ron Brown was not a selfish person. His life was dedicated to reaching out to others in pursuit of the common good. That legacy is no more poignantly demonstrated than in the young people to whom he gave opportunity and guidance and a chance. Ron Brown did not pull the ladder of success up behind him.

I count myself among the fortunate proteges of Ron Brown. He helped make my history-making election to the U.S. Senate possible. I was only one of many of his students. Several others died with him that day.

Ron Brown's passing has been publicly mourned by millions, and created an opportunity for a public expression of gratitude for his public service. I hope the families of those who perished with him will take some measure of that expression as gratitude in mourning for the lost ones: Ron Brown, Kathryn Hoffman; Duane Christian; Carol Hamilton; Bill Morton; Chuck Meissner; Gail Dobert; Lawrence Payne; Adam Darling; Steve Kaminski; Naomi Warbasse; Kathy Kellogg; Jim Lewek; Lee Jackson; Dragica Lendic Bebek; Niksa Antonini; Nathaniel Nash; Barry Conrad; Paul Cushman; Robert Donovan; Claudio Elia; Leonard Pieroni; John Scoville; Donald Terner; Stuart Tholan; David Ford; Frank Maier; Walter Murphy; Robert Whittaker; Ashley Davis; Tim Schafer; Gerald Aldrich; Robert Farrington, Jr.; Cheryl Turnage; Shelly Kelly.

We will, as a community, have to close ranks to go forward without them, but with God's grace the mark they made in service to us all will carry on.

TRIBUTE TO "CHIEF" CHARLES ALFRED ANDERSON, FATHER OF BLACK AVIATION

Mr. HEFLIN. Mr. President, one of the great pioneers of aviation passed away on Saturday, April 13, at the age of 89 at his home in Tuskegee, AL. Charles Alfred Anderson, who as a young boy dreamed of soaring through the skies as a pilot, leaves a legacy of breaking down racial barriers in the field of aviation. He did this by training a famed unit of black fighter pilots during World War II, known since as the Tuskegee Airmen.

Among the members of Chief Anderson's unit were Coleman Young, who later became the mayor of Detroit; Gen. Daniel "Chappie" James, the Nation's first four-star black general; and William Coleman, Transportation Secretary under former President Ford. The inspirational story of the 332d Fighter Group was told in a 1995 movie, "The Tuskegee Airmen."

In 1939, a decade after obtaining his own flying license, Charles Anderson began a civilian pilot training program at Alabama's Tuskegee Institute, now Tuskegee University. In 1940, First Lady Eleanor Roosevelt visited the campus and decided to take a plane ride. At that time, an erroneously-held view was that blacks could not fly planes. Mrs. Roosevelt brushed aside the nervous warnings of her Secret Service detail and went on a long ride with Anderson, landing safely nearly an hour later.

Soon after, Tuskegee Institute was chosen for an experimental Army Air Corps Program designed to determine whether black men could be successful pilots. The participants, many of whom came from small towns all across America, passed rigorous tests to join what became the 332d Fighter Group. Anderson was the chief flight instructor, thus earning him the nickname "Chief," by which he was widely known throughout the rest of his life.

The Tuskegee Airmen overcame extreme prejudice to win combat status, allegedly only after Mrs. Roosevelt pressed their case with her husband. The unit escorted American bombers over Europe and North Africa, providing a virtually impenetrable shield while downing hundreds of German fighters. After the war, Anderson managed an aircraft-sales business and continued to give flight instruction at Tuskegee. By this time, he had earned the title of "Father of Black Aviation."

Chief Anderson borrowed $2,500 from friends and relatives and bought a used airplane when he was only 22. He learned to fly by reading books and getting tips from the white pilots who were willing to be cooperative. He eventually became the first black pilot to hold an air transport license. He flew a round trip transcontinental flight in 1933 and is believed to have flown the first land plane to the Bahamas in 1934. He flew up until a few years ago, still willing to teach anyone who wanted to learn.

Chief Charles Anderson was a great American and an outstanding, committed teacher who will forever be remembered as someone who overcame unfair barriers and prejudice to change the course of history. I extend my sincerest condolences to his family in the wake of this tremendous loss and share their

enormous pride in all that he accomplished.

TRIBUTE TO FORMER CONGRESSMAN LAURIE CALVIN BATTLE

Mr. HEFLIN. Mr. President, former Alabama Congressman Laurie Calvin Battle will be inducted into the Birmingham-Southern College Sports Hall of Fame on Saturday, April 27. As a member of the Sports Hall of Fame's Class of 1996, Congressman Battle will be honored and recognized for his many athletic achievements while at Birmingham-Southern and since.

Laurie Battle was born in Wilsonville, AL in 1912, attended elementary school in Jefferson County, and moved to my hometown, Tuscumbia, in 1926. He graduated from Deshler High School in 1930 and went on to obtain his bachelor's degree in psychology at Birmingham-Southern, my alma mater. He later earned his master's degree in sociology at Ohio State University. During World War II, he served in the U.S. Army Air Corps, rising to the rank of major, with service in the Asiatic-Pacific theater. He was awarded a Bronze Star for his bravery and remained in the Reserves until 1972.

He was first elected to the U.S. Congress in 1946, serving four consecutive terms from 1947 until 1955. After retiring from the House of Representatives, he began a career in the insurance business in Birmingham. The former Congressman later served as a government relations executive in Washington, DC, and as staff director and counsel for the House of Representatives Rules Committee from 1966–76. He was later a special adviser to the U.S. League of Savings Associations.

Laurie Battle is well-renowned for his athletic ability. Although he is now retired, he still plays paddleball with one of his constituents, former Alabama Congressman Ben Erdreich, now chairman of the U.S. Merit Systems Protection Board. They play twice a week in the House gymnasium, even as Congressman Battle approaches his 84th birthday on May 10. He was Ben's Congressman when he was in high school in Jefferson County.

I am pleased to commend and congratulate former Congressman Laurie Battle for accomplishing so much during his outstanding and colorful career, and especially for this latest honor of being inducted into Birmingham-Southern's Sports Hall of Fame.

KATHRYN HOFFMAN AND GAIL DOBERT—LIVES OF PROMISE CUT SHORT

Mr. KENNEDY. Mr. President, the tragic plane crash in Croatia on April 3 that took the life of Secretary of Commerce Ron Brown also took the lives of 34 other men and women of great talent, promise, and dedication, including 11 other employees of the Department of Commerce.

Since that tragedy, many eloquent words have been spoken and written about all of the victims. In two of the most eloquent articles I have seen. Michael Wilbon wrote extremely movingly in the Washington Post on April 5 about his friend Kathryn Hoffman, and Cindy Loose wrote equally movingly in the Post last week about the life of Gail Dobert. Sadly, these two lives of great promise have been suddenly and tragically cut short. I know that many others will be interested to learn more about the lives of these two dedicated employees, and I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1996]

THE DEATH OF MY FRIEND IS OUR LOSS

(By Michael Wilbon)

One of my dearest friends, Kathryn Hoffman, was on that plane. I have no idea of her official Commerce Department title, but I do know she was Ron Brown's right hand, his scheduler. When he went to Africa, she went with him. When he went to Asia, she went with him. I have her postcards from South America and Eastern Europe and other corners of the world in a kitchen drawer.

Kathryn was the girl you dreamed about meeting as a little boy: stunningly pretty, smart, quick with a comeback, and a sports enthusiast. Okay, she wasn't perfect; she was a Knicks fan. But Boys Night Out often was amended to Boys & Kathryn. Never Kathy. Kathryn. I called her from the 1988 Summer Olympics in Seoul and made her give me play-by-play on the fourth quarter of a Bears game, and she was seamless. Another time we drove from Chicago to Capital Centre in 10 hours, just in time to see Tyson knock out Spinks in the first round on closed circuit. She used to say I had the greatest, most glamorous job—traveling the world in search of games, but last week there was this late-night phone call. I was going to the Final Four; she was going to France, then Bosnia. I told her I couldn't believe a basketball fan such as Ron Brown was leaving during the Final Four, and she laughed.

She had taken her dogs, Max and Bo, to Fredericksburg to the breeder where they stay when she's traveling. She had a house now and a four-wheel drive vehicle and a garden, for crying out loud, and I couldn't help but ask if finally, having seen the entire world and then some, if she still thought this life of hopping planes was so glamorous. And she said, no, not anymore, but there are people who love their work and are addicted to excitement in a way no desk job can satisfy. It's the truth. We made the promise we always made about getting more balance in our lives, about traveling less. We planned dinner for Saturday—tomorrow night.

Most of us who live our lives this way don't think about dying on a plane, not when you're single and 35 has yet to come and the career—in Kathryn's case, public service—keeps you on a high. You get on the plane and read, work, go to sleep. It becomes, perversely enough, the place you can relax. I never, not for one split second, thought a U.S. military jet would fail to bring her back alive.

Four of my closest friends have worked for Ron Brown at Commerce, which made the moments immediately following the news of the crash, well, numbing. Through them, I got to know. "The Secretary" (as they'd call him) a little bit and to admire him a lot. His death, and the recent deaths of Arthur Ashe and entrepreneur Reginald Lewis, depress me to the point of despair, not just because inspired and productive men were snatched from earth in the primes of their lives, but because they were the hedge against hopelessness. They were the healers, the men who could negotiate any situation—men who looked at bigots and fools and laughed inside while brushing them aside. It's sick, debating whether Michael Irvin or Mike Tyson is a role model when Ron Brown was on TV every night, dressed up, looking good, sounding even better, jetting hither and yon, networking with world leaders and businessmen to do work that mattered, helping save the Democratic Party from itself, being a patriot. No, you couldn't find him on "SportsCenter," and he didn't have stats or a trading card, but he was a role model. He defined it.

I wonder, in the wake of his death, how many Division I scholarship football and basketball players (outside of Washington) can tell you what Ron Brown did for a living, why he needed to go to Dubrovnik and why his death has caused so much anguish among people who never met him. No Ashe, no Lewis, no Brown. Sports, business and government. Are there people in the ranks like them? Can we be certain the intellect and relentless work they provided will be replenished in the near future? Perhaps the worst thing about the crash is that it deprived us not only of the general, but of his lieutenants such as Carol Hamilton and Bill Morton and Kathryn Hoffman, people who had made public service their lives, their passion. We have to hope there's no shortage of worthy candidates to take up their missions.

This was to be a festive weekend, and not just because of Easter. For the first time since last August, just about all the members of the crew going to be off the road, off the planes and out of the hotels. Many of us made plans here in Washington. Age 35, which Kathryn would have been in August, is about the time you start to realize life isn't everlasting, when you become more serious and consistent about those silent prayers for your friends in flight, when it first hits you that just because you planned dinner doesn't mean everybody's going to be there.

I joined a couple of my friends from Commerce late last night because sleep wasn't coming, and misery needs company most when nobody's got any answers. I tried to think of all the safe, productive trips abroad that Kathryn made with The Secretary, all the trade and business their missions helped generate, all the goodwill their junkets created for the country. But the head is never any match for the heart, and that didn't change last night. What I wanted was another postcard in the mailbox, one from Singapore or Venezuela that let me know she was safe, one signed, like so many others, "Be home soon, Love, Kathryn."

[From the Washington Post, Apr. 15, 1996]

(By Cindy Loose)

AFTER FUNERAL, A CELEBRATION OF A RICH LIFE—BIRTHDAY PARTY BECOMES TRIBUTE TO CROATIA VICTIM

Gail Dobert was always up to something. She was the one to organize the beach house rental at Rehoboth Beach, Del., every summer, inviting so many people that you never

got your own room—and felt lucky if you got a bed.

She could get tickets to anything and persuade her friends to go anywhere, even a business dinner. "I have to go talk to a Bonsai tree woman," she once told her friend Krista Pages. "Come on, you'll have a great time." Believe it or not, it turned out to be fun, Pages said.

If she could have been at her 35th birthday party, which she organized before leaving for Bosnia with Commerce Secretary Ronald H. Brown, she would have loved it.

The barbecue and keg party took place Saturday, just as she had planned, a few hours after her burial in a Maryland cemetery. Dobert, the acting director of the Commerce Department's Office of Business Liaison, was among the 35 people who died when Brown's airplane crashed into a Croatian hillside. Like her, several of the victims were young and most were in the middle ranks of government service.

Her friends and family memorialized her in all the traditional ways. On Friday, the anniversary of her birth, a funeral was held in her home town on Long Island. On Saturday morning, hundreds gathered at St. Peter's Church on Capitol Hill to eulogize her, then followed the hearse for a graveside service.

It might seem strange to follow that with a party, conceded her friend Chris Wilson. But if you knew Gail Dobert, he said, it would not seem that extraordinary. She was, he explained, a festive, life-loving person who would have wanted her family and friends—well in excess of 100, it turned out—to hold the party she had planned for them.

Besides, they couldn't just all go home alone. What else, then, could they do? "This party has got to be the beginning of getting better—her death has been so hard, it just has to be," Wilson said.

Despite working grueling hours at the Commerce Department, Dobert was always the life of the party. If anyone could persuade a shy person to sing along at a karaoke bar, belting out, "These boots were made for walking," it would be Dobert.

"There is so much to celebrate about Gail's life and so many fun things to remember," Pages said. "For her to live on, you have to talk about the good times."

So there they were, eating and drinking and sharing pictures in the Alexandria home and back yard of Chip Gardiner, a congressional aide.

"This is such a tribute these young people are paying our Gail," said Dobert's mother, Maureen. "When people think of Washington, they think of a huge bureaucracy. I wish they knew how many idealistic, hard-working young people there are. The politics in the halls of Congress may be the engine, but the train is run by them."

"She made us very proud," said Dobert's father, Ken. "We always said that if parents got paid, we'd have to take half pay because she and her brother made our job so easy." Dobert's brother, Ray, turned 33 the day of his sister's burial. There was a cake for him at her birthday party, just as she had intended.

Small groups at various times surrounded photo albums, laughing. "There's the famous raincoat," someone said, pointing at a photo snapped at a wedding reception as the band played "It's Raining Men." No one was dancing until Dobert decided to enliven things by hopping on the dance floor with a tambourine and the bright pink and iridescent yellow coat.

Eileen Parise had a picture from the time she got Dobert and two other friends tickets to the Baltimore reception Vice President Gore gave in honor of Pope John Paul II. As happened not infrequently, Dobert's battered car broke down, this time on Route 50 near the Baltimore airport.

"The other people in the car were praying and saying Hail Marys," Parise said. "Gail starts schmoozing the state trooper that came by. He not only had the car towed but then drove everyone to the reception."

From inside, someone shouted, "Here's Gail," and about a dozen people, expecting to see a vacation videotape from Rehobeth, ran inside. Instead, it turned out to be the evening news, with a snippet of Dobert's memorial service that day. The clip went by quickly, segueing into another memorial for another crash victim. There was pained silence. Then someone moved to turn off the television, and another guest arrived.

"We brought a semi-good bottle of wine," the new guest told Gardiner.

"You can drop the semi—it's full isn't it?" Wilson asked. "Hey, it even has a cork."

The celebration and jocularity were real, but so were the moments of pain expressed on every face at some point. Maureen Dobert sang along when a birthday cake was brought out for her son and another guest with an April 13 birthday. But she confided that she was using her public face. The private one, she said, gives into grief sometimes.

"You know, one day they go to kindergarten, and you have to let them go," she said. "Then they want to ride their bike around the corner, and you tell them to be careful and let them go. Before you know it, they're adults and you say, okay, I'm going to let them go.

"But this is the hardest letting go you ever have to do. I wanted her longer, but it's not going to work. It's the hardest letting go, but somehow you have to do it."

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 message from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on April 19, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3034. An act to amend the Indian Self-Determination and Education Assistance Act to extend for two months the authority for promulgating regulations under the Act.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bill was signed subsequently on April 19, 1996, during the adjournment of the Senate, by the President pro tempore [Mr. THURMOND].

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-2278. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-216 adopted by the Council on February 6, 1996; to the Committee on Governmental Affairs.

EC-2279. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-228 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2280. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-227 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2281. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-229 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2282. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-230 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2283. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-231 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2284. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-232 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2285. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-233 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2286. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-234 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2287. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-235 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2288. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-236 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2289. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 11-237 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2290. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-238 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2291. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-240 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2292. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-242 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2293. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-243 adopted by the Council on March 5, 1996; to the Committee on Governmental Affairs.

EC-2294. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report on the Mayor's budget for fiscal year 1997 and multiyear plan; to the Committee on Governmental Affairs.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1324. A bill to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes (Rept. No. 104-256).

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. CONRAD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. PRYOR, Mr. BUMPERS, Mr. HEFLIN, Mr. KERREY, Mr. DORGAN, Mr. DASCHLE, and Mr. PRESSLER):

S. 1690. A bill to provide a grace period for the prohibition on Consolidated Farm Service Agency lending to delinquent borrowers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 1691. A bill to provide for a minimum presence of INS agents in each State; to the Committee on the Judiciary.

S. 1692. A bill to bar Federal agencies from procuring goods and services from employees of illegal aliens; to the Committee on Governmental Affairs.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, and Mr. CRAIG):

S.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. PRYOR, Mr. BUMPERS, Mr. HEFLIN, Mr. KERREY, Mr. DORGAN, Mr. DASCHLE, and Mr. PRESSLER):

S. 1690. A bill to provide a grace period for the prohibition on Consolidated Farm Service Agency lending to delinquent borrowers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL LEGISLATION

• Mr. CONRAD. Madam President, the farm bill enacted 2 weeks ago has changed the Farm Service Agency's loan eligibility rules for thousands of producers only a few weeks from planting. It has become very clear that the effective date of the new loan eligibility provisions is causing hardship for producers in the midst of implementing farm and ranch plans for the year. Farmers and ranchers are being informed that, although their loan applications were approved, the Secretary is now prohibited from providing the loan funds to the farmer under the new farm bill. Thousands of farmers will be forced to cancel seed, fertilizer, machinery, and land contracts with local, main street businesses. Many businesses have already delivered seed and fertilizer based on the Government loan commitment. Many farmers who expected to plant a crop this year when prices are high will simply have to move to town and look for other work. This is not sensible policymaking. My legislation will delay the effective date of some of the loan eligibility provisions to give farmers and ranchers, and the businessmen who depend on doing business with the farmers and ranchers, time to adjust to the new loan eligibility law.

Section 648(b) of the credit title of the farm bill was made effective on the date of enactment. My bill will change the effective date of section 648(b) to make the provisions effective 90 days after enactment, or July 5, 1996. It is my hope that my colleagues will support this legislation.

During conference, I and many of my colleagues hoped that section 648(b)'s effective date would be deferred to allow farmers some warning of the new restrictions and avoid the problems farmers are now experiencing. However, the majority insisted on making the provisions of section 648(b) effective upon enactment. As a result, the Secretary is prohibited from allocating funds and making those loans, even if there were pending applications or approved applications or borrowers who had relied on approved applications to their detriment. The immediate and harsh effect of this provision was part of the reason I opposed the farm bill conference report.

It is my opinion that the entire farm bill should be revisited and corrected. However, the case for correcting the harsh effective date of section 648(b) is particularly compelling and that is why I am introducing this legislation today.

It is April 1996 and no one can argue that many farmers and ranchers, who are now prohibited from borrowing under section 648(b), have relied to their detriment on approved applications for ownership loans, operating loans, and emergency disaster loans. It is also too late in the season to provide these farmers and ranchers with time to obtain some other form of financing.

During my time in the Senate and on the Agriculture Committee, I have supported measures to make the Federal Government a more responsible and practical agricultural lender. I have worked to reduce and eliminate the amount of debt the Farm Service Agency carries on its books. By introducing this legislation, I am not encouraging the Farm Service Agency to make risky loans. However, for those farmers who have been approved for loans, have relied on that approval to their detriment, and find themselves days away from planting, it is just too late to secure other forms of financing. The timing of the immediate effective date in the Farm Bill is plain mean-spirited. I hope my colleagues support this bill to give farmers and ranchers 90 days to adjust to the Farm Bill's new restrictions.•

• Mr. GRASSLEY. Madam President, I am pleased to join in introducing legislation establishing a transition period to help our farmers who are attempting to obtain financing under the Consolidated Farm and Rural Development Act. The comprehensive farm bill that was signed into law earlier this month made a number of significant reforms to our Federal agriculture policy. Among these reforms was a change in how the U.S. Department of Agriculture extends credit to certain types of borrowers. This new policy is necessary to ensure the sound investment of taxpayer dollars.

Specifically, section 373 of the act prohibits the Secretary of Agriculture from making or guaranteeing loans to borrowers who have received debt forgiveness in the past. Debt forgiveness is defined as a writeoff or reduction of a direct or guaranteed loan or discharge of debt through bankruptcy.

Although I was not on the Agriculture Committee last summer when the credit title was marked up, it is my understanding that no member from either side of the aisle objected to this provision. Also, this section was not subject to amendment during the floor debate in February.

So we are not necessarily arguing with the policy of this section. But there are farmers who had applied for their annual operating loans in February or March, who expected to receive this financial assistance. They

have been caught in the pipeline, so to speak, through no fault of their own. This group of farmers were eligible for these loans when they applied. But under the new farm bill they are ineligible.

It is only fair to give these farmers a period to adjust to the new rules. That is all this bill does. It does not change the reform-minded policy put in place by section 373. It merely moves back the implementation date of the section to allow the Farm Service Agency to process these loan applications and release the money to these borrowers. More importantly, this bill gives the farmers subject to this section an opportunity to adjust to a significant change in policy that could adversely affect their business.

This Congress passed a revolutionary farm bill, characterized by long-needed reforms. But we must remember that these changes affect real people, like family farmers. Therefore, it is necessary that sufficient transition time be given so that farmers can adjust and modify their business practices accordingly.•

Mr. PRESSLER. Mr. President, now that the farm bill is in place, farmers are doing their spring planting for the 1996 crops, or soon will begin. However, an unintended glitch has been discovered in the implementation of the new farm bill. Certain sections of the credit title of the new farm bill are being implemented to the detriment of farmers who have had any debts forgiven by the Government in the past.

This has come as quite a surprise to many farmers in South Dakota and other parts of the Nation. I have heard from several farmers who had applied for operating or emergency disaster loans who are now being told they are ineligible because of past debt forgiveness. That is not right. That is not what Congress intended. Most important, this is the last thing a farmer needs to hear, especially when he needs a loan to get this year's crop in. In some cases, Mr. President, I have learned that farmers who had approved loans that had not been disbursed by April 4, are also now being told they are no longer eligible. Again, this is not what Congress intended.

You can imagine how a farmer would feel when, after having his loan approved and a date set for disbursement, he's told the check's no longer in the mail.

Mr. President, already Members of Congress are seeking to correct his unintended development. The chairmen of the Senate and House Agriculture Committees have written to U.S. Secretary of Agriculture, Dan Glickman, to express their concerns about this implementation. It is clear we need legislation to ensure pending and future loans can go through. Therefore, today we are introducing a bill that would delay the implementation of section 373 of the Consolidated Farm and Rural Development Act, until July 5, 1996. This would provide the time for USDA to disburse loans to farmers for this year's spring planting.

I am pleased to undertake this corrective effort along with Senator GRASSLEY and others. Similar legislation has been introduced in the House of Representatives and I urge congressional adoption of these measures as soon as possible. Time is running out and we must act.

Mr. HARKIN. Mr. President, I want to commend Senator CONRAD for introducing this legislation to correct a provision in the newly passed farm bill that threatens to leave thousands of farm families in the lurch as they attempt to get a crop in the ground this spring. This feature of the new farm bill hits especially hard farmers, such as those in parts of Iowa, who are trying to recover from the hardships caused by disaster situations beyond their control. It is my understanding that some 30 to 40 percent of the approximately 8,000 USDA borrowers in Iowa are likely to be adversely affected by this provision.

The provision involved here prohibits USDA from making any type of operating, farm ownership, or emergency loan to a person who has at any time received any debt forgiveness from USDA on such a loan in the past. This provision was by clear terms made effective immediately upon enactment of the new farm bill, which was signed into law on April 4 of this year. As a consequence, many farmers who were in the process of having loans approved are cut off at the very last moment from credit that they were fully justified in counting on for planting this year's crop. Farm families have enough to worry about during planting season without having Congress create a whole new set of unanticipated problems and worries for them.

The consequence of this provision of the farm bill is that no matter how small the amount forgiven, no matter whether the forgiveness was due to reasons entirely beyond the control of the borrower, no new credit may be provided even if the farmer is now a sound credit risk—except for limited circumstances in the case of annual operating loans for borrowers whose debt was restructured under section 353. For example, even if a portion of interest, but no principal, was forgiven on a loan during the farm crisis a decade or more ago, for reasons beyond the control of the borrower, this provision says no more loans.

There may be reasonable arguments over the fairness of that policy, but clearly the harshest aspect of the new farm bill's loan ineligibility provision is that it kicked into effect on the date the bill became law, with little or no warning to farmers whose loans were in the process of being approved. The farm bill was long overdue by the time it passed Congress, and the problems caused by the lateness of the bill were compounded by the specific preclusion of any grace period for the new prohibition against loans to borrowers receiving past loan forgiveness. Farmers were left with virtually nowhere to turn because it was too late in the season to have a realistic chance to arrange other financing.

There has been some discussion whether USDA has misinterpreted the language of the bill or the legislative intent as to the effect of the new ineligibility provision, but the language of the bill is quite clear. Moreover, the matter of a reasonable grace period was specifically discussed during conference, but was rejected by the majority conferees.

I believe USDA should be careful in lending money, but the new farm bill is too extreme and too harsh.

This bill is a limited remedy for the harshness of the new ineligibility provision in the farm bill and the serious hardship it is causing. I am hopeful that legislation can be passed yet this week to address this very unfair situation created by the new farm bill.

By Mr. HARKIN:

S. 1691. A bill to provide for a minimum presence of INS agents in each State; to the Committee on the Judiciary.

THE IMMIGRATION CONTROL ENFORCEMENT ACT

• Mr. HARKIN. Mr. President, much of the debate on this floor is focused on how to strengthen our immigration laws. But whatever we pass will not mean much if we do not make sure that our States have the tools and support they need to enforce those laws in the first place.

That is why I rise today to offer this bill that would require the Attorney General to provide at least 10 full-time active duty agents of the Immigration and Naturalization Service in each State. These can be either new agents or existing agents shifted from other States.

In America today, immigration is not simply a California issue or a New York issue or a Texas or Florida issue. I can tell you that it is a real issue—and a real challenge—in my own State.

But today there are three States—including Iowa—that have no permanent INS presence to combat illegal immigration or to assist legal immigrants. In fact, in Iowa every other Federal law enforcement agency is represented except the Immigration and Naturalization Service.

This is a commonsense amendment. Ten agents is a modest level compared to agents in other States. According to INS current staffing levels, Missouri has 92 agents, Minnesota has 281 agents, and the State of Washingon has 440. And Iowa, West Virginia, and South Dakota have zero. This just does not make any sense.

Clearly every State needs a minimum INS presence to meet basic needs. My bill would ensure that need is met. It would affect 10 States and only require 61 agents which is less than 0.3 percent of the current 19,780 INS agents nationwide.

Let me speak briefly about the situation in my own State. Currently, Iowa shares an INS office located in Omaha, NE. In its February report, the Omaha INS office reported that they apprehended a total of 704 illegal aliens last year for the two-State area. This number is up by 52 percent from 1994.

The irony here is that in 1995, the INS office in Omaha was operating at a 33-percent reduction in manpower from 1994 staff levels. Yet the number of illegal aliens apprehended increased by 52 percent that year.

This same report states that there are about 550 criminal aliens being detained or serving sentences in Iowa and Nebraska city/county jails. Many of these aliens were arrested for controlled substance violations and drug trafficking crimes.

A little law enforcement relief is on its way to Iowa. The Justice Department announced that it will establish an INS office in Cedar Rapids with four law enforcement agents. That is a good step. And it is four more agents then we had before.

But we need additional INS enforcement to assist Iowa's law enforcement in the central and western parts our State.

In fact, the Omaha district office assessed in their initial report to the Justice Department that at least eight INS enforcement agents are needed simply to handle the issue of illegal immigration in Iowa.

Mr. President, in the immigration reform legislation before the Senate this week, the Attorney General will be mandated to increase the number of Border Patrol agents by 1,000 every year for the next 4 years. Yet for Iowa, the Justice Department can only spare four law enforcement agents and no agents to perform examinations or inspections functions.

By providing each State with its own INS office, the Justice Department will save taxpayer dollars by reducing not only travel time but also jail time per alien, since a permanent INS presence would substantially speed up deportation proceedings.

There is also a growing need to assist legal immigrants and to speed up document processing. The Omaha INS office reported that based on its first quarter totals for this year the examinations process for legal immigrants applying for citizenship or adjusting their status went up 45 percent from last year. Even though, once again, the manpower for the Omaha INS office is down by one-third.

I have recommended that a permanent INS office in Des Moines be located in free office space that would be provided by the Des Moines International Airport. Placing the office in the Des Moines International Airport would benefit Iowa in three ways. First, it would cut costs and save taxpayers money. Second, it would generate economic benefits for Iowa because the airport could then process international arrivals and advance Iowa's goal of becoming increasingly more competitive in the global market. Third, the office would be able to process legal immigrants living in Iowa.

I urge my colleagues to join in support of my bill. It is common sense, it is modest, and it sends a clear message to our States that we are committed to enforcing our immigration laws and giving them the tools they need to do it.•

By Mr. HARKIN:

S. 1692. A bill to bar Federal agencies from procuring goods and services from employees of illegal aliens; to the Committee on Governmental Affairs.

THE ILLEGAL WORKER PREVENTION ACT

• Mr. HARKIN. Mr. President, the chief magnet drawing illegal immigrants into the United States and enabling them to stay—is jobs. Border control is an effective strategy against illegal immigration but the lure of jobs will continue to attract illegal workers. We must reduce the job magnet that draws illegal immigrants to this country and deprives American workers of their livelihood.

For years, illegal aliens entering the United States have found employers ready and willing to hire them, often for wages which were substandard and under conditions which ranged from improper to illegal and inhumane. We passed the Immigration Reform and Control Act of 1986 which made it illegal to hire undocumented workers. We have recently beefed up enforcement of this legislation but must continue to do more.

Today I am introducing legislation to keep Federal contracts from going to businesses who knowingly hire illegal workers. My legislation makes permanent, President Clinton's February 13 Executive order. Employers who knowingly hire illegal workers should not benefit from Government business and tax dollars.

Consider the following two incidents which occurred at work sites in Maryland in March of this year. On March 21, INS agents arrested four illegal immigrants working on Fort Meade Army base. They were building Government town homes under a $24 million Federal contract. A week later, INS agents arrested 12 illegal immigrants removing asbestos from the Fallon Federal Building in downtown Baltimore.

Benedict Ferro, INS Director for the Maryland district, noted, "* * * there is a willingness by employers to hire them. Without that willingness, we wouldn't have this problem. It hurts, these are not jobs that permanent residents of the United States wouldn't want. These are jobs that could be filled by the unemployed in Maryland."

These are examples of the employers we need to focus our efforts on. Most employers want to comply with the law but for the few that spoil it for everyone, we have to have a tough strategy.

Any effort to stem the flow of illegal immigration into our country cannot succeed if the lure of U.S. jobs remains. American jobs belong to lawful workers. A strong worksite enforcement policy discourages illegal workers from crossing the border into the United States in addition to supporting American jobs for citizens and other legal workers.

Curbing illegal immigration by enforcing worker protection laws has a direct, if too seldom noted, policy connection. Illegal immigrants are frequently subjected to subminimum wages, dangerous workplaces, long hours, and other poor working conditions because they are desperate for work and in a weak position to insist on their rights. Knowingly hiring illegal immigrants both reveals, and rewards, an employer's willingness to break the law, and undermine wages and working conditions for legal workers. My legislation would ensure that the Federal Government does not reward such conduct with U.S. tax dollars.

Labor law enforcement not only helps ensure fairness and minimally acceptable employment standards in the workplace, but also helps to foster a level competitive playing field for employers. Businesses who knowingly hire illegal workers at substandard wages and working conditions have an advantage over employers who do not exploit their workers. INS agents note that companies are willing to hire illegal workers to slash costs and increase profits. This is blatantly against the law and not only unfair to American workers who need the jobs but to other employers who abide by the law and do not boost profits by exploiting their labor.

At the same time, by introducing this legislation, I want to make clear that employment discrimination will not be tolerated. Existing Federal laws prohibit employers from discriminating against employees on the basis of national origin or race. Enforcement of this legislation will not undermine antidiscrimination protection for legal workers.

From its beginning, our Nation has been a land of immigrants—people from the world over seeking refuge, opportunity, and a better life for themselves and their families. Like my mother, who came to Iowa from Slovenia. America is the land of opportunity, but America is also a land of responsibility. I remain adamantly opposed to discrimination at the workplace but feel that we must do more to

crack down on illegal immigration and those who violate our laws at the expense of American workers.●

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. HATCH, and Mr. CRAIG):

S.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes; to the Committee on the Judiciary.

RIGHTS OF CRIME VICTIMS CONSTITUTIONAL AMENDMENT

Mr. KYL. Mr. President, April 21–27 is National Crime Victims' Rights Week.

To ensure that crime victims are treated with fairness, dignity, and respect, I rise—along with my colleague Senator FEINSTEIN—to introduce a joint resolution proposing a constitutional amendment to establish and protect the rights of crime victims.

Representative HENRY HYDE will introduce a companion joint resolution in the House. The Senate Judiciary Committee will hold a full committee hearing on the resolution tomorrow, Tuesday, April 23. And I would like to thank Senator HATCH for recognizing the importance of this issue and moving so quickly to hold hearings. This should be a signal to my colleagues and to all America that the time for justice for crime victims is at hand.

The proposed constitutional amendment will give victims fundamental rights to be informed, present, and heard at critical stages throughout their case, and the rights to a speedy trial, reasonable protection, and full restitution from the convicted offender—the least the system owes to those it failed to protect.

The text of the amendment is clear and straightforward. It reads:

SECTION 1. To ensure that the victim is treated with fairness, dignity, and respect, from the occurrence of a crime of violence and other crimes as may be defined by law pursuant to section 2 of this article, and throughout the criminal, military, and juvenile justice processes, as a matter of fundamental rights to liberty, justice, and due process, the victim shall have the following rights: to be informed of and given the opportunity to be present at every proceeding in which those rights are extended to the accused or convicted offender; to be heard at any proceeding involving sentencing, including the right to object to a previously negotiated plea, or release from custody; to be informed of any release or escape; and to a speedy trial, a final conclusion free from unreasonable delay, full restitution from the convicted offender, reasonable measures to protect the victim from violence or intimidation by the accused or convicted offender, and notice of the victim's rights.

SECTION 2. The several States, with respect to a proceeding in a State forum, and the Congress with respect to a proceeding in a United States forum, shall have the power to implement further the rights established in this article by appropriate legislation.

Mr. President, these simple words will help to restore justice to a system fraught with injustice.

SUPPORT

The amendment is supported by major national victims' rights groups: Parents of Murdered Children, Mothers Against Drunk Driving [MADD], the National Organization for Victim Assistance, the National Victim Center, the National Victims' Constitutional Amendment Network, the Victim Assistance Legal Organization, and the Doris Tate Crime Victims Bureau.

NEED TO PROTECT VICTIMS' RIGHTS—SCALES OF JUSTICE IMBALANCED

There is a need to protect victims' rights because the scales of justice are imbalanced.

Those accused of crime have many constitutionally protected rights; They are innocent until proven guilty; they have the right to due process; right to confront witnesses; right against self-incrimination; right to a jury trial; right to a speedy trial; right to counsel; right to be free from unreasonable searches and seizures.

Yet, despite rights for the accused, the U.S. Constitution, our highest law, does not protect the rights of crime victims.

The recognized symbol of justice is a figure holding a balanced set of scales, but in reality the scales are heavily weighed on the side of the accused. These protections are sadly one-sided. My proposal will not deny or infringe any constitutional right of any person accused or convicted of a crime. But it will add to the body of rights we all enjoy as Americans.

Each year, about 43 million Americans are victims of serious crime. These victims have no constitutional rights. They are often treated as mere inconveniences, forced to view the process from the sidelines. Defendants can be present through their entire trial because they have a constitutional right to be there. But in many trials, victims are ordered to leave the courtroom.

Victims often are not informed of critical proceedings, such as hearings to consider releasing a defendant on bail or allowing him to plea bargain to a reduced charge. Even when victims find out about these proceedings, they frequently have no opportunity to speak.

Today, victims have no right to reasonable finality. It is not uncommon for cases to last years and years after the jury verdict, while courts again and again review the same issue. These lengthy delays cause terrible suffering for crime victims, especially the loved ones of homicide victims. What others consider as a mere inconvenience can be an endless nightmare for the victim.

PATRICIA POLLARD

Consider the case of Patricia Pollard—a woman from my home State of Arizona. In July 1974, on a road just outside of Flagstaff, AZ, Patricia Pollard was silenced—first by an attacker, and then by the judicial system. Eric Mageary used the jagged edge of a ripped beer can to inflict deep slash wounds in her body. He broke her ribs and her jaw. He choked her into unconsciousness and left her for dead by the side of the road.

Patricia survived. Mageary was convicted and sent to prison. Ten years short of serving his minimum sentence, he was paroled. No notice was given to Patricia. If given the opportunity, Patricia would have wanted to tell the judge about the crime, about how dangerous Mageary was, and how a long prison sentence was needed to protect the community from this vicious criminal. But the law gave Patricia no right to be heard, and society paid for its silencing of her. Mageary's parole was soon revoked for serious narcotics violations, and he was back in prison.

In 1990, the people of Arizona amended their State constitution to add a victims' bill of rights, which established the right of victims to be informed, present, and heard at every critical stage in their case.

Incredibly, in 1993, in direct violation of Patricia's new constitutional rights, the parole board voted to release Mageary—again without hearing from Patricia.

But this time there was a remedy for this injustice. An action was filed to stop the release and force the board to hold another hearing in which Patricia's rights would be protected. The Arizona Court of Appeals acted swiftly and stopped the release. The second time around, after the board took the time to hear directly about the horrible nature of the crime, they voted for public safety and for Patricia, and kept Mageary behind bars. Without constitutional rights for Patricia, the safety of the community would have been jeopardized again.

Constitutional rights restored Patricia's voice. Not all Americans have these rights, and even those that exist are not protected by the supreme law of the land, the U.S. Constitution. That is why today, during National Crime Victims' Rights Week, Senator FEINSTEIN and I are introducing a victims' bill of rights to the U.S. Constitution to extend to victims throughout the country a threshold of basic fairness. Victims must be given a voice—not a veto, but a real opportunity to stand and speak for justice and the law abiding in our communities.

STATISTICS

Patricia Pollard is not an isolated example. As I noted earlier, each year 43 million Americans are victims of serious crime, according to the Department of Justice.

According to DOJ statistics released last week, during 1994 there were 10.9 million violent crimes, 6.6 million simple assaults, 2.5 million aggravated assaults, 1.3 million robberies, and 430,000 rapes or other types of sexual assault.

Also, one of every nine persons from 12 through 15 years old was a violent crime victim during 1994.

And just this week the Clinton administration reported that crime costs Americans at least $450 billion a year.

These numbers are staggering and sobering. And they demonstrate the enormous burden that crime forces its victims to carry.

The breakdown of social order and the crisis of crime that accompany it, have swelled the ranks of criminals, and those who suffer at their hands, to proportions that astonish us, that break our hearts, and that demand collective action. And the process of detecting, prosecuting, and punishing criminals continues, in too many places in America, to ignore the rights of victims to fundamental justice.

TWENTY STATES HAVE CONSTITUTIONAL AMENDMENTS

The need for a constitutional amendment was first recognized in 1982 by a President's Task Force on Victims of Crime, which concluded that the criminal justice system has lost its essential balance. Since then, 20 States have adopted victims' amendments.

The average electoral support for these amendments was 78 percent. In 1994, six States approved constitutional amendments—all by landslides: Alabama, 80 percent; Alaska, 87 percent; Idaho, 79 percent; Maryland, 92 percent; Ohio, 77 percent; and Utah, 68 percent.

But this patchwork of State constitutional amendments is inadequate. A Federal amendment would establish a basic floor of victims' rights—a floor below which States could not go.

VICTIMS NEED RIGHTS IN THE FEDERAL CONSTITUTION

Some may say, "I'm all for victims' rights but they don't need to be in the U.S. Constitution. The Constitution is too hard to change. All we need to do is pass some good statutes to make sure that victims are treated fairly."

But statutes have not worked to restore balance and fairness for victims. The Federal Government has well-written statutes that were intended to establish rights for victims in Federal proceedings. Yet the promise of those statutes lies largely unfulfilled. The whole history of our country teaches us that constitutions are needed to protect the basic rights of the people. The original Bill of Rights was adopted to guarantee that the Federal Government would never infringe on inalienable rights enjoyed by the people—neither at the hands of an overreaching executive nor an inflamed majority in Congress. Some argued that because the Federal Government did not possess the power in the Constitution to infringe these rights, the express protection of them in the Constitution was unnecessary. History soon taught us the wisdom of including the Bill of Rights.

Who would be comfortable now if the right to free speech, or a free press, or to peaceably assemble, or any of our other rights were subject to the whims of changing legislative or court majorities? When the rights to vote were extended to all regardless of race, and to women, were they simply put into a statute? Who would dare stand before a crowd of people anywhere in our country and say that a defendant's rights to a lawyer, a speedy public trial, due process, to be informed of the charges, to confront witnesses, to remain silent, or any of the other constitutional protections are important, but don't need to be in the Constitution?

Such a position would be rightly subject to ridicule. Yet that is precisely what critics of the victims' bill of rights would tell crime victims. Victims of crime will never be treated fairly by a system that permits the defendant's constitutional rights always to trump the protections given to victims. Such a system forever would make victims second-class citizens. It is precisely because the Constitution is hard to change that basic rights for victims need to be protected in it.

Our criminal justice system needs the kind of fundamental reform that can only be accomplished through changes in our fundamental law. Today we have a system of justice that accommodates the interests of its professionals fairly well, but it all too often treats its citizens, its victims, with hostility, and almost always with indifference. Attitudes will not change without a constitutional reform that recognizes the rights of victims as a core value.

AMENDING THE CONSTITUTION IS A BIG STEP, BUT A NECESSARY ONE

Amending the Constitution is, of course, a big step—one which I do not take lightly—but, on this issue, it is a necessary one.

As Thomas Jefferson once said:

> I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times.

CONLCUSION

In closing, I would like to thank Senator DIANNE FEINSTEIN for her hard work on this amendment and for her tireless efforts on behalf of crime victims.

Mr. President, for far too long, the criminal justice system has ignored crime victims who deserve to be treated with fairness, dignity, and respect. Our criminal justice system will never be truly just as long as criminals have rights and victims have none. We need a new definition of justice—one that includes the victim.

Today, as we begin National Victims' Rights Week, in courtrooms across America, victims will be forced to sit outside while their attackers are tried. Today and every day, critical proceedings will be held in criminal cases and victims will not be informed of those proceedings or given the opportunity for their voices to be heard. Today, and every day, victims will be forced to endure endless delays.

Mr. President, with this joint resolution, we can cure this injustice. Victims groups across America support this effort and are watching to see if Congress has the will to make this Victims' Rights Week truly a celebration for crime victims.

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the names of the Senator from Montana [Mr. BURNS] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 953

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 1043

At the request of Mr. STEVENS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1072

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1072, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide

Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1579

At the request of Mr. GLENN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1579, a bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act").

S. 1608

At the request of Mr. MCCAIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1608, a bill to extend the applicability of certain regulatory authority under the Indian Self-Determination and Education Assistance Act, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1644

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1644, a bill to authorize the extension of nondiscriminatory treatment—(most-favored-nation)—to the products of Romania.

S. 1660

At the request of Mr. GLENN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as "American Foreign Service Day" in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 217, supra.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin [Mr. KOHL] 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."

SENATE RESOLUTION 247

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Resolution 247, a resolution expressing the sense of the Senate regarding a resolution of the dispute between Greece and Turkey over sovereignty to the islet in the Aegean Sea called Imia by Greece and Kardak by Turkey.

AMENDMENTS SUBMITTED

CONGRESSIONAL TERMS LIMIT CONSTITUTIONAL AMENDMENT

LEAHY AMENDMENT NO. 3700

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 21) proposing a constitutional amendment to limit congressional terms; as follows:

In the committee substitute strike all after the words "Section 1" and insert the following:

"No person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

"SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

"SECTION 3. A member of the Senate serving a term of office on the date of the ratification of this article, who upon completion of that term will have served two or more terms in the Senate, may complete that term. A member of the House of Representatives serving a term of office on the date of ratification of this article, who upon completion of that term will have served six or more terms in the House of Representatives, may complete that term."

LEAHY AMENDMENT NO 3701

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the motion to recommit proposed by Mr. THOMPSON to the joint resolution Senate Joint Resolution 21, supra; as follows:

In lieu of the proposed instructions, insert the following: with instructions to report the resolutions back to the Senate forthwith with an amendment as follows: That the following article is proposed as an amendment to the Constitution of the United States;

"ARTICLE —

"SECTION 1. No person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

"SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

"SECTION 3. A member of the Senate serving a term of office on the date of the ratification of this article, who upon completion of that term will have served two or more terms in the Senate, may complete that term. A member of the House of Representatives serving a term of office on the date of ratification of this article, who upon completion of that term will have served six or more terms in the House of Representatives, may complete that term."

LEAHY AMENDMENT NO. 3702

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the joint resolution Senate Joint Resolution 21, supra; as follows:

In the language proposed to be stricken, strike all after the words "Section 1" and insert the following:

"No person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

"SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

"SECTION 3. A member of the Senate serving a term of office on the date of the ratification of this article, who upon completion of that term will have served two or more terms in the Senate, may complete that term. A member of the House of Representatives serving a term of office on the date of ratification of this article, who upon completion of that term will have served six or more terms in the House of Representatives, may complete that term."

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs has rescheduled the business meeting that was originally scheduled for 9 a.m. on Tuesday, April 23, 1996, to 9:30 a.m. on Tuesday, April 23, 1996.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct a joint hearing with the Subcommittee on Native American and Insular Affairs of the House Committee on Natural Resources during the session of the Senate on Thursday, April 25, 1996, on S. 1264, a bill to provide certain benefits of the Missouri River Basin Pick-Sloan Project to the Crow Creek Sioux Tribe, and for other purposes. The hearing will be held at 9:00 a.m. in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

ADDITIONAL STATEMENTS

TAX FREEDOM DAY

• Mr. ABRAHAM. Mr. President, I rise today to recognize the novel approach one business in my State has undertaken to educate the public about the high Federal tax burden suffered by working families in our country.

The Lockwood Companies, based in Bingham Farms, are a group of seven construction, housing-material procurement, and development services firms. In the past 50 years, Lockwood has built more than $1.25 billion of housing in Michigan, including affordable and luxury multifamily housing, as well as independent living, assisted, and skilled care communities. In the previous 2 years, Lockwood has been Michigan's leading apartment builder.

In early 1995, Lockwood management was discussing the high, unfair tax burden imposed upon average employees. Someone observed a major problem in our country is the general lack of public awareness as to how high our tax rates actually have risen. A suggestion was given that some sort of creative effort be made to highlight Tax Freedom Day.

Tax Freedom Day is determined each year by the Tax Foundation, a nonpartisan, nonprofit, public policy research group based in Washington, DC. Tax Freedom Day is estimated to be the day average Americans must work to from January 1 just to pay their Federal, State, and local taxes for that year.

To exemplify just how much taxes have risen over the years, I point out that in 1944, the year Lockwood was founded, Tax Freedom Day would have been March 30. In 1995, Tax Freedom Day was May 7, more than 5 weeks later.

To draw attention to this situation, Lockwood management devised the idea of an employee strike on Tax Freedom Day, and declared it a paid company holiday. Lockwood's protest last year drew significant media coverage, both local and national.

Encouraged by the positive response, Lockwood will again this year publicize Tax Freedom Day giving its employees a paid day off. Among the other Michigan companies that have been persuaded to join in this year's protest and do likewise are Sartech Distribution & Building Supply, Jordan Oliver Building Systems, and Schneider & Smith Architects.

In announcing Lockwood's repeat observance of Tax Freedom Day, President Rodney Lockwood said his firm has, "helped start more than 10 new woman- and minority-owned companies by awarding them contracts, supplying funding, or training their workers . . . If the tax situation were more favorable, we could help even more companies because we'd have more money available for that kind of discretionary spending."

Undoubtedly, countless other job providers in Michigan and the rest of the country would appreciate tax relief that would allow them to assist fledgling small businesses as well.

The Lockwood Companies' unique manner of protesting high levels of taxation deserves to be recognized. Increased awareness of the oppressive tax burden on American families can only yield positive results. The Lockwood Companies, and those who will strike alongside with them this year, are providing an invaluable public education, and I commend their efforts.•

CHINA: WHERE DO WE GO FROM HERE

• Mrs. FEINSTEIN. Mr. President, I recently delivered a speech to the World Affairs Council of Los Angeles. I took the opportunity to lay out some of the areas in which I believe the United States needs to improve its policy toward the People's Republic of China. I thought my colleagues would find this speech to be of interest. I ask that the full text of the speech be printed in the RECORD.

The speech follows:

CHINA: WHERE DO WE GO FROM HERE?

(Remarks of U.S. Senator Dianne Feinstein to World Affairs Council, April 11, 1996)

It is a great pleasure to be in the City of Los Angeles. And it is my honor to be introduced by such a distinguished resident of this great city.

I'm delighted to be at the World Affairs Council, I've had the privilege of speaking at the World Affairs Council in San Francisco on several occasions, but never in this major capital city, so I'm delighted to be here.

I want to share with you today some candid thoughts that I have about what I believe to be one of the most important issues for peace and stability in the world today: The current crisis in negotiations on Sino-American relations, and to discuss for a moment how we can forge a new, and better, era in this important relationship.

One hundred years from now, I have no doubt that when historians look back, the remarkable rise of China as a world power will be considered one of the most important international events of the latter half of the twentieth century.

More than the tragic war in Bosnia, more than the unsteady march toward peace in the Middle East, more even than the collapse of the Soviet Union, China's ascendence as a great power—and the content and quality of U.S.-Chinese relations—will shape the direction of global history in the Pacific Century.

Following what the Chinese view as a "century of humiliation" at the hands of western imperial powers, and fifty years of war-lord rivalries, revolution, and economic stagnation, China today is poised at the brink of a remarkable renaissance.

For close to two decades the Chinese economy has grown by a staggering 10% a year. China is now the world's 11th largest exporter—that's where Japan was in 1980—and moving up fast. By most estimates, by early in the next century China will have the world's largest economy.

In a little more than a decade, U.S. trade with China has grown from some $1.2 billion to over $50 billion per year. China has emerged as a major presence on the world stage.

It is a shame that we do not have the benefit of the hindsight that our children and grandchildren will have, because I believe that most Americans—including many policymakers—do not understand the magnitude or breadth of the changes currently underway in China and what they mean for the future peace and stability of Asia and, yes, the world.

U.S. POLICY MISSTEPS

This fundamental lack of understanding is unfortunate—and could turn out to be tragic—because how we manage our relationship with China will have a greater effect on stability in Asia and peace in the world than nearly anything else we do.

In recent months U.S.-China relations have reached perhaps their lowest level since President Nixon's historic trip to China in 1972. Our relationship is plagued by tensions in nearly every area in which we interact: a large trade imbalance; China's failure to curb pirating of U.S. intellectual property; China's transfers of sensitive weapons, nuclear materials and technology to Pakistan, Iran, and others; clashing visions of human rights; most importantly, U.S. concerns about Taiwan, Hong Kong, and Tibet, these are perceived as deep threats to Chinese sovereignty.

This situation is made even more complicated by domestic politics in both countries.

In the U.S., the relationship between China and the U.S. has been buffeted by the vicissitudes of a Presidential election year and provocative Congressional actions. For example, the recent Department of State Authorization Conference Bill contains ill-advised policy mandates, including an invitation for a 1996 visit by Lee Teng-hui to the U.S. "with all appropriate courtesies," and an elevation of the Taiwan office in Washington.

In China, the lingering of Deng Xiaoping has prevented, in a sense, the cementing of new leadership, resulting in jockeying and in-fighting among China's political hierarchy. It is difficult for any Chinese leader to take bold action to improve relations with the United States for fear of being accused of weakness.

Fundamental to the worsening of relations between our two countries is the lack of any conceptual framework or long-term strategy on the part of the U.S. policy with respect to China—a strategy which sets specific goals for the relationship five and ten years down the road.

Instead, U.S. policy has been reactive and "event-driven," responding to whatever happens to be the current revelation, which generally concerns human rights. This calls into question our entire relationship with China each time we lurch from crisis to crisis.

A whole host of events have contributed to the current downward spiral in our relations: Tiananmen Square, the sale of F-16's to Taiwan, Congressional opposition to China's bid for the Olympics, U.S. opposition to the construction of Three Gorges Dam project, and Taiwan President Lee Teng-hui's visit to the United States last year.

Each of these events has helped create the current atmosphere. Let me say a few words about why these events were so important.

Americans were understandably horrified by the globally-televised scenes of Chinese tanks advancing on unarmed civilians at Tiananmen Square in 1989. Unfortunately, those images have come to color our perception of nearly every aspect of the U.S. relationship with China. For most Americans Tiananmen Square is all they know of the China of today.

In the wake of Tiananmen, the U.S. made a number of policy decisions that further antagonized China. In 1992, for example, President Bush, who understands China better than most Americans, made what, I believe, was an unfortunate decision to sell 150 F-16 aircraft to Taiwan.

The sale, announced during an election campaign, was made without strong evidence that Taiwan faced a significantly enhanced threat from China that made these advanced military planes necessary. For China, the sale was a violation of the "One China" policy which has been the bedrock of Sino-American relations since 1972.

China put forth an extensive effort to host the Summer Olympic games in 2000: they built a large stadium, apartments and several other facilities, and made a strong pitch to the International Olympic Committee. This was going to be China's introduction to the world—a moment of great national pride.

But, the U.S. reaction was distinctly negative. The House of Representatives passed a resolution urging the IOC not to give the games to Beijing and a majority of U.S. Senators sent a letter urging denial to the IOC. The IOC decided, by one vote, to give the games to Sydney, Australia, and, again, China felt the sting of humiliation.

Another American effort to thwart Chinese development, from China's perspective, has been our reaction to the Three Gorges Dam project. This massive undertaking, designed to generate power for the enormous Chinese market, is considered a critical step in China's economic development program.

Anyone that has been to Beijing has seen the choking clouds of high sulfur coal dust and lacking sufficient power for the basic necessities of life for millions of its people, the Three Gorges Dam represents an important national priority for the Chinese. But the United States has criticized the project, on environmental grounds and last year the Administration indicated it would oppose multilateral and U.S. financing of Three Gorges.

The current crisis in U.S.-China relations came to a head last year with the U.S. decision to allow Taiwanese President Lee Teng-hui to visit the United States last summer to receive an honorary degree at Cornell University.

The Administration had told the Chinese—as late as May of last year—that allowing the visit would be inconsistent with the United States' longstanding "One China" policy. Congress then voted overwhelmingly—myself included—to allow this "private" visit, and the Administration changed its policy about the visa.

The Chinese President, Jiang Zemin, learned of the decision by reading it in the newspaper, as he told me when I visited him in August. You can imagine what the impact was.

President Lee's visit, although billed as a private visit, turned out to be much more than that. Members of the Senate met him, he spoke at Cornell and spoke about opportunity for representation in the United Nations. Again generating a deep visceral reaction within the Chinese leadership, not only within the leadership, and this is what Americans must come to understand, but within the Chinese people itself. And this gave rise to a new wave of nationalism among its people. The Chinese showed their anger by overreaction— engaging in missile tests and live ammunition war games in the Taiwan Straits just prior to the Taiwanese elections.

These provocative and unneccessary actions prompted President Clinton to place two carrier groups in the immediate area, sending a clear message that the U.S. would not tolerate military action against Taiwan.

It is clear that none of us fully understood the depth to which Taiwan presents a deep and fundamental sovereign imperative to China. We must understand this if we are to deal directly with China.

These events, occurring against a background of little dialogue between our two nations and constant criticisms in the American press, added to the strain and distance.

The Chinese, for their part, have contributed to the downward spiral in our relations by failing to carry out commitments made. For example, China's failure to carry out last year's Intellectual Property Rights agreement signed last May has cost American copyright-holders over $2 billion in 1995, and less than full compliance with nuclear Non-Proliferation and violations of missile reduction treaties are areas which have drawn considerable and legitimate U.S. concern.

THE COSTS OF U.S. MISSTEPS

The consequence of this confused and reactive relationship is that —precisely at the time when we should be doing everything we can to strengthen and encourage reform in China by increasing relations with the West—some in China believe that the U.S. is intentionally encouraging China's increasing hardline attitudes with the purpose of pushing China toward an adversarial posture reminiscent of Cold War years with the Soviet Union.

As you know, a long, drawn-out leadership struggle has been going on in China for the past several years as the elderly Deng Xiaoping has disappeared from public life. Although a new leadership is in place, competitive forces within that leadership appear to be growing stronger. Hardline actions are more prevalent.

For example,

China's provocative war games in the Taiwan Straits leading up to the Taiwanese election.

China's continued provision of sensitive nuclear and missile technology to Pakistan.

The increasingly strong rhetoric toward Hong Kong, such as announcing that the elected Legislative Council will be dissolved and that Hong Kong civil servants will be required to take an oath of loyalty to Beijing.

And just last week, when Chinese police tried to stop fundraising for Chinese orphanages at a dinner attended by U.S. Ambassador James Sasser and prevented Chinese-American author Amy Tan from delivering a speech.

Additionally, U.S. policy has not enabled those within the Chinese leadership who favor greater cooperation with the West to advance their program. In my conversations with President Jiang Zemin and Executive Vice Premier Zhu Rongji, I have become convinced of their genuine desire to reach out to the United States and build a much more cooperative relationship. In fact, Deng Xiaoping himself, empowered Jiang Zemin to be in charge of American relations and this was ratified by the 14th People's Congress.

But to do that, they need our help. They need to be able to engage in a genuine dialogue with U.S. leaders, at the very highest levels. Our President and the President of China need to be able to sit and talk face-to-face, and to pick up the phone and call one another on a regular basis. But they do not yet have that kind of relationship.

When the Administration decided not to invite President Jiang Zemin to Washington for a state visit, I believe we lost a valuable opportunity to give "face" and support to a moderate, pro-Western leader, thereby enabling the Chinese to see greater value in increased ties and pro-Western views.

MOST-FAVORED NATION STATUS

In approximately two months, Congress will consider whether to grant the President's request to renew China's Most-Favored Nation trading status. I believe this issue will spark a definitive debate in the Congress on the future of the United States' China policy.

The political implications of revoking MFN for China are great, and dangerous. Revoking MFN would be seen, I believe, as a complete break in U.S.-Chinese cooperation.

For a country such as China, where face and respect are such central issues, revoking MFN—a trading status the U.S. grants to all but a handful of rogue nations—would be seen as tantamount to the United States telling China that we no longer accept them as a member of the family of nations. More importantly, thousands of businesses and millions of jobs in this country and in China who are now dependent on MFN status would be lost. To deny it would be shooting ourselves in the foot. Also, our ability to work with the Chinese on other trade issues, on Asian security, on non-proliferation, on Taiwan, and on human rights would be severely diminished, if not incapacitated.

WHERE DO WE GO FROM HERE?

Many of you may be wondering if there is anything we can do to repair a relationship that many feel has already been irreparably harmed. As a Chinese proverb goes, "Laughter cannot bring back what anger has driven away." But there is another Chinese proverb that is perhaps more relevant—"By hard work one can succeed in moving two mountains to open a road."

First, we must elevate the importance of the relationship with China. President Clinton, Secretary Christopher and high officials

must become much more directly involved. With China, in many cases, the messenger is as important as the message.

Most Americans know little of China and less about the importance of this relationship. The President must speak to Americans directly of the importance of this relationship and make the case for an improved relationship to the American people. He has not done so thus far. It must be done.

Secondly, Secretary Christopher who has visited China only once, must devote to this relationship the same time and energy as he has so effectively applied in the Middle East.

Third, we must realize that despite recent tensions, China and the United States have many more common interests than is generally realized, and we must build on those common interests.

Four areas in which our shared interests outweigh our differences include: Taiwan, trade, security and nuclear non-proliferation, and improving the quality of life for people.

Taiwan: The role of the United States in constructing a relationship between China and Taiwan must, by necessity, be supportive. We should not attempt to impose a solution on either party. The United States can, however, provide the underlying stability for Chinese-Taiwanese cooperation by continually and publicly reaffirming our commitment to a "One China" policy.

We must also continue to encourage China to refrain from aggressive military actions and rhetoric. The key to a solution remains peaceful reunification. How and when that takes place is up to the two parties involved. Our interest must be to see that peace is maintained, to encourage the two sides to talk, to be an honest broker.

Both Taiwan and China should be encouraged to restart the Cross-Strait Initiative that was conducted by China's Association for Relations across the Taiwan Strait and Taiwan's Strait Exchange Foundation. This dialogue showed much promise until it was derailed last summer. Even at the nadir of relations earlier this year, Chinese Prime Minister Li Peng renewed President Jiang Zemin's offer from last year for a Taiwan-China summit. And the Chinese offer to begin direct air, sea, and postal service with Taiwan can only be beneficial.

Trade: Trade issues have all too often become flashpoints in U.S.-China relations, with blame to be shared by both sides.

This past January, while I was in Beijing, Executive Vice Premier Zhu Rongji, who is in charge of Central Economic Planning, told us that, effective this month, China will lower tariffs by 34% across the board and bring its tariff rate schedule in line with the average of developing countries within two years.

Our Trade Representative, Mickey Kantor, told me that he is now reviewing this proposed schedule. The U.S. should work with China to increase U.S. exports to China, now growing at a rate of 17% per year. China states it wants to increase U.S. exports, and this would lower our trade deficit with China. The U.S. should also review provisions of our laws which restrict high value exports.

At the same time, the United States should continue to insist that China live up to fair trade policies, in particular, its agreements to protect U.S. intellectual property rights. For example China must prevent the illegal production of pirated CDS, CD-ROMs, and Lds.

The best way to accomplish this goal is the development of joint ventures between U.S. copyright holders and Chinese manufacturers, which could transform factories from illegal to legal operations with little job cost. In January, I presented to both the President, the Executive Vice Premier and to the Trade Minister, a letter from the Recording Industries of America containing a proposal that six major American copyright holders are prepared to enter into such joint agreements.

As I left China and was in Hong Kong, I noted that a Chinese representative said, "but we already have these joint ventures." And that is exactly the key, the joint ventures are not with the copyright holders, and in order to carry out the intent of the law the venture must be with the U.S. copyright holder.

As the world's 11th largest exporter and moving up fast, China's entry into the World Trade Organization is strongly in the United States' interests and holds the best promise for preventing trade disputes from escalating into major conflicts. Although it will take time, we need to continue to work with China to help them develop the commercial legal structure and fair trade policies that are necessary for their membership in that organization.

Security: It is vital that China be engaged in a new security partnership, one that is cooperative rather than confrontational. With more than a fifth of the world's population, a permanent seat on the United Nations Security Council, and an arsenal of nuclear weapons and intercontinental ballistic missiles, isolating China is a very dangerous course.

Such a partnership suggests that China be encouraged to become an active and responsible party to international organizations, treaties, and regimes. As such, China should be granted an equal say in setting the "rules of the game." The corollary of this, of course, is that China must agree to abide by those rules.

One area that immediately suggests itself as a testing ground for this type of partnership is the threat of nuclear proliferation in South Asia. China was helpful in preventing nuclear proliferation in North Korea, a situation that still remains problematic.

It is also clearly in the interests of both China and the United States to ensure that tensions are de-escalated in the highly unstable India-Pakistan relationship. Both India and Pakistan have the ability to launch 10 to 20 kiloton nuclear devices, that is twice the size of Hiroshima, in a matter of weeks. Both countries are on China's Southern border, and both suffer from major internal instability. Acting alongside other local and regional powers, the United States and China must work together to de-escalate growing tensions between these two countries.

Quality of Life: Finally, despite the bad press that China has received in this country of late regarding human rights, I believe that here too there is opportunity for progress. However, to believe that China will change its ways merely to please America is naive. The real key to change is convincing China that it is in China's interests to change.

We have tried lecturing China on individual human rights cases, and have found that method to be unsuccessful. A more productive approach would be to work with China to develop an independent judicial system that can guarantee due process and the rule of law—an area in which China has asked for our help.

By engaging China in a larger dialogue about good governance, through exchange programs, assistance in the drafting of criminal and commercial codes, and in establishing an independent judiciary with due process of law, we will do much more to advance the cause of human rights in China in the long run than through constant castigation.

Even without our help, China is moving in this direction. Last month, the National People's Congress enacted legislation that provides individuals greater protection from arbitrary punishment by police and government agencies, which sets stricter standards on government agencies for imposing fines and fees, and which requires the ruling State Council to secure the approval of the People's Congress before declaring martial law.

Evidence of the past twenty years suggests that China is changing. You must remember back to the 1960's, when 10–15 million people were harmed or lost their lives. When I first went to China in 1979, it was impossible to have an open political discussion. People were simply too afraid.

Last month, international journalists openly interviewed ordinary Chinese citizens on the street about their views of the Taiwanese elections. Some supported the government's response, others did not. This change should not be underestimated. It is the unavoidable result of improving conditions and interaction with the West.

One has but to look back at the Cultural Revolution of 35 years ago to see the contrast and improvement in freedoms, in the increasing standard of living, wages and savings, and better education of the people, to know that things are changing and improving. As Minister of Trade Wu Yi said to me, "It isn't easy to go from a China which has been ruled by man for 5000 years to a China ruled by law." And that is what is happening.

With the Taiwan elections behind us, we now have the opportunity to move past some of the events that soured Sino-American relations earlier this year.

To do this, President Clinton must immerse himself fully in the details of this most delicate and critical of American relations. In the final analysis, the goal of American policy must be to encourage China toward a full and active relationship with the West and to work together toward a China that is able to take its role as a stable leader of peace and security in Asia, and an America that can be her ally.•

NATIONAL ENDOWMENT FOR DEMOCRACY TRIBUTE TO PRESIDENT LEE TENG-HUI, PRESIDENT OF THE REPUBLIC OF CHINA

• Mr. MURKOWSKI. Mr. President, I rise today to call my colleagues' attention to a recent event hosted by the National Endowment for Democracy honoring the first popularly elected President of the Republic of China, Lee Teng-hui. I was honored to serve as a cosponsor of this event with Senator LIEBERMAN.

It is entirely appropriate that this reception was organized by the National Endowment for Democracy [NED]. The recent direct, free and fair multiparty election for President in Taiwan is a model example of the activities supported by NED. I want to use this occasion to congratulate the NED for its continued involvement in

encouraging free and democratic institutions throughout the world through private sector initiatives. A copy of the National Endowment for Democracy's tribute to President Lee is included at the end of my statement.

Americans everywhere should congratulate the people of Taiwan in casting ballots to complete their transition to a democracy during trying times—the first such transition in Chinese history. It is a tribute to the people's spirit and determination that bullets did not deter people from casting their ballots. And President Lee, who received 54 percent of the vote, can proudly take credit for having led Taiwan to this important juncture. He has set an example in leading his countrymen in deciding that the leadership of Taiwan will forever more be settled at the ballot box.

His victory on March 23 culminated a series of reforms—including lifting martial law, deregulating the media, legalizing opposition parties, and holding popular elections for all parliamentary seats—that have taken place in a peaceful and prosperous environment. This is an accomplishment for which all the free world should be proud.

President Lee deserves not only our well-wishes, but also our continued support as he now moves forward to map out Taiwan's destiny. As Taiwan continues to emerge as a force for democracy, freedom, and stability in Asia, I believe the United States should encourage their efforts to be represented in international organizations such as the World Trade Organization. The United States should also do what it can to encourage dialog between Taiwan and Beijing, and to contribute to peace and stability in the region.

I join my many friends in Taiwan in celebrating President Lee's triumph as Taiwan marks a milestone in civilization's march down the road of self-determination leading to liberty, human dignity, and personal and societal fulfillment.

I ask that a statement from the National Endowment for Democracy be printed in the RECORD.

The statement follows:

TRIBUTE TO PRESIDENT LEE TENG-HUI

(By the National Endowment for Democracy, April 16, 1996)

The election of Lee Teng-hui on March 23, 1996, as the first popularly elected President of the Republic of China was the culmination of a 10-year process of transition which The Encyclopedia of Democracy has called "a political miracle in twentieth-century Chinese politics, making Taiwan the first Chinese democracy." President Lee was the central figure and driving force behind this remarkable political transformation.

From the moment he assumed the presidency on January 13, 1988, becoming the first native-born Taiwanese to hold this office, he devoted himself entirely to the historic task of democratic transformation launched by his predecessor Chiang Ching-kuo. The process was at once swift and methodical, with each bold step coming in the proper sequence, laying the foundation for each subsequent advance.

Acting in the Confucian tradition of governance through consensus, he initiated the process with a conference on national affairs that achieved a political reconciliation between his own Nationalist Part and the opposition Democratic Progressive Party. There followed an agreement to establish a memorial and pay compensation to the victims of the uprising of February 1947; the elaboration of an approach to the issue of unification which became the basis for a new, pragmatic policy toward the People's Republic; the election of a new National Assembly representing only the voters of Taiwan that amended the constitution, preparing the way for the popular election of the president and vice-president by 1996; the voluntary retirement from the government of the party elders from the generation of Chiang Ching-kuo; and the first election for provincial governor and for mayors of Kaohsiung and Taipei, the race in Tapei being won by a member of the DPP who was a former political dissident.

This stunning process of change, leading ultimately to President Lee's election and the establishment of the first Chinese democracy, was all the more significant because it took place against a background of mounting threats from the mainland—which fears a Chinese model of democracy—and skepticism emanating from some capitals to the effect that democracy is a Western system unsuited to Asian cultures.

But it is precisely on this point, having to do with the roots of Chinese democracy in Confucian culture, that President Lee has spoken with unusual power and eloquence. At the conference on third wave democracy sponsored last August by the Endowment and the Institute for National Policy Research, President Lee expressed his confidence that "by injecting into our modern democratic order the political precepts long inherent in Chinese culture—of exalting the people's will and claiming that the government and the people form a unity—we can infuse democracy with a new vitality."

Lee Teng-hui is thus a unique figure in Chinese history, an individual with the wisdom to understand the need to integrate the two competing camps of contemporary Chinese political thought: the Confucianists and the advocates of Westernization. In so doing, he has embodied the Confucian ideal of ren. described in the entry on Confucianism in The Encyclopedia of Democracy as "cultivating benevolence, developing one's faculties, sublimating one's personality, and upholding the right to education, the right to subsistence, and the right to social and political mobility without distinction according to class." Ren, according to the Encyclopedia, represents "a new democratic ideal of society,"

It is this ideal which President Lee Teng-hui has sought for his country and for the Chinese people. The National Endowment for Democracy is therefore proud to honor President Lee by presenting him with an embossed four-volume set of The Encyclopedia of Democracy, which recognizes his extraordinary contribution and confirms his philosophical vision. We do so in the belief that his message of democracy and reconciliation, rooted in Chinese history and culture, have an enduring relevance for China's future.•

CITIZENSHIP U.S.A. DAY IN CHICAGO

• Mr. SIMON. Mr. President, our Nation's immigrant heritage is exemplified best in the city of Chicago. Generations of immigrants, from Europe, Latin America, and more recently Asia and Africa have chosen to come to Chicago and have contributed immensely to the vitality and fabric that makes it such a great city.

Recently, the city of Chicago sponsored a naturalization ceremony for 1,200 new citizens at historic Navy Pier with the Immigration and Naturalization Service Chicago District Office.

To help immigrants fully integrate into our city and our society, Mayor Richard M. Daley established a citizenship assistance council to help thousands of immigrants complete the often complicated naturalization process. The council has attracted leaders from various ethnic communities and corporate leaders from Fannie Mae, United Airlines, and First Chicago. Through the citizenship council, Mayor Daley has committed to sponsor several large scale citizenship ceremonies with INS in the coming months.

The naturalization program in the city of Chicago is truly a joint effort between the Federal and local government. I applaud Mayor Daley's effort and ask that his speech welcoming the new U.S. citizens on March 18, 1996, and his proclamation declaring the day to be Citizenship U.S.A. Day in Chicago be printed in the RECORD.

The material follows:

MAYOR RICHARD M. DALEY'S REMARKS, CHICAGO CITIZENSHIP ASSISTANCE COUNCIL—NATURALIZATION CEREMONY, MARCH 18, 1996

I want to begin by congratulating everyone here on becoming United States citizens.

As Mayor, I attend many events—but swearing-in ceremonies are always very special.

Two years ago, I formed Chicago's Citizenship Assistance Council to coordinate the efforts of community groups that help immigrants become citizens. Today's ceremony is made possible thanks to a strong partnership among the Citizenship Assistance Council, the federal government, and the private sector.

Together, we are working to help the INS relieve the backlog of over 50,000 citizenship applications in the Chicago area. People have been waiting for as long as 17 months to be sworn in as citizens.

Throughout the year, we will work with the INS to increase the number of swearing-in ceremonies to help speed up the process.

We will conduct several large-scale citizenship ceremonies in the summer and fall.

Our corporate leaders on the Council include Fannie Mae, United Airlines, and First Chicago.

They will provide assistance in finding the necessary facilities and help to cover associated costs.

This is a wonderful example of how local and federal government can work with the private sector to get the job done.

Immigrants built Chicago and our country. And the business community understands this better than anyone.

America has always been strong because we have been a beacon for people who want to work hard, make something of their lives, and become Americans. We lose part of our national character when we shut ourselves off to different cultures.

Some politicians are trying to use immigrants as scapegoats. They have gone beyond blaming illegal immigrants for our problems—now they are even calling for more restrictions on legal immigration.

Legislation now pending before Congress would keep U.S. citizens from bringing their parents or children to this country.

This is wrong and unfair because it tears families apart and it sends the wrong message.

Proposed restrictions on employment-related immigration will also damage our country.

A flexible legal immigration system is essential to our economic growth and well-being.

Until last week, these restrictions were found in one piece of legislation that dealt with all aspects of immigration.

I want to thank Senator Paul Simon for helping to restructure that legislation into two bills—so that they address legal and illegal immigration separately.

And, I want to encourage the members of the House to do the same thing when the issue comes up for debate.

Immigrants help build this country—and they are still making us strong. We can't turn our backs on them now.

I urge Congress to keep this in mind as they debate restrictions on immigration.

Now, I'd like to read a proclamation designating March 18th as "Citizenship U.S.A. Day" in Chicago.

OFFICE OF THE MAYOR,
CITY OF CHICAGO,
Chicago, IL, March 14, 1996.

PROCLAMATION

Whereas, thousands of people have left their homes in other lands to come and live in America; and

Whereas, these immigrants have contributed their dreams, labor, and talents to making America a great country filled with opportunity and freedom; and

Whereas, these same people wish to show their commitment to their new country by pledging allegiance as new citizens; and

Whereas, today, we acknowledge the dedication of Commissioner Doris Meissner and the Immigration and Naturalization Service in assisting immigrants through the naturalization process; and

Whereas, Commissioner Meissner has made citizenship a priority, and has charged the Immigration Service to make major improvements in the processing of applications, working side by side with local governments and community organizations:

Now, Therefore, I, Richard M. Daley, Mayor of the City of Chicago, do hereby proclaim March 18, 1996, to be Citizenship U.S.A. Day in Chicago, and extend the City of Chicago's appreciation to Commissioner Meissner for helping to make thousands of immigrants' dreams come true.

RICHARD M. DALEY,
Mayor.●

CONGRATULATING THE UNIVERSITY OF MICHIGAN ICE HOCKEY TEAM ON WINNING THE 1995–96 MEN'S DIVISION I CHAMPIONSHIP

● Mr. ABRAHAM. Mr. President, I rise today to congratulate the University of Michigan ice hockey team on winning the 1995–96 NCAA Men's Division I Championship. With their 3-to-2 victory over Colorado College on March 30, the Wolverines captured the school's eighth NCAA National Championship, and first since the 1963–64 season.

The win was especially significant for head coach Gordon "Red" Berenson. After 12 seasons in Ann Arbor, Berenson, already the winningest coach in school history, celebrated his 300th career victory with the national championship. In the past 6 seasons, the Wolverines have won at least 30 games each year, the only team in college hockey to do so.

The Wolverine's accomplishments this season are certainly deserving of recognition. In addition to compiling an impressive 34 wins, tying a team record, the Wolverines were also the CCHA Playoff Champions, CCHA regular season cochampions, and Great Lakes Invitational champions. In the postseason, U-M's play was brilliant as well, managing three one-goal victories and one shutout in three different buildings in three different weekends on their road to the championship.

The 1995–96 University of Michigan men's hockey team has represented their school and themselves with distinction. Our State has every reason to be proud of these student-athletes, and we salute their dedication and excellence.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

HUMAN RIGHTS IN CHINA

● Mr. KERRY. Mr. President, the U.N. Human Rights Commission is preparing to consider a resolution that expresses the concern of the international community over human rights abuses in the People's Republic of China. As has been well-documented over the last year by the State Department, U.N. officials, and numerous human rights organizations, the Government of China has been responsible for an alarming number of human rights violations. In particular, there have been reports of arbitrary arrests and detention, torture, persecution of religious and ethnic minorities—particularly in Tibet, and censorship of expression. The evidence clearly demonstrates a deterioration in the human rights situation in China.

Despite this overwhelming evidence, apparently some of the members of the Human Rights Commission are reluctant to support a resolution that criticizes China. Unfortunately, this seems to be a response to intensive diplomatic pressure from Beijing. In fact, the Chinese diplomatic pressure began even before a resolution was introduced at the U.N. Commission.

At the end of March, I learned from the State Department that some members of the European Union [EU] were reconsidering their commitment to introduce a resolution on China at the Commission meeting this spring. I strongly believe that multilateral efforts, in institutions such as the Human Rights Commission, are potentially the most effective tool for pressuring China to improve its human rights record. Therefore, I authored a letter, signed by 10 of my colleagues from the Foreign Relations Committee, urging the Europeans to maintain their commitment to introduce a resolution on China at the Human Rights Commission. I am pleased that the EU members ultimately decided to introduce this resolution, and I hope that our letter encouraged this decision.

The European initiative, however, will be in vain if the Commission does not act upon the resolution. This is an important and opportune moment for the members of the Commission to join together in a multilateral effort to persuade China to improve its human rights record. I urge all member states to support the resolution. Even more importantly, we must reaffirm the prerogative of the Commission to consider any country's human rights record and to hold a vote on any resolution that is offered. That prerogative is being challenged by China, which is attempting to prevent the Commission from even considering the European resolution.

On December 10, 1948, the U.N. General Assembly adopted the Universal Declaration of Human Rights. For the first time in history, the countries of the world made a commitment to recognizing international human rights. Motivated by a conviction to prevent future atrocities, such as those committed during World War II, this declaration defined the human rights basic to every human being and pledged an international effort to protect these rights. Since the adoption of that declaration, many other international conventions have been signed and ratified by the international community. These conventions address a variety of internationally recognized human rights, including political and civil rights, the right to be free from torture or religious or ethnic persecution, the rights of refugees, and the rights of the child.

Why has the international community taken these steps to codify international human rights law? Because all societies around the world have recognized these principles as standards that should govern every state's behavior toward its own and other citizens. When a country violates the human rights of its citizens, it should be censured by the entire international community. We cannot allow any country—no matter how powerful or wealthy—to ignore the international legal norms of human rights. The United States has always supported the right of the international community to raise concerns over human rights violations in any country. In fact, last

year the Government of Cuba introduced a resolution in the U.N. Commission on Human Rights condemning the United States for human rights violations. While this resolution was obviously ridiculous, the United States did not block a vote and the members of the Commission voted against Cuba's proposal. The important message here is that the United States recognizes the right of the international community to review every country's human rights record.

It is therefore all the more outrageous that China seeks to prevent international consideration of its own dismal human rights record. Whether or not countries support the resolution, which I fervently hope they do, all members should reject China's effort to prevent the Commission from carrying out its mission of calling attention to and censuring human rights violations wherever they occur around the world.

Mr. President, I urge all member states of the Human Rights Commission to vote against China's motion to prevent a vote and to support the resolution criticizing China's human rights record. It is only if the international community continues to work together multilaterally that we will be able to compel all countries—particularly China—to uphold internationally recognized human rights standards.●

ORDERS FOR TUESDAY, APRIL 23, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m., Tuesday, April 23; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the Senate immediately resume consideration of Senate Joint Resolution 21, the term limits legislation, with debate between 10 a.m. and 12 p.m. equally divided in the usual form; I further ask that the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

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

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, the Senate will resume the term limits legislation at 10 a.m. At 12 noon on Tuesday, under a previous order, there will be 30 minutes of debate regarding the health insurance reform bill. It is hoped that an agreement can be reached Tuesday morning enabling the cloture vote on the term limits legislation to occur at 3:45 or 4 o'clock tomorrow afternoon. This would allow for the final passage vote on the health insurance reform bill to occur at 2:15 on Tuesday, immediately following the recess for the party conferences. The Senate may also turn to other legislative items that can be cleared.

So if we can work out this vote on term limits, that would probably be another 1½ hours for debate equally divided.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Tuesday, April 23, 1996, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1996:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

VICTOR H. ASHE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2000, VICE ANDREA N. BROWN, TERM EXPIRED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

ALAN G. LOWRY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2001, VICE ROBERT W. NAYLOR, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATE CODE, SECTIONS 12203 AND 8373:

TO BE MAJOR GENERAL

BRIG. GEN. WALLACE W. WHALEY, [redacted] AIR FORCE RESERVE.