SENATE—*Wednesday, September 29, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. J. Barry Vaughn of St. Stephen's Episcopal Church in Eutaw, AL.

PRAYER

The guest chaplain, the Reverend Dr. J. Barry Vaughn, St. Stephen's Episcopal Church, Eutaw, AL, offered the following prayer:

Let us pray:

God of our fathers and mothers, God of our children and grandchildren, Yours alike are the Rockies' proud peaks and Shenandoah's green tranquility; Yours are the span of the Golden Gate and the slums of Watts and Harlem.

Hear us as we pray for this land between the shining seas, this home of the pilgrims' pride, these United States of America.

We praise You for America's diverse quilt; for pilgrims from Europe and Africa, from Asia and Latin America, for Creek and Choctaw and Sioux and all our native peoples. Bind our ethnic strands together in a pattern of harmony, peace, and understanding.

Grant the women and men of this great assembly keenness and openness of mind; where vision is bound to personal gain or partisan good, liberate it. Stay their minds upon justice and their hearts upon compassion; may their ears be open to the voices of the voiceless and their eyes to the problems of the present and the possibilities of the future.

Grant that all the people of the United States may employ their hands and hearts and minds and bodies in work that satisfies and delights.

May peace unfold in freedom and justice, and may conflict issue in creative reconciliation.

And grant that in all things we raise our hearts and voices in gratitude to You, O judge of nations and peoples, for in Your wisdom You have set us upon a strong and high place, given us peace and prosperity, and called us to walk confidently into the future. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

Mr. SHELBY. Mr. President, I ask unanimous consent I may proceed in morning business for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE REVEREND J. BARRY VAUGHN

Mr. SHELBY. Mr. President, I am honored today to be here in the Senate with the Reverend J. Barry Vaughn, of Eutaw, AL. You have just heard his opening prayer. I thought it was very inspirational.

Reverend Vaughn is a native of Alabama, received his undergraduate degree from Harvard, his master's degree from Yale University School, and his Ph.D. from St. Andrew's University in Scotland.

This is a great opportunity for him today to share his prayers with us and the Nation. But, being from Alabama, I wanted to share Reverend Vaughn with you. We are honored to have him here. A lot of my colleagues will meet him as the day goes on.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Alabama. We appreciate the Reverend's presence. It is nice to have visitors to supplement our own Chaplain.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2518, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SPECTER. I might say for just a moment on behalf of the chairman, Senator HARKIN, and myself, we are ready for business.

There is a long list of amendments which are pending, and as the majority leader announced last night, we will terminate amendments as of noon so anyone who has amendments, speaking for myself and Senator HARKIN, ought to come to the floor now. We are ready and open for business.

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

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

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 975

(Purpose: A sense-of-the-Senate resolution to urge the Department of Justice to investigate possible Federal civil rights violations involving Crown Heights, New York)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

Mr. D'AMATO. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Does the Senator ask to set aside the pending committee amendments?

Mr. D'AMATO. Yes.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. DOLE, and Mr. BRADLEY, proposes an amendment numbered 975.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The amendment is as follows:

SEC. . It is the sense of the Senate that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991, and (2) the circumstances surrounding the murder and accompanying riots in Crown Heights.

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

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

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask that the amendment, which is now at the desk, be read.

The ACTING PRESIDENT pro tempore. The clerk will read the amendment.

The bill clerk read as follows:

It is the sense of the Senate that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991 and, (2) the circumstances surrounding the murder and accompanying riots in Crown Heights.

Mr. D'AMATO. Mr. President, the Crown Heights story, the epidemic of violence; the problem is truly a sad one. Briefly, I will attempt to summarize and just give a brief outline as to some of the events.

Generally, when we submit amendments, we do not ask for them to be read. I wanted this one to be read because it is very straightforward. It calls for a Justice Department investigation to ascertain whether any Federal criminal civil rights laws were violated as a result of, one, the murder of Yankel Rosenbaum in Crown Heights, and two of the circumstances surrounding the murder and the accompanying riots. Yankel Rosenbaum was a young divinity student who, on August 19, 1991, was murdered during the riots there.

Let me set the scene as to how this took place.

On August 19, 1991, there was a car accident in an area in Brooklyn known as Crown Heights. It resulted in the severe injury and later death of a young boy by the name of Gavin Cato. It was a tragedy of absolutely enormous events: A car lost control, went up onto the sidewalk, hit this young boy, and he died.

Following this, elements from outside of the community came into Crown Heights and began to stir up the residents into what soon became a riot. This riot went on virtually unchecked for 3 days. The police were not permitted to respond; indeed, many were injured themselves. Six or seven wound up in the hospital. These were police officers with broken arms and legs. They became the targets of the mob.

A few hours after the accident, in the midst of his life, full blown, a young Jewish scholar from Australia, Yankel Rosenbaum, was chased by a group of approximately 15 to 20.

They chased him for 3 blocks, yelling "kill the Jew, kill the Jew." Yankel was a student. He wore his yarmulke. It was obvious that he was Jewish. And they repeated this as they chased him for 3 blocks, finally surrounding him and repeatedly stabbing him. He eventually died of the stab wounds.

Mr. President, what is a civil rights violation? If chasing someone down the street for 3 blocks, yelling "kill the Jew" or "kill that black" or "kill that Catholic" or "kill the gay," would not constitute a civil rights violation, then I do not know what does.

This has become a political football. It is a disgrace. Yes, we are going to have a report; no, we are not going to have a report—on and off, on and off. The Justice Department is supposedly looking into this. They were supposed to release the report several weeks ago as to whether or not we are going to have an investigation. Lo and behold, when the word was leaked and the press began to report that the Justice Department and Attorney General Reno were not going to recommend an investigation of going forward, all the politicians became involved.

The Brooklyn district attorney called, and it is reported that he said, both through a Congressman and himself, "I have facts and information that I would like to submit, and, after all, we have not been in contact for a while."

Well, what kind of investigation was there if the Justice Department was not talking to the district attorney for 6 weeks—the prosecutors, the people who prosecuted the case? Superficial?

This is a situation that demands a full-blown investigation as to who is responsible for the death of Yankel Rosenbaum and why it is that the police were not permitted for 3 days to do their job while a community was held captive. People have a right in this country to no less. Politics should not enter into this one way or the other.

Unfortunately, it has. The conduct of this situation and this so-called investigation as well as the review of what took place so far reeks of political meddling, and that is wrong. It is absolutely wrong.

I am not going to take up the time of this body to spell it out, but there have been those accounts in the papers of those who called and demanded an investigation. People have a right to say, listen, we want a thorough, comprehensive investigation. A young man was killed, and for the obvious motive of his religious background.

There is a report prepared at the insistence of the Governor of New York. It is called the Girgenti report, and in that report, the director of criminal justice of the State of New York indicates that the prosecution from the very beginning of the case, from the gathering of evidence to the prosecution, was not handled in a manner that gave any credibility.

Some of the jurors described the prosecutors—

And I am quoting the report—

as "laid back" and said their subdued approach was not helpful to their case. The prosecutors told us, however, they did not behave aggressively for fear of alienating the jury.

Although there is no reliable evidence that a general police mistrust played a role in this case, the underlying contention merits review.

The report goes on and on, and cites the inadequacies of the investigation, the inadequacies of the prosecution—all in a report from the director of criminal justice of the State of New York.

I hope that we will not attempt to politicize this matter; we must let the chips fall where they may, and urge that there be a thorough and comprehensive investigation. This is absolutely essential.

Government's first responsibility is to protect its citizens. When it fails in that, it fails in everything. Crown Heights is a classic case where it has failed. It failed for 3 days to protect its citizens during the rioting. It failed to protect the rights of Yankel Rosenbaum when he was so viciously murdered, and thereafter when those responsible for murdering him were not brought to justice. That is why there should be a Federal investigation.

I am pleased to offer this amendment on behalf of myself and the Republican leader, Senator DOLE. And I ask, Mr. President, for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. I hope that we will agree to this and the Justice Department will understand that we are serious about the issue.

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader, Mr. DOLE.

Mr. DOLE. Mr. President, on August 19, 1991, Yankel Rosenbaum, a young rabbinical student from Australia, happened to be at the wrong place at the wrong time.

Caught in the maelstrom of the Crown Heights riots, Rosenbaum was chased down by a bloodthirsty mob, and then stabbed repeatedly while his assailants shouted "kill the Jew! Kill the Jew!"

One person was charged with the Rosenbaum murder but was subsequently acquitted. Since the acquittal, no other suspect has been brought to trial for this vicious crime. The killers remain free.

Now, there are those who will say that the murder of Yankel Rosenbaum, though tragic, is a local issue, affecting only the citizens of Crown Heights and New York City.

But what befell Yankel Rosenbaum that August day in 1991 extends far beyond Brooklyn and the five boroughs of New York. All Americans of goodwill are shocked and saddened when they learn that a young man could come to our country to study, only to be murdered solely because of his ethnicity and religious beliefs.

Yankel Rosenbaum was killed because he happened to be a Jew.

This past Monday, I sent a letter to Attorney General Reno urging her to initiate a Federal civil rights investigation into the Rosenbaum murder and the circumstances in Crown Heights that created the environment in which it occurred. It is my hope that the Attorney General will heed this request and move forward promptly with an investigation.

My distinguished colleague from New York Senator D'AMATO, has already written to the Attorney General on this matter. During the past 2 years, Senator D'AMATO has worked tirelessly on behalf of the citizens of Crown Heights, and he has been a leader in ensuring that the Rosenbaum murder gets the national attention it deserves.

Mr. President, let me just add that my request for a Federal investigation is in no way motivated by politics, as some cynics might suggest, nor is it an effort to influence the outcome of the upcoming mayoral election in New York. The request boils down to a simple principle—justice. And justice can only be achieved if we get a full-accounting of the Yankel Rosenbaum tragedy.

The American people and the Rosenbaum family have been patient. After more than 2 years of waiting, they deserve—finally—to get some answers.

Mr. President, as a followup to my letter to Attorney General Reno, I am now joining with Senator D'AMATO in offering an amendment expressing the sense of the Senate that the Justice Department should undertake a civil rights investigation into the Rosenbaum murder and the Crown Heights riots.

This sense-of-the-Senate amendment is straightforward and should be supported by Members from both sides of the aisle.

Let me repeat: This amendment is not about politics or race. It is not about Democrats and Republicans. It is not about black versus white, or Jew versus gentile.

This amendment forces us to confront the truth about Crown Heights, whatever that truth may be, so that justice can be served, and ultimately rendered.

I am pleased to cosponsor this amendment with the distinguished Senator from New York. I should note that this is a matter which I think is fairly broadly supported. Governor Cuomo yesterday asked for an investigation. The New York Times has said there should be an investigation. Republicans and Democrats alike have said there should be an investigation.

This is not a local issue. This is pretty much what happened out in California in the Rodney King case, when they had the acquittal and they followed up with civil rights violations and they had convictions.

It seems to me that this is certainly an appropriate amendment, at least to express our concern. It is a sense of the Senate amendment. It is something the Attorney General will have to decide. It is something, as I understand, having been up in New York talking to a lot of people who are concerned about this, where there should have been a decision made a couple of weeks ago.

I think the Senator from New York is on the right track. Democrat Members of Congress have joined with the Republican Senator from New York and others, and it seems to me he spelled out every good reason why we should go forward. In my view, if the Senate—I hope in a unanimous vote—indicates its interest, it may have some impact. Although it is not a political issue as far as the Attorney General is concerned, and not a political issue as far as the Senator from New York is concerned, I do believe it might offer some guidance. If, in fact, those of us in the Senate would vote for this resolution in overwhelming numbers, I think it would have some impact and at least indicate to the Rosenbaum family, who have been very patient and have been waiting for something to happen, that there is concern in the United States, even though this young man was from Australia, about justice; we are concerned about violations of civil rights in America, and we are going to try to do the appropriate thing. So if anybody is murdered, as in this case, because of their religious or ethnic beliefs, that is a civil rights violation, as the Senator from New York has pointed out.

So, Mr. President, for all the reasons that I think have been stated, I certainly strongly support this amendment.

I hope we will have unanimous support of this resolution.

I also ask unanimous consent a letter I have written the Attorney General be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 27, 1993.

Hon. JANET RENO,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: It is my understanding that you are now considering whether to initiate a federal investigation into the brutal murder of Yanbel Rosenbaum.

As you weigh your decision, I hope you would remember one important point: The murder of Yankel Rosenbaum is not just a local issue, affecting only the citizens of Crown Heights and New York City. It is an issue that deeply affects all Americans.

As you know, Mr. Rosenbaum's murder took place during the Crown Heights riots in August of 1991. News reports indicate that Mr. Rosenbaum was chased down a street and stabbed repeatedly by a mob of twenty or more assailants. Apparently, some of these assailants were yelling anti-Semitic epithets.

Yankel Rosenbaum died because he happened to be at the wrong place at the wrong time. But I am convinced he also died because he happened to be Jewish.

Attorney General Reno, it is my sincere hope that you will direct your Department to commence a federal civil rights investigation into the Rosenbaum murder and the circumstances in Crown Heights that created the environment in which it occurred.

All decent Americans are shocked when they hear the Yankel Rosenbaum story, the story of a young man who came to our country to study, only to be victimized, killed, simply because of his ethnically and religious beliefs. The American people and the Rosenbaum family have been patient. They deserve some answers.

Thank you for your prompt consideration of this request.

Sincerely,

BOB DOLE.

Mr. SPECTER. Mr. President, I support this amendment.

The purpose of the civil rights laws of the United States are directly on point in this situation. When the incidents occurred in Crown Heights, I followed them through the media but did not have an intimate knowledge of the underlying facts until the confirmation hearing of the Honorable Lee Brown came before the Judiciary Committee earlier this year. At that time, a number of the involved parties submitted certain information which I reviewed on the Judiciary Committee. It was my view at that time that there should have been a more detailed inquiry as to the participation of Dr. Brown when he was police commissioner of New York.

He was confirmed as the drug czar and, as the timetable would show, that matter came up during the period when I was incapacitated and was not here. But I made a point in the Judiciary Committee hearings, having seen some of the complaints and some of the allegations, that further inquiry was necessary.

The committee made a decision not to inquire further at that time because there was no reference as to the direct implication of then Commissioner Brown. That may have been correct.

As I said on the record at that time, I was not personally satisfied, but that was the committee's decision. But whatever the involvement may or may not have been as to Commissioner Brown, now the drug czar, there was no doubt in my mind then, and there is no

doubt in my mind now, that this incident is one which requires an investigation by the U.S. Department of Justice under our Civil Rights Act.

When the distinguished Senator from New York has articulated what happened as someone allegedly ran down the street and said, "Kill the Jew"—and having been in the line for a long time I say "allegedly" because I was not there—we have to see precisely what the evidence is. If in fact that did happen, it is a clear-cut violation of the U.S. Civil Rights Act.

It is action, action in concert by more than one person, a conspiratorial setting under the law, with the intention to single out and attack someone on the basis of race, religion, or ethnicity. While it is a complex legal issue, in my view there is at least a prima facie violation of the Civil Rights Act.

Again, this is not something about which we can make a positive legal determination as we consider this matter, but certainly there is enough prima facie to go forward and have an investigation.

This issue is especially important, Mr. President, in the context of what has happened in the United States on hate crimes. Hate crimes are those where someone is singled out because of religion, because of race, because of ethnicity. There had been a recent challenge as to whether a State could enhance the penalty where you had a hate crime.

I do not have the Supreme Court opinion in hand. I am sure Senator D'AMATO knows the case and citation where the Supreme Court earlier this year decided in a case I believe coming out of Wisconsin—perhaps the distinguished Presiding Officer knows the case, the distinguished Senator from Wisconsin—where the Supreme Court held as a matter of constitutional law that an enhanced sentence was permissible where there was a hate crime and the victim was singled out because of an inherent characteristic. I believe in that Wisconsin case the victim was an African-American. I refer to that case because it underscores, italicizes, the importance of focusing with additional vigor where there is a racial or religious or ethnic bias involved in a crime.

The distinguished Republican leader has properly identified this matter as being nonpolitical. I do not think it is political at all. One of the problems about this matter is that it has languished for more than 2 years. This is an August 19, 1991 matter. This is not the first time that I have urged the Department of Justice to move where I thought that local action was insufficient.

When the incident arose resulting in the Los Angeles riots, I made a public statement that it was a proper matter for the U.S. Department of Justice. I said at that time, albeit by hindsight, that it would have been desirable for the U.S. Attorney to have investigated that matter in advance of the State court jury verdict and to have had a sealed indictment in pocket.

The Los Angeles situation was not totally unpredictable, and there were clear-cut violations of the Civil Rights Act involved there. Had the U.S. attorney investigated that matter, and presented it to a grand jury because the Federal court had concurrent jurisdiction, there could have been a sealed indictment. That indictment could have been made public after the acquittal in the State court and perhaps prevented the very destructive riots in Los Angeles.

But at that time, during a Republican administration, it was my position that there should have been action by the Department of Justice.

Very briefly, one other incident which occurred in Philadelphia, the incident of the MOVE matter, where an entire block was destroyed as a result of police action in Philadelphia, back on May 13, 1985. It was my view that an investigation of that matter was necessary under the U.S. Civil Rights Act. I urged that on a number of Republican attorneys general. That matter was handled inadequately in my opinion by the State prosecutors and was an appropriate matter for intervention by the Department of Justice under the Civil Rights Act.

So that in supporting the distinguished Senator from New York I have done so—had the shoe been on the other foot, where there has been a Republican Department of Justice, I do not think it makes a bit of difference, whether it is Democrat or Republican. Again as the Republican leader, Senator DOLE, has said, this is not a matter which is political.

I believe that in matters like this the Department of Justice under this administration, or the last administration, or the ones in the past, has not been sufficiently vigilant. Civil rights laws in the United States are among our most important laws. They ought to be enforced with the utmost of vigor. I hope that this amendment will be passed unanimously.

I ask unanimous consent to be added as an original cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise to support the resolution sent to the Senate and proposed by my friend and colleague from New York and to thank him for initiating this resolution, and to thank him for the appropriate—in some ways characteristic of him—compassion in which he has spoken on this issue.

Mr. President, the Senator from New York has detailed the factual circumstance that lead to this resolution, a shocking act of violence, shocking unfortunately not so much because it was an act of violence, because we live repeatedly too often numbingly with violence in our cities and towns, and here in the capital of our Nation where it has reached such proportions that the mayor of this capital yesterday asked for the National Guard to come out and help keep order.

Some may find that extreme but it is hard to see why not. If the Government cannot maintain basic order and security for people in our society, everything else we are trying to do, health care, education, environmental protection, you name it, housing improvement, it just does not matter.

This past Sunday I visited a woman in Hartford, CT, visited her house, Dorothy Santiago, who had the courage to stand up against the gangs in her neighborhood that have taken over the streets of that neighborhood, to let police know when crimes were being committed. And she was threatened.

In our State we have an experimental program where the State police are sending reinforcements into cities at the request of the local law enforcement authorities.

Ms. Santiago said to me on Sunday, "Since the State police have arrived I know this neighborhood has gotten to be like a police state. But you know what? It makes me comfortable."

Well, unfortunately that is where we have come.

There will be other times, hopefully before too long on the floor of the Senate, where we will be debating a true, tough, and comprehensive anticrime bill when we can hopefully not just speak but act.

But the case that my colleague from New York highlights here is a case of violence, a case of murder, but murder based on the victim's religious and ethnic orientation. There has never been a dispute as to the facts here, as far as I know—and the Senator from New York can correct me if I am wrong. This crowd went running down the street, targeted this individual walking down the street because of his religion, his national origin, and killed him.

I know there are constitutional legal questions as to whether that was or is a violation of civil rights, but I echo the words of the Senator from New York, who asks: "What is civil rights if not the freedom to walk down the street free of the fear of being shot at because of your religion, your race, your gender, your sexual orientation, whatever denotes your characteristics that might make you a target of some mob?"

Of course, this happened in a context that was really extraordinary in Crown Heights at this time, a context that there was a lot of factual dispute

about. Yet, there then came along a report by the State of New York—incidentally, the Senator from Pennsylvania talked about this not being political or partisan—and the report was commissioned by the Democratic Governor of New York. It concluded that there was a failure by the police, for days, to come in and try to regain control of this neighborhood. Mobs were running wild.

What happens to our civilized society when that occurs?

That New York State report concluded that the police, in the particular case that the Senator from New York points out, the Rosenbaum case, mishandled key evidence and made conflicting statements. It was the weakness of that original case that contributed to Attorney General Reno's initial decision to consider whether to conduct an investigation. But, obviously, the hope is that a full-fledged Federal investigation now might not only determine whether there has been a civil rights violation here, but it might conceivably uncover more evidence relating to the murder of this individual.

Mr. President, just this past Monday—and again, I do not know whether my friend from New York cited this—the New York Times said that those who are calling on Attorney General Reno to conduct a more rigorous investigation into the Crown Heights riots and into the murder/slaying of Yankel Rosenbaum, a scholar, are right. It is difficult, the Times says, to see how she, Attorney General Reno, could fairly make a judgment here without an aggressive inquiry. That inquiry has not occurred yet.

Today we talk about proliferation of missiles and weapons of mass destruction around the world. We have an outlandish proliferation of violence and weapons in our cities and towns. There is a war going on out there and, unfortunately, the bad guys are winning. Too often the good people cower, terrified, in their homes and apartments and the police are outmanned and outgunned. It cannot go on. But in this particular case, there is this extra dimension, which I think cries out for a Federal inquiry.

So I am very grateful to the Senator from New York and the Senate Republican leader for initiating this. I am proud to stand and support it and, in that measure, I hope, indicate that, as the Senator from Pennsylvania says, this should be a nonpolitical, nonpartisan matter. It is a basic and fundamental question of justice and, in a more profound sense, what kind of society we are going to have here in America.

(Mr. SHELBY assumed the chair.)

Mr. BIDEN. Mr. President, I rise in support of the distinguished Senator's resolution. The case of Yankel Rosenbaum raises questions that merit thorough inquiry by the Department of Justice. As I have stated in the past, criminal violations of the Federal civil rights laws cannot be tolerated.

I commend my colleague for bringing this matter before the Senate. Indeed, it is my understanding that this resolution is consistent with the Department's continuing effort to resolve the questions surrounding the Crown Heights incident.

The Attorney General has assured us that the Department of Justice will continue its ongoing inquiry into whether violations of Federal law occurred. Moreover, she has stated that she will be personally involved and will ensure that the inquiry goes forward in a manner totally free from political considerations.

I trust that the Department will reach an appropriate conclusion about whether to seek indictments in the Crown Heights case, based squarely on the facts and the law.

I urge my colleagues to support the resolution.

Mr. D'AMATO. Mr. President, I thank my distinguished colleague, the former attorney general from Connecticut, Senator LIEBERMAN, for his support of this basic right that we are asking the Justice Department to enforce.

When people have to fear walking down the street because of who or what they are, then all is lost. When we have such a terrible failure of prosecution in the murder of Yankel Rosenbaum, as outlined by the report from the director of criminal justice from the State of New York, something must be done. This report clearly says that there were some very real problems, that because of this, the Justice Department should come into this matter.

The fact of the matter is that the former U.S. attorney, Mr. Maloney, a Republican, allowed this matter to languish. I think that the U.S. attorney's office and the people in Washington, the former administration, botched this matter, did not want to touch it; it was volatile. They may have done what was politically correct—to look the other way and make believe the whole thing never happened. And for a long time, that is actually what took place.

I have to tell you that there has not been a thorough Federal investigation. They have not gone through the evidence and vigorously pursued this matter. We know that through our contacts with the people in the community, the lawyers in the community, who represent the various groups, and the witnesses, one of whom was asked: "Well, give us a history of racial relations."

Look, we want to ascertain who those people were that chased Yankel Rosenbaum down the street. Why were they not brought in? Can they be identified? How is it that you have only charged one person? It seems to me that there are a number of points that have to be examined—five—as to why the riots were allowed to go on for 3 days. This is the United States of America. Can you imagine a community of thousands of people held captive? They could not leave their homes and were calling the precincts saying, "Get a police car here, please help us." Nothing was done.

Who told the police to hold back and not make any arrests? If you read the State report, it is clear that officers on the line were not permitted to pursue people who attacked them, or who burned their cars, or who shot at them. This is incredible.

Why were the civil rights of New Yorkers allowed to be so grossly abused? We have a right to know.

Why have all the suspects and inciters of the riots not been arrested or prosecuted?

How was it that the evidence was so badly collected?

How was it that the prosecution was handled in the manner that, I would say, the report clearly indicates was less than adequate?

Certainly, this cries out for a thorough and complete Federal investigation, to invest the manpower and resources and the best investigators to see if we cannot bring justice, or at least attempt to bring justice, to this situation. Many people hoped this would just disappear and go away. Were it not for Yankel Rosenbaum's brother, Prof. Norman Rosenbaum, a distinguished lawyer himself, who came from Australia repeatedly to bring this matter to the public attention and not let it rest, maybe it would have been swept away or would have been forgotten and would have been an ugly chapter that people would not have to remember. I do not think that is justice. That is not what this country is about.

So I am pleased that my friend and colleague from Connecticut, as well as Senator SPECTER and Senator HELMS, join me in this effort.

I ask unanimous consent that Senator HELMS and Senator LIEBERMAN be permitted to be original cosponsors of the amendment, and I hope that we can move this amendment quickly and agree to it unanimously.

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

Mr. D'AMATO. Mr. President, I yield the floor.

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

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

Mr. BURNS. Mr. President, I ask what is the order of the day?

The PRESIDING OFFICER. The pending business before the Senate is the amendment offered by the Senator from New York, [Mr. D'AMATO].

Mr. BURNS. Mr. President, I ask unanimous consent I may proceed as in morning business for the purpose of introducing a bill, and my statement and the introduction be printed in the RECORD at the appropriate place.

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

(The remarks of Mr. BURNS pertaining to the introduction of S. 1497 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, is my understanding correct that an incredible unanimous consent request has been granted with respect to calling up amendments today, the request being that all amendments, in order to qualify, must be offered by noon? Is that correct?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. HELMS. Let me say, if I had been on the floor when that unanimous consent request had been propounded I would have objected. Here we are at 10 minutes to 11 right now. I have two amendments. They will not take long. But I could very easily be foreclosed by a rollcall vote or somebody talking at length on another subject.

Therefore, I ask unanimous consent that it be in order for me to call up two amendments shortly—call up one, lay it aside, then call up the second one and lay it aside and go back to the first—so I can be protected against this foolish unanimous consent agreement.

The PRESIDING OFFICER. There is objection?

Mr. MOYNIHAN. Reserving the right to object, and I do not mean to object unless the managers do, I had hoped to speak for 10 minutes on the amendment offered by my distinguished colleague, Senator D'AMATO. I am chairing a hearing on the nomination of the Social Security Commissioner and a Federal Tax Court judge and I have to return to that hearing.

I hope it will be possible to speak for no more than 10 minutes before further business is transacted.

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I inquire of the Senator from North Carolina, we came here on Friday, we were here all day Friday—Thursday night, Friday, all day Monday, all day yesterday. So, Friday, Monday, Tuesday, plus Thursday night and I think we have only disposed of half a dozen amendments or less. We have been sitting here, Senator SPECTER and I. Last night we sat here. We are here. We are open for business. People can offer amendments. Last night we sat here and no one showed up. We were here all day Monday; no one showed up. We were here Friday. No one offers amendments.

Mr. HELMS. I beg the Senator's pardon, I recall offering four amendments last week on this bill, did I not? Or was it the previous bill?

Mr. SPECTER. If my colleague from Iowa will yield for a moment, perhaps we can accommodate all the interests if we can inquire of the distinguished Senator from North Carolina how long he would expect to take. Perhaps we can accommodate Senator MOYNIHAN?

Mr. HELMS. I suggest my colleagues accommodate Senator MOYNIHAN right now and then revisit my concerns so he can get back to his meeting.

Mr. SPECTER. If I might suggest to my distinguished colleague, perhaps we could set a sequence of events to accommodate all the interests. If my colleague has an idea as to how long his amendments will take?

Mr. HELMS. Mr. President, I guarantee you I will not take more than 15 minutes per amendment. I am not objecting to your working overtime. I work overtime myself. But I have two amendments that I have been standing in line for. I was tied up yesterday with the Foreign Relations Committee. Like the Senator from New York, some of us have many responsibilities. I have managed bills, too.

What I am concerned about is this summary decision that requires you to offer amendments by 12 o'clock or you do not get to offer it at all. That runs counter to the traditions of the Senate.

But if you will assure me that my two amendments will be in order and I will assure you that I will not take more than 15 minutes per amendment—maybe we can resolve the problem. In the meantime, I hope you will let Senator MOYNIHAN proceed so he can go back to his committee.

Mr. SPECTER. If the Senator will yield, I think we can. It is now 8 minutes to 11. We can take 10 minutes for the Senator from New York; we can take 15 minutes each on your amendments, which you have stated.

There is nobody here to argue further on the pending amendment offered by Senator D'AMATO. That would run us to about 11:40, and then the votes may go beyond noon, which would be within the purview of the unanimous-consent request.

So I think all of that can be accommodated, if my colleague from Iowa concurs.

Mr. HARKIN. I do not believe there is any problem.

Mr. HELMS. Fair enough, Mr. President. I withdraw my unanimous-consent request.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of the amendment offered by my friend and colleague, Senator D'AMATO, declaring it to be the sense of the Senate that the U.S. Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of: first, the murder of Yankel Rosenbaum on August 19, 1991; and second, the circumstances surrounding the murder and accompanying riots in Crown Heights, which I will add is a neighborhood in the Borough of Brooklyn, in Kings County, NY.

Mr. President, it is appropriate for the Senate to take this action. The Senate has been the scene of the great debates over civil rights in this century, in this half of this century, I should say, beginning in the 1950's when the Civil Rights Commission was established under President Eisenhower, going on to the great writs of 1964, 1965, and many such that have followed.

The events in Brooklyn, in Crown Heights, on that day continue to haunt the minds of New Yorkers in terms of how could this have happened in our city? It was an event without precedent, Mr. President, so far as we know without precedent. A Jew was murdered on the streets of New York, because he was a Jew, by a mob so proclaiming its purpose and its motive. "Kill the Jew" was the chant.

On the 7th of September, or probably on the 6th of September 1991, Miss Deborah Orin, the distinguished bureau chief of the New York Post here in Washington, spoke with me about the subject. I said very simply that what we had seen was a lynching. I will read her opening remarks:

> Senator DANIEL P. MOYNIHAN yesterday denounced the Crown Heights killing of Jewish seminarian—

And he was a seminarian from Australia—

> Yankel Rosenbaum as "a lynching " that poses the same danger to New York that the Ku Klux Klan posed to the South.

Very shortly thereafter, Mayor Dinkins was asked about my characterization—2 days afterward—and he agreed. The Post had a headline: "Dinkins: Hasid"—that is, a member of the Hasidic Judaic group—"Hasid was 'lynched.' Hints more arrests to come in Crown Heights slaying."

This was repeated in the New York Times: "Dinkins Describes Killing of Jew in Crown Heights as a 'Lynching.'"

Mr. President, shortly thereafter, or presently, shall I say, I, as well as others including my colleague, Senator D'AMATO, wrote to the Attorney General. I stated my understanding of the investigation, that an investigation was being conducted jointly by the Department's Civil Rights Division and the U.S. attorney for the Eastern District of New York. I got a reply from Mr. Barr, or rather from the Assistant Attorney General, Mr. Lee Rawls, which was equivocal.

It said:

Please be advised, however, that Federal civil rights laws address only acts taken intentionally to deny specific victims of certain civil rights established by Federal law.

Surely there is a right to not be stabbed to death on the public streets of an incorporated city, but the Justice Department somehow did not see what had happened.

I have since written Attorney General Reno and have received very supportive comments from her in person and a very thoughtful letter from James P. Turner, who was the Acting Assistant Attorney General of the Civil Rights Division, all of which bespeaks a careful attention to law in the Department of Justice, which is as we would wish it to be.

We do not yet have the feeling that the Department understands the outrage and the alarm that accompanied this act, for it was not an isolated act. Attacks on Jews were made throughout that area, that neighborhood, during those days. For the murder of Mr. Rosenbaum, a person was arrested and indicted, but acquitted. And we have the sense that: What went on there? What was this acquittal all about?

In any event, no one has been found guilty of a murder which took place in the public view of two dozen persons and with the police on the scene minutes thereafter. No one has been found guilty of that lynching.

It is a new thought that the term "lynching" might be applied to the murder of a Jew on the streets of New York. The term is thought to be named for Charles Lynch, an American justice of the peace in the late 18th century who presided over an extralegal court to suppress Tory activity. It is a generic term for a mob murdering an individual because of race, creed, color, or national origin.

There have been too many of these in our country. We do not set ourselves apart from all other nations in that regard, but it is a very difficult, painful part of our history, not yet—not yet—overcome as it ought to be one day.

It does no disservice to the cause of civil rights to assert that they are the civil rights of all citizens regardless of race or creed. The Ku Klux Klan was not just a Southern organization. It once had a majority in the legislature of Oregon and proceeded to outlaw Catholic elementary schools until the Supreme Court overruled the action of that legislature.

The idea of equal rights is so profoundly important in this Nation that it is my judgment the Department of Justice should say if we cannot be certain that a specific civil right has been violated—and again I cite the letter of Mr. W. Lee Rawls: "Please be advised that Federal civil rights laws address only acts taken intentionally to deny specific victims of certain civil rights established by Federal law"—then the effort should be made to determine so.

That is what this amendment calls for and why it has my strong support.

Mr. President, I yield the floor, asking that the newspaper articles and the letters to and from officials of the Department of Justice be printed in the RECORD.

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

[From the New York Post, Sept. 7, 1991]

PAT: MURDER OF HASID A "KKK-STYLE LYNCHING"

(By Deborah Orin)

WASHINGTON.—Sen. Daniel P. Moynihan yesterday denounced the Crown Heights killing of Jewish seminarian Yankel Rosenbaum as "a lynching" that poses the same danger to New York that the Ku Klux Klan posed to the South.

He said "agitators" who stir up racial unrest in New York's black community should be shunned and denounced by everyone in public life just as Klan leaders were shunned in the South.

"We had a lynching . . . people were standing around yelling 'Kill the Jews' . . . and certainly a Jew was killed. That is absolutely intolerable," Moynihan told The Post.

"This has never happened in our city in my lifetime—never, never. And there's a shock of recognition that has yet to come . . . It rings the fire bell."

"This was a race riot—what happened in Crown Heights was as bad as what happened in Detroit in 1943 when black workers were dragged from streetcars and killed by white workers."

Moynihan, an expert on ethnicity, spoke with deep emotion as he stressed that "all of us must speak out louder" against racism, black or white, and proceeded to do just that.

The only way to stop race riots from recurring in New York, he argued, is to use precisely the same tools that were used in the South against the Klan—ostracism and tough law enforcement.

In particular, Moynihan said, Mayor Dinkins should never meet with "agitators" who stirred up the Crown Heights violence. He declined to give names but appeared to be referring to figures like Al Sharpton.

"There are certainly people the mayor should not meet with," he said. "Would you like a Southern mayor to meet with the grand Kleagle [of the KKK] to discuss last night's lynching and their point of view?"

Moynihan added: "We have a model . . . we got rid of the lynching in the South by a process of first, just public abhorrence, so the people involved became ashamed, and law enforcement, which took a long time."

New York's senior senator added that he plans to explore whether a new federal anti-lynching law is needed—or whether there are still federal laws on the books from Klan days that could be applied in New York.

He scoffed at the claims from some blacks that since blacks have been victims of racism historically, it is impossible for blacks to be racists.

"The notion that there is any race that is immune to the failings and sins of other people is itself a racist idea," he said.

"Any group that's capable of surrounding a seminarian and yelling 'Kill the Jew' is capable of racism. Period . . . Stabbing someone because he's a member of a stigmatized group is what we do not do, don't allow."

He also denounced City College Professor Leonard Jeffries' attacks on Jews as a "demented racist" approach, adding: "There's a fellow [Jeffries] I think would be diagnosed as hysteric. It's sad."

In fact, Moynihan said half-seriously, perhaps every student should have to hear Jeffries—"it probably wouldn't be a bad idea for everyone in City College to get a little taste of what demented racist arguments can be like."

Then, more seriously, he wondered aloud: "What ever happened to my City College?" People like that didn't get tenure."

Moynihan praised Gov. Cuomo for pressing for law and order at the outbreak of the Crown Heights violence and made it clear he feels Dinkins should have ordered police to crack down on rioters right away.

The senator said Cuomo spoke up well in those first three days, saying law and order have to be maintained—and they were not. The police were not given the instructions they needed for the first three days, Moynihan said.

[From the New York Post, Sept. 10, 1991]

DINKINS: HASID WAS LYNCHED

(By Mark Mooney)

Mayor Dinkins—under fire from both of the state's U.S. senators—yesterday called the Crown Heights murder of Yankel Rosenbaum a "lynching" and hinted that additional people might be arrested.

It was the toughest language the mayor has used about the death of the Hasidic seminary student who was stabbed to death by a crown of blacks shouting, "Kill the Jew!"

But the mayor also defended himself against criticism from Sens. Daniel Moynihan and Alfonse D'Amato, who have prodded him to take a tougher stand on the death of Rosenbaum—even though he has condemned the murder from the start.

Rosenbaum was killed shortly after 7-year-old Gavin Cato died when he was struck by a car driven by an Hasidic Jew.

Over the weekend, in an interview published in The Post, Moynihan called Rosenbaum's death a lynching and said Dinkins should have ordered police to crack down instantly on rioters.

The senator also said Dinkins should not have met with the Rev. Al Sharpton and lawyer Alton Maddox.

"I think the death of Yankel Rosenbaum was a lynching, as was Yusuf Hawkins'," Dinkins conceded when asked about Moynihan's comments.

So far, only one person has been arrested for the murder of Rosenbaum. Six were arrested when Hawkins, a black teen-ager, was killed by a mob of whites in Bensonhurst.

Dinkins later added: "If there is evidence to warrant additional arrests, then obviously additional arrests should be made."

Pat Clark, a spokesman for Brooklyn District Attorney Charles Hynes, said detectives are looking for other members of the mob that killed Rosenbaum.

But the mayor defended himself against Moynihan's suggestion that Dinkins held back the cops as blacks rioted in Crown Heights.

"For those who suggest that this mayor or someone else in City Hall suppressed the police, or directed that they be less forceful than they were, is just not accurate," he said, "It's just not the fact."

Dinkins also lashed out at D'Amato, saying the Republican senator should be "ashamed of himself" for remarks he made in an Op-Ed piece in The Post last week.

D'Amato blasted Dinkins for not speaking out against "racial racketeers" in Crown Heights, and cited Sharpton and Sonny Carson.

"The truth is that Mayor Dinkins has been more interested in playing politics than standing up for what is right," D'Amato wrote.

"That was a very unfair and inaccurate statement and frankly, he ought to be ashamed of himself making that kind of comment," Dinkins said.

D'Amato could not be reached for comment.

Meanwhile, Rabbi Shmuel Butman, a spokesman for the Lubavitch hassidic sect, said Yosef Lifsh, the driver of the car that killed Cato, had left the city to return to his home in Israel.

[From the New York Times, Sept. 10, 1991]

DINKINS DESCRIBES KILLING OF JEW IN CROWN HEIGHTS AS A "LYNCHING"

(By James C. McKinley, Jr.)

For the first time since the unrest in Crown Heights erupted three weeks ago, Mayor David N. Dinkins yesterday equated the fatal stabbing of a yeshiva-student, Yankel Rosenbaum, with the racist killing of Yusuf K. Hawkins, the black youth who was shot by a group of whites in Bensonhurst two years ago.

Echoing comments that Senator Daniel P. Moyinhan made to a reporter over the weekend, the Mayor used the strongest language he has to date in condemning the slaying of Mr. Rosenbaum in Crown Heights. The Senator, quoted in The New York Post, called the killing a lynching.

"I think that the death of Yankel Rosenbaum was a lynching, as was Yusuf Hawkins," the Mayor said. "No question. Whatever term one gives to these kinds of vicious murders, that's what it is."

The rabbinical student was attacked by a group of black youths and stabbed to death during the violence that was set off when a car driven by a Hasidic man struck and killed a 7-year-old black boy, Gavin Cato.

WALKING A FINE LINE

Although the Mayor has condemned the murder of Mr. Rosenbaum again and again, his words have always been carefully crafted, clearly aimed at keeping the peace.

The Mayor was forced to walk a fine line, with black protest leaders like the Rev. Al Sharpton crying for the arrest of the driver who killed the boy, and Jewish leaders calling for the arrests of more members of the crowd who attacked Mr. Rosenbaum.

The black faction accused the police of a double standard, saying a black driver would have been arrested immediately. The Jewish faction also accused the city of a double standard, asking why, when Mr. Hawkins was killed, several members of the crowd were arrested, while in Mr. Rosenbaum's case, only the suspect was.

The Mayor was in the middle, in what he called a lose-lose situation. His language reflected the strains. At a memorial service for Gavin on Aug. 25, he said: "Two tragedies. One a tragedy because it was an accident. The other a tragedy because it was not."

AN EASING OF TENSION?

The shift in the Mayor's tone reflects a sense among his aides that the critical days of the crisis have eased, and that the need for walking on eggshells has relaxed.

"The words that were spoken then were words that had to be spoken within a community that some people feared might tear itself apart," the Mayor's spokesman, Leland T. Jones, said yesterday.

But he said the Mayor had from a very early stage felt that the murder of Mr. Rosenbaum was the worst kind of racial violence. It was not until questioned about Senator Moynihan's use of the word "lynching" that the Mayor was asked to characterize the murder in that way, Mr. Jones said.

Colin A. Moore, a lawyer representing the Cato family, criticized the Mayor for calling the killing a lynching when the Police Department has yet to classify the killing as a bias crime.

"How could the murder of Yankel Rosenbaum be called a lynching?" he said. "There is no evidence that this was a racially motivated act. To even describe it in the same breath as Yusuf Hawkins is an abomination. It's pandering to the votes of a certain people."

THE POGROM PAPERS

(By John Taylor)

"Police 884. What is your emergency?"

"There are some guys * * * stoning Jews on the corner of Lexington. Stoning the Jews!"

"What are they doing? They're stoning the Jews?"

"Yes! They're throwing a lot of stones at the Jews."

That call was made to the Police Department's 911 emergency number on Tuesday, August 20, 1991, the night after Gavin Cato and Yankel Rosenbaum were killed, the night events in Crown Heights were transformed from a series of contained incidents into a full-scale race riot. There were many such calls.

"Police operator, what is the emergency?"

"Back in the community driveway. These guys are beating up this Jewish lady."

"About how many males?"

"I don't know. There's about five of them."

"Five male black?"

"Uh huh."

"Do you know if they have any weapons?"

"Um, I hear the lady screaming."

Now that the Crown Heights report is finally out, it is worth revisiting the question of whether and in what fashion the race riot two years ago constituted a pogrom. From the point of view of David Dinkins, who sees himself as a champion of racial equality, the idea that the Crown Heights riot was some sort of pogrom is not just untrue, it is morally reprehensible, an outrageous and intolerable personal slander. He never, as the report makes utterly clear, directed the police to withdraw so the black crowd could seek vengeance on Hasidic Jews for the death of Gavin Cato. But from the point of view of the Hasidic Jews, the riot had the look and feel and sound of a genuine pogrom.

"You need to send some police back around Union and Utica, 'cause these people are going crazy out there!"

"A unit for Union and Utica?"

"Yes. Every car that comes down this block, they're bombing them. They—they've got this one man down. They're pulling him out of his car!"

"Union and Utica. And what are they doing with his car?"

"They're pulling the people out of the cars. All the Jews that come down, they take them out of the car and beating 'em up."

The Jewish families whose homes were surrounded by black mobs experienced absolute terror.

"They're heading down to my house. They're breaking the windows. Utica and President, please come! They're in front of my house! Get 'em here!"

"What is your address?"

"Utica and President. Please, they're breaking my windows." [Screams]

Three minutes later, the woman, who said she had children in the house, called back.

"They're breaking all the windows on my block."

"They're breaking all your windows?"

"Why aren't they here? Why are they stalling?"

"Police are on the way, ma'am."

"No, they're not. I don't see them!"

"Ma'am, calm down."

"What are you doing to us?"

Not only were Jews singled out for attack—a necessary but not a sufficient condition for a pogrom—but, just as happened during Kristallnacht, the anti-Semitic rampage seemed to the Jews on the streets to have official sanction. Police on patrol in Crown Heights, threatened with suspension if they moved from their designated positions, at times did nothing to stop the violence they observed. It is a frightening enough experience to be in danger and feel that the people who are supposed to protect you are not around. It is genuinely horrifying to be in danger and realize the people who are supposed to protect you are present but will not protect you.

Thomas Gallagher, the field commander during the riot, told the state investigators that, as they summarized it, "unless life and property is clearly in peril, it is preferable to allow the situation to vent itself, rather than fuel it through aggressive police action." But there were times during the riot when the police were aware that "life and property" were in danger, and they still did nothing.

A Hasidic Jew named Isaac Bitton told investigators he was walking home with his 12-year-old son on Tuesday night, and asked police if Schenectady Avenue was safe. They assured him it was. But an aggressive crowd on the other side of the avenue approached him. He was hit with a brick and fell. The mob pulled his son away and beat him. This all took place in view of the police. "One resident on the street saw the incident from her window and screamed for the police to help them," the report says. "The police, she says, did not come to their assistance."

The woman who called 911 to say the mob had broken all her windows called back at least seven times that night. Her last call came almost three hours after her first.

"It's a pogrom! You know what that means? It is bad. If we have to wait for the killings, we're finished. My door's broken. I'm not safe in my house anymore. I want to get out. How am I gonna get out of here? This is out of control, ma'am. Who do I speak to? Where is the mayor now?

Had the woman been able to get through to the mayor, who was at City Hall, she would have learned that he was under the impression black kids in Crown Heights were simply blowing off a little steam. Bill Lynch, then deputy mayor and now Dinkin's campaign manager, told investigators that he believed the situation Tuesday night was much the same as it had been Monday night, when, as he said, "a small group of kids" were engaging in "some kind of rock throwing," and blacks and Jews were "just shouting back and forth."

This misunderstanding about the true nature of the situation—a misunderstanding supposedly brought about by a "lack of communication" with the Police Department, on whom the mayor has said he relied for his sole source of information—has always been the centerpiece of Dinkins's defense of his performance during Crown Heights, and it has always been a somewhat unsatisfactory one. But now, with the release of the Crown Heights report, it appears almost incomprehensible.

During the rioting, Dinkins, who said last week that "I had no reason in the world to ignore what I was being told by the finest Police Department in the world," chose instead to ignore five significant streams of information that should have alerted him to what was really taking place. It's conceivable that he might have ignored one or even two of these, but that he ignored the collective weight and reciprocal validation of all of them almost defies belief. As the report puts it, "The mayor . . . had a number of important sources of information which should have called into question Police Department assurances that the disorder was under control."

To begin with, there were the media. Reporting live from Crown Heights at seven o'clock on Tuesday night, Channel 5's Pablo Guzman said, "It's a dangerous situation. The groups are literally fighting each other. It's enough to make you sick." Later, Channel 11's Tim Malloy declared in a live report, "This is as ugly as it gets. . . . It's escalating." At his press conference last week, Dinkins said he ignored the television stories because "you can't always tell from a television story what to believe."

But Dinkins didn't have to rely on television. A second stream of information came from Hasidic leaders. The report cites seven Jewish leaders who called City Hall and spoke to officials such as Assistant to the Mayor Herbert Block about the unfolding crisis. Block, according to the report, could not remember some of the calls, said of those he did recall that "the issue of the police not taking effective action was not raised," then pointed out that "even when small incidents occur, the Hasidic leaders are always demanding increased police protection."

So the sensationalistic television coverage couldn't be trusted, and neither could the overexcitable Hasidic leaders. But the mayor's longtime friend and advisor Howard Rubenstein, who had received many calls from people in Crown Heights, telephoned Dinkins overnight Tuesday to say the police had not halted the violence. Dinkins told investigators he couldn't remember the call, but added, "If Howard Rubenstein said he called, he did."

The logs of the Police Desk at City Hall, which has the responsibility for informing mayoral officials of emergencies, contain entries Tuesday night noting confrontations between blacks and Jews, injuries suffered by civilians and police, overturned police cars, and shot police officers. According to the logs, the desk officer notified the mayor's top aides. Dinkins could not recall being told of the logs. He told investigators that since the police already knew about the incidents described in the logs, "it was . . . unclear to him what he was expected to have done with such information."

Finally, two mayoral aides were in Crown Heights throughout the riot, acting as the "eyes and ears" for City Hall. One of them, Robert Brennan, was knocked unconscious Tuesday night when hit with a brick. Recovering, he called Bill Lynch with a detailed account of police inaction. Lynch says he does not remember the call.

"I talked to dozens of people," Lynch said last week. "You try to synthesize the information. I don't remember anybody [before Wednesday] saying things were out of control." When I pointed out to Lynch that the Daily News had quoted him saying Tuesday night that things were "out of control," he said, "I didn't mean in terms of violence but that I couldn't get at the root of the problem, what was causing it."

The memory lapses by Lynch and Dinkins—what they knew and when they knew it—coupled with the mayor's lack of curiosity during the riot, are truly astounding. After all, it is the job of the mayor to make sure he knows what's going on in the city. "Did the mayor fulfill his responsibilities in managing the crisis in Crown Heights?" the report asks. "Did he make all efforts to know what the Police Department was doing, did he ask the tough, probing questions? . . . There is no evidence to indicate that the mayor was asking these questions prior to . . . Wednesday evening . . . when the mayor [in visiting Crown Heights] experienced the actual level of tensions and hostility, and became, himself, a victim. . . ."

This failure is so complete it's as if Dinkins, until Wednesday, had been a denial, as if he hadn't wanted to know what was happening. One explanation maybe that Dinkins, a career city bureaucrat, is so thoroughly ingrained with government procedures that it never occurred to him to go outside official channels. Another explanation may be that Dinkins, whose courteous demeanor masks a racial bitterness occasionally glimpsed in remarks about "slave ships" and "sitting in the back of the bus," felt that the expression of black rage was, up to a point, justified. At the same time, as with virtually every other racial incident during his administration, it seems clear he was fearful of alienating his black base, and wanted, until his personal experience of the danger made it impossible, to avoid siding with the whites in a race riot.

In Dinkins' favor, it must be noted that Crown Heights was not Los Angeles. "Only two people died," says his supporter Hazel Dukes of the NAACP. "You have to give him credit for that." Furthermore, as Dinkins emphasized in his press conference last week, his indecisiveness lasted only 24 (or, at the most, 36) hours, from Tuesday night, when the rioting really broke out, until Thursday morning, when he issued orders for the police to take any steps necessary to end the violence.

Even so, those will probably prove to be the most crucial hours in Dinkins's political life. A number of political analysts suggested the impact of the report on the mayoral race would be minimal, since most New Yorkers had already made up their minds about the mayor's performance. That is difficult to believe. Until the report's release, Rudolph Giuliani had failed to offer a truly persuasive reason Dinkins should be turned out of office. Now Dinkins will have to convince voters that he should be re-elected.

U.S. SENATE,
Washington, DC, December 3, 1992.

Hon. WILLIAM P. BARR,
Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: On October 30, 1992, you announced in the wake of the state trial jury acquittal of Lemerick Nelson, that the Justice Department would conduct an inquiry into the murder of Yaakov Rosenbaum, who was killed during the unrest in Crown Heights in August 1991. I understand the investigation is being conducted jointly by your Department's Civil Rights Division and the U.S. Attorney in the Eastern District.

I commend you for commencing this investigation. I called for such an investigation last year, as did Brooklyn District Attorney Charles J. Hynes, and others. As you know, New York City Mayor David Dinkins has said he welcomes the inquiry.

I am interested to learn of the scope and depth of your investigation. Without divulging the details of your ongoing inquiry, could you provide me with a general description of its parameters? This matter is of the greatest importance to New Yorkers who are relying on you to see that justice is served.

Sincerely,

DANIEL PATRICK MOYNIHAN.

DEPARTMENT OF JUSTICE,
Washington, DC, December 22, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: This is in response to your recent letter to Attorney General Barr concerning the killing of Yankel Rosenbaum and the August, 1991 rioting in Crown Heights, New York. As you note in your letter, the Civil Rights Division, the Federal Bureau of Investigation, and the United States Attorney's Office for the Eastern District of New York are now proceeding with a federal inquiry into the killing of Yankel Rosenbaum.

You may be assured that all evidence related to the attack on Mr. Rosenbaum, and the surrounding circumstances, will be evaluated in the course of the investigation. Please be advised, however, that federal civil rights laws address only acts taken intentionally to deny specific victims of certain civil rights established by federal law. This Department will take all appropriate action in the investigation and prosecution of this matter in light of the evidence and the applicable law.

If you have questions regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington DC, January 15, 1993.

MARY JO WHITE,
Acting United States Attorney for the Eastern District of New York, Brooklyn, NY.

DEAR MARY JO: I have been following developments in this ongoing investigation which is being conducted by your office and the Civil Rights Division, and have discussed this matter * * *.

I would like to emphasize that this matter should be vigorously pursued, and that your investigation is not necessarily limited to the killing of Yankel Rosenbaum. Rather, you should follow the evidence wherever it leads, including any evidence that the community was deprived of its right for discriminatory reasons.

Thank you for all of your hard work on this matter.

Sincerely,

WILLIAM P. BARR,
Attorney General.

U.S. SENATE,
Washington, DC, May 12, 1993.

Hon. JANET RENO,
Department of Justice,
Washington, DC.

DEAR GENERAL RENO: Since assuming office you have had a great many things to do. However, I hope that you have found time to turn your attention to the Crown Heights investigation. You undoubtedly saw the editorial in the April 26th New York Times entitled "Justice for Yankel Rosenbaum." However, I'm enclosing a copy in case you have not.

You may also be aware that on January 15, 1993, then Attorney General William T. Barr

wrote acting Eastern District U.S. Attorney Mary Jo White as follows:

"I would like to emphasize that this matter should be vigorously pursued, and that your investigation is not necessarily limited to the killing of Yaakov Rosenbaum. Rather, you should follow the evidence wherever it leads, including any evidence that the community was deprived of its rights for discriminatory reasons."

I believe that the policy expressed in Mr. Barr's letter is the right one. I first called for such an investigation in September of 1991 and have reiterated my concerns on several occasions. Indeed, prior to Mr. Barr's letter on January 10, 1993, I said in a speech to the Jewish Community Council of Washington Heights and Inwood:

"We need to know what happened during those three days and nights in Crown Heights and in the subsequent efforts to apprehend and prosecute those responsible for criminal acts. The issue before us is not whether Jews and Blacks will live in harmony in Crown Heights—the vast majority always have and will always continue to do so.

"The issue is even greater than the questions of who killed Yaakov Rosenbaum or who participated in acts of violence against persons or property. Rather the issue before us is whether the citizens of New York—all the citizens of New York—can expect justice and fairness from every level of government."

This is a matter of surpassing importance to New York. Would you please let me know if the position outlined in Mr. Barr's letter is still the Department's policy? I would also appreciate knowing what resources the Department is devoting to the investigation.

Respectfully,

DANIEL P. MOYNIHAN.

DEPARTMENT OF JUSTICE,
Washington, DC, June 16, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: This is in response to your recent letter to Attorney General Reno regarding the killing of Yanbel Rosenbaum in Crown Heights, Brooklyn.

As you know, on October 30, 1992, following the state court acquittal of Lemrick Nelson, then Attorney General William Barr announced that the Civil Rights Division and the United States Attorney for the Eastern District of New York would jointly investigate the killing of Yanbel Rosenbaum. Since then, the Department has been engaged in an active investigation into the killing as well as other possible federal crimes that may have occurred in connection with the unrest in Crown Heights in 1991.

I have looked into the matter personally, and I am persuaded that the Department has treated this case seriously and has investigated it thoroughly. Several lawyers from both the U.S. Attorney's office in New York and from the Civil Rights Division of the Department are involved in the case, as well as the FBI. It is not the policy of the Justice Department to divulge the exact numbers of FBI agents investigating specific matters, but I am convinced that sufficient resources have been made available to adequately collect the evidence.

It is important to recognize, however, that the federal civil rights statutes utilized to prosecute hate crimes are limited in application. Murder, assault, destruction of property, and other violent crimes do not by themselves violate federal civil rights laws. There must also be evidence that the violence was motivated by the defendant's racial or religious animus, and also that the defendant intended to interfere with a victim's exercise of a federal right or privilege.

Within the next few weeks, the Department hopes to have a final resolution regarding the Rosenbaum matter, although that could change. We believe you would agree that it is prudent to allow sufficient time for the new U.S. Attorney, who will be on board soon, to review the case.

As you probably know from press accounts, Department lawyers still haven't been given access to other Jewish victims of violence during the relevant period, and thus are unable to complete their investigation. Anything you can do to move that request along would be greatly appreciated.

Thank you for expressing your interest in this matter.

Sincerely yours,

JAMES P. TURNER,
Acting Assistant Attorney General.

Mr. MOYNIHAN. I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair for recognizing me.

Mr. President, before sending to the desk the first of two amendments and asking them to be stated by the clerk, I propose to read a letter from a Raleigh, NC, resident, Mr. J.W. Sisson, Jr. I do not know Mr. Sisson, but I am impressed with his letter. His letter was dated September 22 and arrived in our office yesterday.

All statements in Mr. Sisson's letter have been checked carefully and found to be accurate. I shall read the body of Mr. Sisson's letter slowly so that Senators and/or their staff representatives may understand the purpose of the amendment that I shall offer shortly. And I am going to ask that all of it, including the heading, be printed in the RECORD.

It says:

DEAR SENATOR HELMS: The old saying "crime doesn't pay" is no longer true and I hope you will do all you can to reverse this trend. On September 21, 1993, the News Observer in Raleigh carried a headline on page 3A which read "Insane Killer's Federal Checks Challenged." The article reports on Michael Charles Hayes who is incarcerated for killing 4 people in North Carolina. Mr. Hayes receives $536 a month from Social Security while he is incarcerated because he is "Disabled" by reason of insanity.

While incarcerated in Dorthea Dix Hospital he has purchased a motorcycle, two leather jackets worth $300 apiece, a wardrobe of 40 knit shirts and television sets and VCR's. The irony is that he became disabled because a jury found him insane.

Come on now. Here is a loophole that should be immediately stopped. If nothing else, the deficit would be reduced by $536 a month. The Social Security is quoted as saying they don't know how much is spent in disability to those incarcerated and under State care. They estimate $48 million every 5 years could be saved on such payments. What makes it worse is that there is no compensation for the victims' families, although the paper says a civil suit was filed against Mr. Hayes and that is what brought his spending habits to the attention of the press.

Please do what you can to: 1. Stop Mr. Hayes' payments. 2. Close the deficit spending by removing disability pay for all who are criminally insane and incarcerated.

Thank you for listening. Above all, we must reduce this deficit spending.

Sincerely,

JOHN W. SISSON, Jr.

AMENDMENT NO. 976

(Purpose: To amend title II of the Social Security Act to prohibit the payment of benefits to individuals confined to public institutions pursuant to court order based on a verdict that the individual is not guilty of a criminal offense by reason of insanity or similar finding)

Mr. HELMS. Mr. President, I am going to discuss this further, but for the moment I ask unanimous consent that I be able to send this amendment to the desk and lay the amendment aside very temporarily while I call up a second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, I wish to get this in an orderly procedure. We have the D'Amato amendment pending. The Senator from North Carolina wants to lay that and all amendments aside.

Mr. HELMS. Yes.

Mr. HARKIN. Lay all those aside to offer this amendment, to offer two amendments in order.

Mr. HELMS. That is correct, because of the unanimous-consent request granted last night. I wish to be absolutely protected. I know the Senator will protect me, but this is sort of a minor protest against such unanimous-consent agreements. So I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 976.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following:

"SEC. . RESTRICTION ON PAYMENT OF BENEFITS TO INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS PURSUANT TO VERDICTS OF NOT GUILTY BY REASON OF INSANITY OR OTHER MENTAL DISORDER.

(a) IN GENERAL.—Section 202(x)(1) of the Social Security Act (42 U.S.C. 402(x)(1)) is amended—

(1) by inserting "(A)" after "(1)", and

(2) by adding at the end the following new subparagraph:

"(B) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a

verdict that the individual is guilty, but insane or not guilty of an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence).".

(b) CONFORMING AMENDMENTS.—

(1) The heading for Section 202(x) of such act is amended by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners".

(2) Section 202(x)(3), is amended by striking "any individual" and all that follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to benefits for months commencing 90 days after the date of the enactment of this Act.

(2) SPECIAL RULE REGARDING PAYMENTS TO INSTITUTIONS.—The amendment made by subsection (a) shall not apply to any payment with respect to any individual, if, as of the date of the enactment of this Act, such payment is made directly to the public institution to compensate such institution for the expense of institutionalizing such individual.

AMENDMENT NO. 977

(Purpose: To prevent States from misusing Federal Medicaid funds)

Mr. HELMS. Mr. President, I ask unanimous consent that this amendment be very temporarily laid aside so that I may call up the second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, will the Senator please restate his unanimous-consent request.

Mr. HELMS. I asked that the pending amendment now be laid aside temporarily, very temporarily, so that I can call up the second amendment, and then I am going to lay that aside and go back to the first amendment. I want to abide by this unanimous consent request of last night.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 977.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, add the following:

"SEC. . None of the funds appropriated under this Act for the Medicaid Disproportionate Share Hospital payment program may be disbursed to a state until the Governor of such state certifies to the Secretary of Health and Human Services that such funds shall be expended solely for providing medical assistance under Medicaid: *Provided further*, That it is the sense of the Senate that any health care reform legislation enacted by Congress should modify or eliminate the Medicaid Disproportionate Share Hospital payment program, because states are currently abusing the program by spending Federal matching funds for purposes unrelated to Medicaid.".

Mr. HELMS. Now, Mr. President, I ask unanimous consent that the second amendment be laid aside and we make my first amendment the pending business.

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

Mr. HELMS. I thank the Chair, and I thank the managers of the bill.

AMENDMENT NO. 976

Mr. HELMS. Mr. President, we received protests from several other citizens who are understandably indignant about this abuse of Social Security funds. Here is the case of a man who deliberately killed four people in North Carolina. The court ordered that he be locked up in a mental institution, Dorothea Dix Hospital in Raleigh. This man, Michael Charles Hayes, as someone has commented, may be crazy but he is crazy like a fox. He has managed to demand and receive Social Security checks every month in the amount of $536.

Mr. Hayes claims that he is disabled. Furthermore, the Social Security Administration estimates that similar payments, totaling $48 million every 5 years, are being paid to others in similar circumstances. Meanwhile Michael Charles Hayes, the man who killed four people, is having a ball. Already, according to various accounts that have been confirmed as accurate, Hayes has bought himself a motorcycle, two $300 leather jackets, 40 knit sports shirts, and various other items such as television sets and VCR's.

What about the families of the four innocent people whom Hayes shot and killed at random? What do they receive, Mr. President? Not a farthing, not a penny.

Mr. President, to this day this killer is collecting $536 every month from Social Security. The father of one of the four innocent victims killed at random by Hayes protested that Hayes is living in hog heaven at the mental institution, Dorothea Dix Hospital in Raleigh. This distraught father of one of the four victims testified before a House subcommittee last week. He said the inventory of Hayes' personal property filled 9 pages with 20 items on each sheet. The mental hospital was forced to provide Hayes with additional storage space for all of his purchases.

This father of the victim, Mr. Nicholson, testified that Hayes has four jackets and two full-length leather coats purchased with his Social Security benefit checks. He has two television sets, two VCR's, an elaborate stereo system, a microwave oven, and walkie-talkies with which he and his girlfriend, who is a fellow patient, have communicated during the day.

Mr. President, this strange travesty has happened all across the Nation. In New Jersey, for example, a man named Herbert Olsen tried to kill his parents. He was found to be insane, and he collected $8,646 in retroactive disability payments plus $678 a month Social Security. Mr. Olsen escaped and went to New York to buy drugs using the very money he received from Social Security.

Just late yesterday I ran across the story of a lady named Susan Donnelly who testified before the Ways and Means Committee last week. I will not read it all, but I will put it in the RECORD in its entirety.

Susan Donnelly says:

Two years ago my life, as I knew it, was maliciously destroyed. I was managing a professional fire and water damage restoration company. An employee who had worked for the company for about 2½ years attacked me with a baseball bat following a disagreement about the day's work schedule and severely damaged my head.

My jaw was broken in three places. The right side of my face was shattered into too many pieces to allow use of the bones for reconstruction. A bone fragment was driven up into my eye socket. My right elbow was broken. Thirty-two stitches were required to sew up the back of my head. Several teeth were pushed up into my head. There is a large amount of nerve damage to the right side of my face. I suffered damage to my hearing and must now wear hearing aids in both ears. That is some of what happened to me.

Later on she says:

The State of Maryland found my attacker guilty of attempted murder and other charges but not criminally responsible. He was sent to Maryland's Clifton T. Perkins State Hospital. I'm back at work so my State tax dollars pay for his medical treatment and his board and room. Now I discover that my Federal tax dollars reward him with Social Security disability payments after he tried to kill me. I'm the victim and in addition to my physical and emotional problems must cope with reduced income while he has no regular bills to pay and can bank the Social Security payments. That is outrageous. * * * Where is the justice in what has happened to me? * * *

I ask unanimous consent that all of her statement before the House Ways and Means Committee be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, this abuse has been described to me by many people as incredible. This amendment will save the taxpayers untold amounts of money, at least $10 million a year—maybe more than that because how many such cases there are I do not know, and Social Security says it does not know.

Over in the House of Representatives, Mr. President, Congressman JACOBS has introduced legislation to stop disability payments to an individual whom a court has found to be innocent

by reason of insanity. My amendment, obviously, is similar to Congressman JACOBS' bill.

As Congressman JACOBS correctly attests, Social Security disability is intended "to provide food and shelter for the disabled." But if a person is in a mental institution, he or she is already receiving food and shelter and should not be allowed to double dip into the taxpayers' pocket.

This is not a novel concept—speaking of the pending amendment. It should be made clear that the law, Mr. President, already forbids such payments to criminals who are in prison. This amendment merely expands the concept of the current law to individuals who have been declared to be insane and locked up in mental institutions.

I contend and am prepared to justify that this amendment is just plain common sense. It will rectify an obvious injustice, and it will save the taxpayers a great deal of money.

Mr. President, if anybody wants to comment on this amendment now, I shall yield the floor. Otherwise, I will be glad to discuss the other amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I looked over the amendment. We are checking with Senator MOYNIHAN, who is chairman of the Finance Committee. He seems to think it is a good amendment. Quite frankly, it just shows you how you try to plug one hole and another one opens up. We tried to plug this prisoner—I remember being involved in that debate several years ago. I do not know whether I was in the Senate or the House at the time when we discovered that prisoners were getting Social Security payments, which everyone thought was crazy at the time. So we plugged that loophole by saying that prisoners could not get Social Security payments.

I guess it never occurred to people at the time that this is another avenue where individuals could get Social Security payments who were found to be not guilty by reason of insanity—of course, insanity is a disability—and then to apply for disability benefits while that person was not a prisoner as such in a jail or a prison, but, I guess, kept in an institution for the mentally insane. I guess that is the situation here with this person. It is interesting that that loophole continued to exist.

I think it is a good amendment. I understand from the—I was reading the amendment. Sometimes you cannot tell by reading it. But I was reading the summary of the amendment that I think the Senator put out. This is one question that I had, that it grandfathers the situations where the payment is going to the institution to defray their costs instead of going to the patient, that these existing arrangements be allowed to continue.

Does the Senator know? In other words, does Social Security make payments sometimes to institutions?

Mr. HELMS. Absolutely. The Senator is correct. That situation would be grandfathered.

Mr. HARKIN. I am not sure I would even be in favor of that. Why should we say they should continue to go to the institutions? I do not understand that. How does the institution qualify for a Social Security payment?

Mr. HELMS. It was suggested to me that there might be some protest on the floor if we put it in.

EXHIBIT 1

SEPTEMBER 21, 1993.

CHAIRMAN, LADIES AND GENTLEMEN: My name is Susan Donnelly. Two years ago my life, as I knew it, was maliciously destroyed. I was managing a professional fire and water damage restoration company. An employee who had worked for the company for about 2½ years, attacked me with a baseball bat following a disagreement about the day's work schedule and severely damaged my head.

My jaw was broken in 3 places. The right side of my face was shattered into too many pieces to allow use of the bones for reconstruction. A bone fragment was driven up into my eye socket. My right elbow was broken. Thirty two stitches were required to sew up the back of my head. Several teeth were pushed up into my head. There is a large amount of nerve damage to the right side of my face. I suffered damage to my hearing and must now wear hearing aids in both ears. That is some of what happened to me.

Returning to work has been very difficult for me. Following the attack, my self esteem was and still is very low. My self confidence, as well as my body, took a beating. It makes me constantly question whether or not I was doing my job as well as I thought, even though I know I was doing an excellent job. If someone questions me at work I mentally wince and have trouble dealing with it. So now giving out directions on the job is not easy. Second guessing myself is an everyday thing, even though a part of me knows I know my job inside and out.

For a year and a half, I received workman's compensation. That money didn't come close to equalling my previous salary or allow me to pay all my bills. I lost my position as a manager and it is doubtful that I'll ever get it back. The owner has told me this already, so future earnings are not going back to where they were before the beating.

I also have mental and emotional problems. My short term and long term memory are faulty. I have lost a lot of my former large vocabulary and English usage (my father helped me with this paper). I formerly was an excellent writer, receiving a civic award for an essay on a patriotic theme. I used to read a lot in my spare time but my attention span is very short now, so I find it difficult to read for any length of time. I have a great deal of difficulty with the thinking process, like resolving schedule conflicts, and figuring how to go from point A to point B. I frequently lose control over my emotions for no good reason. I get into a rage over nothing and get upset easily.

The State of Maryland found my attacker guilty of attempted murder and other charges but not criminally responsible. He was sent to Maryland's Clifton T. Perkins State Hospital. I'm back at work so my State tax dollars pay for his medical treatment and his board and room. Now I discover that my federal tax dollars reward him with Social Security disability payments after he tried to kill me. I'm the victim and in addition to my physical and emotional problems must cope with reduced income while he has no regular bills to pay and can bank the Social Security payments. That is outrageous!! I work hard, pay my taxes, vote and basically try to live a decent life. Where is the justice in what has happened to me. Who is going to give me money to compensate for what has happened to me. Workman's Compensation paid my enormous medical bills and may eventually give me a few hundred dollars. This will not begin to compensate for the impact this attack had, and will continue to have, on my life. I'm trying my best to get on with my life and then this Social Security fiasco slaps me in the face.

I urge you to pass this bill, H.R. 979. Don't tell everyone that crime really does pay!!

Thank you.

G. SUSAN DONNELLY.

But I hear the Senator. I would be glad to modify the amendment.

Mr. HARKIN. I am curious as to how an institution qualifies for a Social Security payment. I do not understand that. I should find out.

Mr. HELMS. I agree with the Senator, but it does happen there are arrangements between the institutions and the families of the patient. I was trying to get to the heart of the matter with my amendment. I will be glad to modify the amendment.

Mr. HARKIN. Let me find out from some of these experts around here.

I also want to make it clear, and I want to be clear from the Senator, that if a person is disabled by reason of insanity and is in an institution, that this would not prohibit Social Security disability payments to that person, as long as that person was not convicted of a felony.

Mr. HELMS. The Senator is correct, although a conviction for the felony itself is unnecessary. There must be a verdict that the person is not guilty by reason of insanity or guilty, but insane.

Mr. HARKIN. That is good, because I think that conforms with the Americans With Disabilities Act then.

Mr. President, I am in favor of the amendment. I think it is a good one. But I want to find out about this other aspect. Let us go on to the second amendment, and I will find out about this first one.

AMENDMENT NO. 977

Mr. HELMS. I presume the managers of the bill have copies of the second amendment.

Mr. President, this amendment is equally clear and, I think, forthright. My feeling is that the time has come to say "no" to a lot of States that are abusing the Medicaid Disproportionate Share Hospital Payment Program. Maybe a lot of Senators do not know about this program. And I did not know about it until I started looking into this. I really did not understand how it

works. I did not understand how the various States were abusing the program. So let me do the best I can to convey my understanding of the situation.

Medicaid is a joint Federal-State entitlement program that pays for medical services for low income citizens. The program is administered by the individual States according to each State's so-called State medical assistance plan which describes that State's basic eligibility, coverage, reimbursement, and administrative policies. Of course, the Federal Health Care Financing Administration [HCFA] must give its final approval to each State's medical assistance plan.

Now generally speaking—and this is a mouthful—the Medicaid Program in each State pays claims for "medically necessary covered services rendered by qualified providers to eligible beneficiaries."

Medicaid services and administrative costs are financed jointly by the Federal Government and the States. The Federal share of a State's payments for services is calculated annually based on a formula designed to give a higher Federal matching rate to poorer States. However, the Federal Government always pays at least 50 percent—and for really poor States—up to 83 percent of a State's total Medicaid costs. In 1992, the total Federal share of Medicaid payments was estimated to be 57 percent. This year, the Federal Government will spend $80 billion on the Medicaid Program, making it the fourth-largest item in the U.S. budget.

Predictably, whenever this huge an amount of money is thrown around, someone somewhere is going to find a way to abuse the system—which is exactly what most States started to do a number of years back.

It is necessary to get into some detail here, so please bear with me. Using a mechanism known as intergovernmental transfers, dozens of States have cooked the books to make it appear that they actually raised money to qualify for Federal matching Medicaid dollars when in fact they have not. For example, to receive greater Federal matching funds, States have either collected hospital donations or raised taxes on hospitals and other health care providers. The effect of this little gimmick is to make it look like the States has spent more on Medicaid than it in fact has. And of course this expense padding is done for the express purpose of increasing the amount of money the Federal Government has to match.

Mr. President, by late 1991, 34 States had in place—or had plans for—a hospital donation program of hospital specific tax. To put a halt to these shenanigans, Congress passed the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991 (Public Law 102-234).

Unfortunately, that law still left open a huge loophole. How does this loophole work? Here is how: In one of the Medicaid programs known as Disproportionate Share Hospital [DSH] Program, the Federal Government gives States matching funds as an incentive to develop programs that serve a larger number or disproportionate share of poor patients. States have used this so-called incentive program to inflate the Medicaid expenses the Federal Government has to match. The States have then used their artificially inflated Medicaid windfalls from the Federal Government for non-Medicaid purposes, such as balancing State budgets or pet projects such as constructing States office buildings.

Mr. President, I must acknowledge that North Carolina is one of the States planning to use this loophole. This past February, HCFA, the Federal agency, approved North Carolina's Medical Assistance Plan which will allow four of North Carolina's so-called disproportionate share hospitals for the mentally ill to transfer $100 million per year in expenses to the State Medicaid Program. This arbitrary accounting transfer allows North Carolina to qualify for approximately $200 million in additional Federal Medicaid matching funds.

Once this Federal money has been received, North Carolina intends to place the $200 million in the accounts of the State mental hospitals. But once North Carolina does that it is then free to declare that $200 million as a surplus in the mental hospital account which—under Federal law—can then be tapped by the State to use however it sees fit.

Several media reports from my State confirm that North Carolina plans to use this Federal windfall for State construction projects and numerous other projects having nothing to do with providing health care to the poor.

However, North Carolina is not cornering the market on Medicaid fraud. I've read other news articles stating that this type of abuse is occurring in Michigan, California, New Hampshire, and Texas, just to name a few.

Last year alone, the 34 States I mentioned earlier reportedly received $10 billion in additional Medicaid money as a result of this loophole. In 1993, Federal allotments for so-called disproportionate share hospitals alone total $16.5 billion.

Mr. President, what I want to know is how much of the total DSH funds, $16.5 billion, will actually be spent on hospitals that truly serve a disproportionate share of poor or disabled patients.

Mr. President, Senators may ask what harm results from such abuse. The answer is simple—the Federal deficit skyrockets. In an era when everyone is supposedly concerned about the Federal deficit, it is mind-boggling that Congress is allowing this abuse to continue. As everyone knows, certainly Mr. Clinton, Medicaid has become the major culprit in the ever-increasing Federal deficit. But is such astronomical growth in the deficit surprising when one considers that Medicaid spending between fiscal years 1989 and 1992 doubled; and it is projected almost to double gain by fiscal year 1997.

This year, combined Federal and State Medicaid spending for the poor and disabled will reach an estimated $147.8 billion, just $8 billion less than what is spend on Medicare for the elderly. And by 1997, Medicaid spending alone is expected to grow to an astounding $221 billion. We must not permit $1 of this money to go for purposes other than those Congress intends.

For the good of all Americans, Congress must stop this abuse once and for all. If we do not, then as the saying goes, "the dead cat will lie on our doorstep." We, and no one else, should be held accountable by the voters if we allow this pillaging of the Federal Treasury to continue.

This amendment now pending seeks to assure that whatever health care plan Congress eventually enacts will automatically eliminate the current DSH Program, the Medicaid Disproportionate Share Hospital Payment Program. That is a mouthful.

This will put an end to the abuse that so many States have creatively learned to do by diverting these funds for other purposes not related to medical care for the poor and disabled, except a desire to have a little bit more money in the State coffers—free money from Washington.

Any health care legislation enacted by Congress must develop an alternative payment system so that the poor and disabled can and will continue to receive the medical funds they need. I want to make that clear.

In addition, this amendment would require the Governor of each State receiving DSH payments in fiscal year 1994 to certify to the Secretary of Health and Human Services that Federal funds will in fact be used for Medicaid purposes, not for anything else. States should not play "footsy" with the Federal dollars designated for Medicaid purposes.

This amendment should not be controversial, since both the Clinton administration and Senator CHAFEE's group advocate health care reform proposals to eliminate precisely this wasteful program altogether.

So, Mr. President, no matter how many different views there may be in the Senate on health care reform, all Senators' views will be represented and are likely to agree that this blatant abuse of Medicaid funding must stop. It is a ripoff of the taxpayers.

States have used the Disproportionate Share Hospital Payment Program to siphon off billions of dollars from the Federal Government for uses other

than Medicaid. They were getting by with it and still are. In 1993 alone, the DSH Program cost the American taxpayers $16.5 billion. Just like a ship passing in the night, poor Mr. Taxpayer out there will be soaked for $16.5 billion and he did not even know anything about it. They even had a Senator from North Carolina who did not know anything about it; I confess. In essence, States have attempted to solve their own budget deficits by abusing Medicaid funds, thereby obviously enlarging the Federal deficit.

Every time Congress attempts to close the loophole, the States find a new one. So, Mr. President, I ask unanimous consent that a State-by-State breakdown of 1993 DSH payments be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, so as not to take up too much of the Senate's time, I further ask unanimous consent that a number of news articles describing specific abuses of this program be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. Mr. President, the budget reconciliation bill attempted to solve this problem. Thanks to the efforts of Congressman MCMILLAN of North Carolina, Congress took a giant step in the right direction.

But despite this improvement, the sad fact is that States are still abusing the current DSH Payment Program. I have reached a conclusion, as have experts in the field, that the only way to prevent the States from abusing the program is to eliminate it altogether. As I have said already, this is exactly what both the President and the Senator from Rhode Island and his fellow Senators have proposed to do in their health care reform plans.

Whatever health care reform program Congress enacts must eliminate this widely abused program and develop a new payment program ensuring that Federal Medicaid dollars are in fact spent on the poor and disabled and not for some other purpose.

So, in summary, this amendment will, one, put the Senate on record that this abuse of the taxpayers' money will be eliminated as part of the health care reform; two, give the States fair warning that this program will be eliminated and that these States should make other arrangements in their future budgets; and three, require that the Governor of each State receiving Federal funds under the DHS Program shall certify to the Secretary of Health and Human Services that such funds are being spent solely for the purpose of providing medical assistance under Medicaid.

I think that is a good deal for everybody except those in State government who would like for Uncle Sugar in Washington, DC, to give him a billion or so dollars to help him with his budgetary problems back home. We are not in that business, and it is a hoax the way the DHS payment program is being operated.

I urge adoption of this amendment in the name of common sense.

I yield the floor.

EXHIBIT 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES—HEALTH CARE FINANCING ADMINISTRATION

RIN: 0938–AG11.

Medicaid Program; Limitations on Aggregate Payments to Disproportionate Share Hospitals: Fiscal Year 1993.

Agency: Health Care Financing Administration (HCFA), HHS.

Action: Notice.

Summary: This notice announces the "preliminary" national aggregate Federal fiscal year 1993 limit on, and individual State allotments for, Medicaid payments made to hospitals that serve a disproportionate number of Medicaid recipients and low-income patients with special needs. We are publishing this notice in accordance with the provisions of section 1923(f)(1)(C) of the Social Security Act. That section requires the Secretary, at the beginning of each Federal fiscal year (beginning with Federal fiscal year 1993), to estimate and publish in the Federal Register the national payment limit, and each State's allotment within that national limit, for disproportionate share hospital (DSH) payments for which Federal financial participation (FFP) will be available under Medicaid.

PRELIMINARY FEDERAL FISCAL YEAR 1993 DISPROPORTIONATE SHARE HOSPITAL [DHS]—ALLOTMENTS UNDER PUBLIC LAW 102–234

[Amounts are State and Federal shares, dollar amounts in thousands]

State	Base allotments for all States	Growth amounts for low DSH States	Preliminary FFY 93 State DSH allotment	High (H) or low (L) DSH designation
A	B	C	D	E
Alabama	$412.962	NA	$412.962	H
Alaska	15.611		15.611	L
Arkansas	3.600		3.600	L
California	1,600.000	NA	1,600.000	H
Colorado	332.764	NA	332.764	H
Connecticut	383.969	NA	383.969	H
Delaware	4.800		4.800	L
District of Columbia	32.902		32.902	L
Florida	191.400		191.400	L
Georgia	296.703		296.703	L
Hawaii	38.052		38.052	L
Idaho	1.141		1.141	L
Illinois	296.933		296.933	L
Indiana	140.708		140.708	L
Iowa	4.633		4.633	L
Kansas	182.896	NA	182.896	H
Kentucky	266.433	NA	266.433	H
Louisiana	1,021.390	NA	1,021.390	H
Maine	274.301	NA	274.301	H
Maryland	117.481		117.481	L
Massachusetts	478.632		478.632	L
Michigan	843.423	NA	843.423	H
Minnesota	17.240		17.240	L
Mississippi	154.984		154.984	L
Missouri	.112	NA	.112	H
Montana	1.000		1.000	L
Nebraska	2.500		2.500	L
Nevada	73.580	NA	73.580	H
New Hampshire	391.113	NA	391.113	H
New Jersey	1,092.366	NA	1,092.366	H
New Mexico	8.484		8.484	L
New York	2,784.477	NA	2,784.477	H
North Carolina	322.661		322.661	L
North Dakota	1.000		1.000	L
Ohio	451.834		451.834	L
Oklahoma	25.867		25.867	L

PRELIMINARY FEDERAL FISCAL YEAR 1993 DISPROPORTIONATE SHARE HOSPITAL [DHS]—ALLOTMENTS UNDER PUBLIC LAW 102–234—Continued

[Amounts are State and Federal shares, dollar amounts in thousands]

State	Base allotments for all States	Growth amounts for low DSH States	Preliminary FFY 93 State DSH allotment	High (H) or low (L) DSH designation
A	B	C	D	E
Oregon	17.312		17.312	L
Pennsylvania	987.407	NA	987.407	H
Rhode Island	40.338		40.338	L
South Carolina	422.661	NA	422.661	H
South Dakota	1.000		1.000	L
Tennessee	440.944	NA	440.944	H
Texas	1,513.029	NA	1,513.029	H
Utah	7.463		7.463	L
Vermont	22.683		22.683	L
Virginia	104.565		104.565	L
Washington	230.929		230.929	L
West Virginia	66.365		66.365	L
Wisconsin	8.020		8.020	L
Wyoming	1.000		1.000	L
Total	16,531.576		16,531.576	

Note.—NA—Not applicable. Col. A—Name of State. Col. B—The State's base DSH allotment. This is an amount that is the greater of the State's Federal fiscal year 1992 allowable DSH expenditures applicable to Federal fiscal year 1992, as reported to HCFA in the June 1992 survey and August 1992 updates and adjusted by HCFA, or $1,000,000. Col. C—The growth amounts for low-DSH States. There are no growth amounts available. Col. D—The "preliminary" Federal fiscal year 1993 DSH allotments for all States. This is equal to the State base allotments. Col. E—Low/high DSH designator for Federal fiscal year 1993. An "H" indicates the State will be treated as a high-DSH State and an "L" indicates the State will be treated as a low-DSH State for calculation of the final State allotments.

EXHIBIT 2

[From the Washington Post, May 7, 1993]

HOUSE PANEL VOTES TO CLOSE MEDICAID LOOPHOLES

(By Dan Morgan)

A House subcommittee voted yesterday to close loopholes in the Medicaid program, a move that could deprive the states of some $2.5 billion in federal grants in the next five years.

The health subcommittee of the Energy and Commerce Committee acted after widespread reports that many states have used financial gimmicks to generate additional federal Medicaid matching grants. The effect of the devices is to shift more of the cost of the joint state-federal program to Washington.

However, in a sign of the state's power, a tougher measure that had been circulated last week was withdrawn for lack of support before it was included in a broader package of deficit-reduction measures.

The overall package, which would make savings of $36.7 billion in the Medicare and Medicaid programs over the next five years, was approved on a voice vote.

Subcommittee Chairman Henry A. Waxman (D–Calif.) called the loophole an "abuse" that "undermines the integrity of the [Medicaid] program." He said there was evidence that some states had diverted federal Medicaid money "for purposes that have nothing to do with Medicaid, or even health."

That view was seconded by Rep. J. Alex McMillan (R–N.C.), who called the loophole a "prostitution of the program."

It involves the special bonus payments that states are required to make to hospitals serving heavy volumes of Medicaid or charity patients. The federal government reimburses the states under a formula.

Several years ago, many states began channeling hundreds of millions of dollars of these payments to hospitals. After capturing the federal matching grants, those states then often recovered most of their own money through taxes on the hospitals or donations from them.

"We're finding that some of the institutions that have been designated have few if

any Medicaid participants," Waxman told the subcommittee members.

The modified provision approved yesterday still allows a hospital to receive the special payments if as little as 1 percent of its patients are on Medicaid or have no insurance. But it will bar hospitals from using the bonuses to recover more than 100 percent of their costs of treating Medicaid and charity patients, a move that should reduce federal matching payments to the states.

In another action, the subcommittee voted 17 to 9 to require states to seek recovery of Medicaid costs from the estates of Medicaid recipients, after the death of their surviving husband or wife. A person's home or family farm will be among the assets that can be attached by the government.

In a possible harbinger of trouble ahead for health care reformers who favor controls on providers, a Waxman plan to limit profits on health maintenance organizations serving Medicaid patients never made it into the budget measure due to lack of support on the subcommittee.

[From the Washington Post, Apr. 13, 1993]

ARE CASH-STARVED STATES "LOOTING" MEDICAID COFFERS?

(By Dan Morgan)

The North Carolina State Capitol in Raleigh has reverberated this spring with a debate not heard often in the 1990s: how to spend a windfall.

The sudden bounty didn't come from a surplus of state revenue. It came from Federal coffers—$105 million in hand and another $410 million expected over the next two years—all derived from a loophole in Medicaid law.

To qualify for the federal funds, the state government only has to move money between several state accounts. It doesn't have to put any new money of its own into the state's Medicaid program. And Medicaid law allows the state to use the federal money for pretty much any purpose it pleases.

One option under consideration by Gov. Jim Hunt (D) is the construction of new state buildings.

"It's comparable to a looting situation we've created and it's got to be corrected," U.S. Rep. Alex McMillan (R-N.C.) told the House Energy and Commerce Committee's health and environment panel in March.

The "intergovernmental transfers" used by North Carolina to boost its federal Medicaid take are the most aggressive of a new batch of accounting gimmicks employed by financially strapped states. They have become critical financing devices in California, Texas and Michigan. And Medicaid experts expect that they will spread rapidly to other states.

To deficit watchdogs in Washington, that is a troubling sign. Just 17 months ago, in November 1991, Congress passed major Medicaid legislation that phased out other accounting gimmicks. Now it seems that the legislation underestimated the inventiveness of the states.

The federal government puts up between one and four dollars for every dollar a state spends on Medicaid, depending on a state's wealth. To maximize the grants from Washington, dozens of states strapped for revenues and unwilling to raise taxes have resorted to accounting techniques that make their contributions to Medicaid seem larger than they actually are.

"The extent to which states are counting on using existing Medicaid rules to balance state budgets would be hard to overestimate," said a recent issue of State Budget & Tax News, a trade publication.

"By the end of the year, all but a dozen or so states will be in the camp of maximizing the federal reimbursement by using any device they can find in the current law," said Hal Hovey, the publication's editor and the former budget director of Ohio and Illinois.

That could effect President Clinton's effort to control the deficit. Costs of Medicaid, which provides health care to 32 million poor, elderly or disabled Americans, has been growing by more than 20 percent a year since 1990. And there are powerful political pressures on Clinton, a former governor, to grant waivers and wink at loopholes. In January, 24 states in the National Governors Association jointly asked the administration to revise Medicaid regulations issued by the Bush administration. NGA representatives and their attorneys, who say the rules are far more restrictive than the 1991 legislation intended, have been negotiating with the administration.

Meanwhile, governors and legislatures are maneuvering to keep federal funds flowing as they draft upcoming budgets. For example:

New Hampshire, which used a now-closed loophole in 1991 and last year to capture $407.3 million in federal Medicaid payments beyond its normal grant, may still qualify for a $230 million windfall in the next two years.

Under a plan approved by the New Hampshire House on April 1, the state would make Medicaid "payments" to the state's private hospitals, then recover most of that in the form of "room and meals" taxes that would qualify for federal Medicaid matching funds. The federal funds would be used to help cover a state deficit.

In Pennsylvania officials are considering several new accounting techniques to maximize federal Medicaid grants to the 1993-94 budget now before the legislature. Commenting on the state budget proposal in February, the Harrisburg Patriot-News said: "Only a pliant federal government that apparently is prepared to open its empty treasury to cover $520 million of the state's Medicaid costs prevented what might otherwise have been draconian cuts or higher taxes" in the governor's budget submission.

But the technique that most worries deficit hawks in Washington involves transferring funds from one state agency to another to capture federal matching payments.

This is the method used in North Carolina. The loophole was left in the 1991 federal Medicaid law after intense lobbying by Texas and other states, which saw it as a way to ease their Medicaid financing problems.

North Carolina collects two federal dollars for every dollar it puts into the Medicaid program. Under a plan approved Feb. 15 by the U.S. Department of Health and Human Services's Health Care Financing Administration (HCFA), four state-run mental hospitals transfer about $100 million a year to the state Medicaid program. That counts as a state contribution to the Medicaid program, and qualifies North Carolina for about $200 million a year in federal matching funds.

After the federal money has been received, all the money is shifted to the accounts of the state mental hospitals. There, the $200 million in federal funds is considered to be a "surplus" that the state can use for any purpose.

The loophole is so blatant that even some North Carolina politicians, mindful of the nation's worsening budget deficit, have raised questions about it.

In March, the Charlotte Observer quoted House Minority Leader David Balmer (R) as saying, "The concept that states should completely pillage the federal treasury simply because it's there troubles me."

But House Speaker Dan Blue (D) said, "If we don't get it [the $200 million], some other state will."

Michigan has adopted the same technique. In January, HCFA approved a Michigan Medicaid financing plan for 1993-94 that involves the state transferring $489 million to the state-financed University of Michigan Hospital. The state will collect $275 million from the federal government—its 56 percent share of Medicaid payments. Then the entire $489 million will be turned back to general state accounts, sources said.

In March the Michigan Department of Management and Budget noted that the university hospital will receive "no material gain" from its cooperation, but added that the $275 million was "essential to balance the 1993-94 budget." Of the funds generated, about $135 million will probably be earmarked to various Medicaid programs, but the remainder will go to the state general fund, sources said.

Also in the works in Michigan, but not yet approved by HCFA, is a pass-through arrangement with more than 30 country-run long-term care facilities. Michigan officials hope to generate another $120 million in federal matching funds.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the amendment offered by the distinguished Senator from North Carolina to make sure that moneys appropriated for Medicaid are actually used for Medicaid is a very fundamental one, to ensure that when moneys are appropriated they are spent for that purpose. That is a sound proposition.

I am advised that some of the moneys which are appropriated for Medicaid are spent for other medical purposes in a related way, and I am not sure as to all the details because I have only been considering this amendment in the few moments since my distinguished colleague from North Carolina offered it.

A suggestion has been made that two words be deleted from the amendment as they appear on the sixth line down under Medicaid so that the funds would be expended solely for providing medical assistance, deleting the words which follow "under Medicaid."

Frankly, I am not sure that is desirable to do, but it may be worthy of some consideration. I am just turning it over in my mind at the moment.

The illustration was given to me of someone who is homeless, for example, who is getting medical care at the hospital for Medicaid funds but who does not qualify for Medicaid.

I must say my own reaction would be if we appropriate money for Medicaid States ought to spend it for Medicaid. If someone has a collateral medical purpose that is very worthy, it ought to come to the Congress and we ought to consider it. I am just not quite sure about that.

What I would want to do is I would want to hear from the hospital and

others who have the problems in daily activity to see what their considerations are.

It may be that the appropriate course would be to accept the language which has been offered by the distinguished Senator from North Carolina and to work it out in conference and candidly to collaborate with Senator HELMS.

Mr. HELMS. If the Senator will yield, I think that is a great idea. I am ready to accept the exclusion of the two words providing there will be something in the report language to finalize whatever the conferees decide in their wisdom in conference. I think we all understand the problem.

Mr. SPECTER. That might be a practical solution, if my colleague will yield further, so that we can see exactly what is going on.

I personally believe that when we legislate the moneys ought to be spent for the purpose for which we have legislated.

I think the purpose of the amendment is a very valid one. I understand that some States have spent the money for things such as highways, which is far, far beyond the purview of what we have authorized.

When you have moneys appropriated under the highway trust fund and they go for other purposes, it is infuriating. If private citizens did that, they would be liable for a criminal charge for embezzlement or fraudulent conversion.

If we are to keep any handle at all on what we are doing in the Congress, we need to have respect for what Congress determines and the President signs.

So my instinct, subject to what my distinguished colleague from Iowa has to say, would be to accept the amendment of the Senator from North Carolina. He has expressed his willingness to strike the language "under Medicaid."

Mr. HELMS. Two words.

Mr. SPECTER. Two words, under the condition we cover it in the report language. I think that might be appropriate, and we can then make inquiries with the hospitals to see exactly what is going on perhaps. We will follow this up with broader statutory language to protect the integrity of Medicaid funds, with very strict limitations if there are to be any authorized uses beyond Medicaid.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this is a good amendment, and I am anxious to see the list of abuses the Senator is going to put in the RECORD. I would like to see that State by State. I have heard of some of those myself.

I wanted to inform the Senator I am informed by the administration that they are addressing this issue in the so-called health care reform package they are sending down, but obviously that will not be enacted this year. It will be some time next year. I think this is a good thing to have in place when we go into next year.

I am a little uncertain about striking the two words. I leave that to Senator SPECTER and Senator HELMS on that.

Mr. SPECTER. Mr. President, will my colleague yield?

Mr. HARKIN. I yield so the Senator can explain to me about that.

Mr. SPECTER. I thank the Senator for yielding.

The suggestion to strike the two words "under Medicaid," which would be within the purview of the Senator from North Carolina—since he has offered the amendment, he can authorize the modification—would be then to limit any funds which have been disbursed to the State for Medicaid purposes to be limited "solely for providing medical assistance." So that leaves that latitude. We can explore it further between now and the conference.

We may want to see to it either on this bill or another bill that we further limit the expenditures of Medicaid funds, but at least this modification would provide broader latitude. For the example, I cited the case of someone who is homeless who may not qualify technically for Medicaid but would receive health services by the States with Medicaid funds and that would not be barred by the amendment of the Senator from North Carolina.

Mr. HARKIN. Mr. President, I have no objection to either one of these amendments. I think they are both good amendments. I do not have an answer yet to the other question I raised.

Maybe there is some reason we have to leave that in there. I have no objection. I think it is good amendment and we will accept it.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, on this issue I certainly trust in the conferees. They could put the two words back in. I am ambivalent about taking them out and putting them back in it.

I think the point is not lost on anybody as to what has been going on. I trust the conferees and certainly trust the managers of the bill to look after this amendment and make sure it is done for the American people and the American taxpayers.

I thank the managers of the bill. We got through before 12 o'clock, did we not?

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I concur with the offerer of the amendment and my colleague from Iowa on the first amendment offered by the Senator from North Carolina and where I had not commented previously.

If Social Security disability benefits are being paid to people who have violated the law and who are in custody by virtue of being insane where their needs are being accommodated at governmental expense, there is no reason why they should be treated any differently than prisoners who are not entitled to Social Security disability benefits.

Again this is an amendment which I have not thought about or researched, but on its face it appears to be a solid amendment, and we can give it further consideration between now and conference and consult further with the Senator from North Carolina if any problem arises between now and that time.

So my inclination and judgment would be to accept this amendment as well as the other amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HELMS. Just 1 minute. We are voting on the second amendment; is that correct?

The PRESIDING OFFICER. The Chair is about to say without objection, both Amendments would be agreed to.

Mr. HELMS. I want the yeas and nays on the first amendment.

The PRESIDING OFFICER. The pending question is Amendment No. 976.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and thank the manager of the bill.

The PRESIDING OFFICER. Without objection, amendment No. 977 is agreed to.

So, the amendment (No. 977) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending committee amendments and the pending amendment be laid aside.

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

AMENDMENTS NOS. 978, 979, AND 980

Mr. HARKIN. Mr. President, I ask unanimous consent that it be in order to send to the desk three managers' amendments.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc, the motions to reconsider be laid upon the table en bloc; and that any statements be printed in the RECORD as if read.

I am offering the amendments on behalf of Senator BINGAMAN, Senator SIMON, and Senator DOLE.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 978, 979, and 980, en bloc.

The amendments (Nos. 978, 979, and 980) are as follows:

On page 45, line 20, after "1994" insert "of which $5 million shall be used for 'State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum,'".

Mr. BINGAMAN. Mr. President, I understand this amendment has been agreed to by the managers of the bill. This amendment provides funding for State technology planning grants to be incorporated in the systemic statewide improvement plans required by the Goals 2000 legislation.

The children in our elementary and secondary schools face the most dynamic and rapidly changing workplace of recent history. While technology is redefining the industries that will employ them, technology is also the key to preparing our children for the complex world ahead.

Earlier this year I introduced the Technology for Education Act of 1993 along with my esteemed colleagues, Senators HARKIN, COCHRAN, and KENNEDY. This bill provides a vision and strategy at the Federal level, with funding to ease the effort by the State and local school districts to provide equipment, teacher training, and technical support, as well as incentives to develop the market for educational products.

Creative uses of technology by skilled teachers can change our outlook on education—making teachers and students partners in the quest for knowledge and the process of learning. I have chaired two hearings on this legislation over the last 2 months where we heard from a great number of students, parents, teachers, and administrators who shared examples of technology programs that have changed their lives and opened endless opportunities to explore the world of learning.

The problem we face, however, is that too few of these examples exist in the classrooms across our Nation. Our job at the Federal level should be to ease the burden on the State and local schools and to provide leadership and assistance in their efforts to reach the ambitious national education goals—as outlined in S. 1150, Goals 2000: Educate America Act.

The administration has placed a high priority on revitalizing education in America through systemic reform—which I strongly believe cannot possibly be achieved without technology as an integral part of the reform equation. In keeping with the goal of comprehensive, rather than patchwork educational reform, I am adding two key technology provisions from our legislation, S. 1140, the Technology for Education Act of 1993, to the administration's legislation, S. 1150 Goals 2000: Educate America Act.

I understand that the managers of this bill have agreed to allocate $500,000 from the departmental management fund within the Department of Education to fund the establishment of an Office of Educational Technology to be administered by the Director of Educational Technology, as well as $500,000,000 of the $116,000,000 appropriated for activities to be authorized by S. 1150 in order to fund the State technology planning grants.

I would like to submit, as part of the RECORD, a letter from Secretary Riley outlining the Department's support for these proposed provisions to the Goals 2000 legislation and for the corresponding appropriations allotted to the Department for this purpose.

I urge my colleagues to support this amendment, and I look forward to working with them in addressing comprehensive reform at all levels and the role technology can play in achieving these goals.

I ask unanimous consent that the letter from Secretary Riley be printed in the RECORD.

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

DEPARTMENT OF EDUCATION,
Washington, DC, September 28, 1993.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I continue to appreciate your efforts and those of Senators Kennedy and Cochran in working to strengthen the role of the Department in the area of education technology. I was particularly pleased to hear of your efforts and those of Senators Kennedy and Cochran to act favorably on our legislative proposal for a new authority to carry out a range of leadership and other discretionary activities designed to promote the effective use of technology in meeting the National Education Goals.

I am pleased to tell you that we are committed to moving aggressively in the area of technology during the next fiscal year. We have already appointed a special advisor on technology, Dr. Linda Roberts, who has strong credentials in this area and who will ably represent the interests of the education community in the development of a national information infrastructure. An Educational Technologies Board consisting of representatives of all the Department's principal offices is now being created. Dr. Roberts will chair this Board and work with all of the principal offices of the Department in developing a comprehensive national long-range plan that will describe all the activities the Department will undertake to promote the effective use of education technology, including joint activities with other Federal agencies. Dr. Roberts will be able to call upon staff from throughout the Department as we move forward with implementation of the plan.

We are committed to initiating a number of activities in fiscal year 1994 directed at enhancing our capacity to provide leadership to the Nation in the use of technology to achieve the National Education Goals. These would include conferences, consultation with the education community and experts in technology, and other similar activities. At this point, we expect to spend at least $500,000 in 1994 to accomplish our short-term objectives. Our 1995 budget request will address our longer-term objectives.

I also understand that you have agreed to amend S. 1150, the Goals 2000: Educate America Act, to incorporate State technology planning as part of the systemic statewide improvement plans required by the legislation. If this proposal is enacted, we intend to use $5 million of the 1994 funds provided for Goals 2000 in the Education Reform account for this technology activity. Incorporating education technology in planning for systemic reform will help ensure that technology is effectively integrated into teaching students to learn to high standards.

Please let this letter serve as our commitment to significantly strengthen the Department's role in providing leadership in the area of education technology.

Yours Sincerely,

RICHARD W. RILEY,
Secretary.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from New Mexico [Mr. BINGAMAN] in sponsoring this amendment to designate $5 million of the $116 million provided in fiscal year 1994 for the Goals 2000: Educate America Act for statewide planning to integrate technology into the curriculum of America's K–12 classrooms. I thank the subcommittee chairman, Mr. HARKIN, and the ranking member, Mr. SPECTER, for agreeing to accept this amendment.

Senator BINGAMAN and I serve together on the National Education Goals Panel. Through our work with the goals panel, we have become convinced that our elementary and secondary students will have a much better chance of reaching our ambitious national education goals if teachers and students have access to technology in the classroom.

Evidence shows that creative uses of technologies by skilled teachers offer the promise to quickly and cost-effectively restructure education as we know it. Technologies help teachers create an environment where all students are afforded rigorous, rich classroom instruction at a pace that suits their learning style and in a way that gives them a more active role in the learning process.

For this reason, we have worked with Senator KENNEDY and other members of the Labor and Human Resources Committee to add two provisions relating to educational technology to the Goals 2000, Educate America Act which is currently on the Senate Calendar.

The first establishes an Office of Technology at the Department of Education to provide Federal leadership through the development of a national education technology strategy. The second authorizes modest funding for States to develop technology plans for the integration of technology into the curriculum of all elementary and secondary schools in the State as part of the systemic restructuring under the Goals 2000 legislation.

The Department of Education has already appointed a special adviser on technology to head up the Office of Technology and establish an internal technologies board consisting of representatives of all the Department's

principal offices to develop a comprehensive long-range technology plan. The Department has committed $500,000 of its fiscal year 1994 budget to provide staffing to carry forward the work of the Office of Technology whose activities are to be authorized as part of Goals 2000.

This amendment will set aside $5 million of the $116 million provided for the Goals 2000 legislation in this appropriations bill. The $5 million will be used by the Department of Education to allocate funds to States for activities included in the new section of the Goals 2000 bill entitled "State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum." It will incorporate State technology plans as part of the systemic statewide improvement plans required by the Goals 2000 legislation.

I hope we can receive from the Secretary of Education a report at next year's appropriations hearing on the status of both of these activities.

AMENDMENT NO. 979

(Purpose: To increase funding for the ACTION volunteer service programs and to make technical changes)

On page 63, line 6, strike "$203,287,000" and all that follows through the end of line 8 and insert in lieu thereof "$206,287,000: *Provided*, That, notwithstanding any other provision of this Act, including the provisos pertaining to consulting services under the heading Community Services Block Grant, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 94.975 percent of the annual estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provided further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 5.025 percent of the amount to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term 'consulting services' includes any service within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993."

Mr. SIMON. Mr. President, I am grateful to Senator HARKIN for his leadership as a subcommittee chairman on the Appropriations Committee. With the honor of holding that job, he takes on a burden of making some very tough decisions—decisions that directly affect the lives and health of almost every American. The programs competing for funding in his subcommittee are ones that provoke strong feelings and tug at our heartstrings. In my view, they could not be in better hands. Our colleague has demonstrated over and over again his commitment to helping people who have no big lobbies, and no big campaign contributions to hand out, but who represent some of the most needed and also some of the most cost effective programs our Government supports. He is a champion for the people who need champions the most in our society.

One small example of this is his willingness to support programs such as VISTA and the Older American programs in the ACTION agency, programs that are highly respected and known to be cost effective, but don't have well-funded lobbyists behind them. I know how hard it was this year to balance all the requests from Members, from the administration and interest groups and keep within the subcommittee's budget. In that context, the original allocations for the ACTION programs, which simply level-funded the programs, were understandable. But Senator HARKIN has listened to the requests that I have made and Senator KENNEDY has made and has managed to restore funds to these programs.

Once again, Senator HARKIN has demonstrated his sensitivity to the real value of programs and the people they serve. I simply want to express my appreciation for that and for all the hard work he and his staff put into trying to make the right, tough decisions.

Mr. KENNEDY. I commend Senator HARKIN and his staff for working with us to find a way to ensure that VISTA, the Retired and Senior Volunteer Program and the Senior Companion Program will have funding increases for the coming year. The Foster Grandparent Program, which is equally deserving, had already been able to obtain a funding increase, so my attention has been focused on these three other meritorious programs.

These programs have proven time and again that they can accomplish vitally needed community service at very low cost. They are the hallmark of Americans at their best—working together regardless of background to improve their communities.

VISTA provides a model for involving low-income communities and grassroots organizations in building long-term capabilities to address neighborhood problems. They help adults and children learn to read, provide shelter and food to the homeless, and offer many other indispensable services.

Examples of the 31 VISTA programs in Massachusetts show the critical tasks they are accomplishing. VISTA volunteers are working with the Dorchester Vietnamese-American Civic Association to expand literacy programs, especially English as a second language classes for Southeast Asian refugees and immigrants; they also assist high-school-age Vietnamese-Americans to acquire useful employment skills. In Brockton, VISTA volunteers provide preventive health education and substance abuse information to homeless shelter residents. The Greater Boston Regional Youth Council uses VISTA volunteers in violence-prone neighborhoods to reduce acts of violence against ethnic minorities. In western Massachusetts, volunteers are helping the organization called Construct to obtain funds for low-income housing construction. Three VISTA volunteers are working with Boston Partners in Education to develop the Books and Kids Program to enhance the literacy skills of elementary school students. Many other inspiring VISTA programs are working well across the State.

The Senior Companion Program helps senior citizens to help one another. Those who are more mobile help provide care to those needing assistance. As Edith Courville of Massachusetts testified at a Labor Committee hearing last May, the pairing keeps her companion active and avoids the larger expenditures required when a senior citizen can no longer live independently.

Worcester, MA, has a wonderful Senior Companion Program which costs the Government only $1.60 per hour of service. The Age Center of Worcester helps senior clients by providing hospice care, taking clients on walks, performing light housekeeping, assisting in meal preparation or shopping, providing conversation, and participating in other projects.

The Retired and Senior Volunteer Program enables senior citizens to become involved in meaningful volunteer projects and reimburses them for the cost of materials, transportation and other out-of-pocket costs. The program taps into their wealth of experience at a Federal cost of only 60 cents per hour of service.

The Greater Lawrence RSVP Program involves 385 volunteers working in 23 different projects, many involving the growing Hispanic population. Multicultural RSVP volunteers serve as Head Start teacher aides, ESL instructors, recreation aides for community-policing programs and in a latchkey after-school program for children.

In Springfield, one of the RSVP projects has helped keep open the Florence Grammar School by using volunteers to help bridge budget gaps. The volunteers provide health checkups, fitness classes, line dancing and teaching.

The Hampshire Community Action Commission in western Massachusetts uses RSVP volunteers to provide day care for preschoolers of diverse ethnic and financial backgrounds. Yvonne and Peter Peterson have put in so many volunteer hours at the Cloverdale Cooperative Nursery School that many people there mistakenly believe they are paid staff.

These are only some of the creative and useful ways in which senior citizens can stay involved in their communities after they retire from paid employment.

I commend these programs and the volunteers who make them work so effectively. They are wise investments for our communities and the Nation, and I am delighted that we have been able to increase their funding, enabling them to expand their important services.

AMENDMENT NO. 980

(Purpose: To increase appropriations for payments under section 3 of Public Law 81–874 (Impact Aid)

On page 47, line 10, strike "$567,080,000" and insert "$563,780,000".

On page 47, line 11, strike "$123,629,000" and insert "$121,629,000".

On page 47, line 12, strike "$29,462,000" and insert "$34,762,000".

Mrs. KASSEBAUM. Mr. President, I would like to speak briefly about the amendment Senator DOLE and I have offered to assist school districts that are heavily affected by federally connected children. Section 3(d)(2)(B) of the impact aid law requires the Secretary of Education to make full impact aid payments to districts with 50 percent or more federally connected children. This is to ensure that these districts receive a minimum level of funding that is comparable to the State average. The law sets a high priority for these districts—they are clearly the most dependent on the Federal Government, and their funding needs are clearly a Federal responsibility. Failure to meet this obligation fully would be both irresponsible and unfair, as those districts and their State governments would have to make up the difference.

Although the estimated total need for heavily impacted districts is between $37 and $39 million this year, the bill caps their funding at $29 million. This defies the intent of the authorizing language. At this level, these districts will receive only about 76 percent of the funds they are entitled to under the law. For the Fort Leavenworth School District in Kansas, this would amount to a loss of almost $300,000. I understand that the cap on section 3(d)(2)(B) payments frees up more money for all other impact aid districts. I believe, however, that we should target the limited Federal resources we have to the neediest impact aid districts.

I had hoped we would be able either to eliminate the cap entirely or make up all of the $10 million deficit for these districts. We have taken a compromise position with our amendment, however, and shifted $5.3 million to section 3(d)(2)(B) payments. The amendment will ensure that heavily impacted districts receive more of the funding to which they are entitled.

Policy changes on the allocation of impact aid funds would best be addressed during reauthorization of the impact aid law, rather than on an appropriations bill. I look forward to working with my colleagues to address this issue comprehensively at that time. I thank the managers of the bill for accepting the amendment and Senator PELL for his willingness to work with us to reach this compromise.

The PRESIDING OFFICER. Without objection, amendments numbered 978, 979, and 980, en bloc, are agreed to.

So the amendments (Nos. 978, 979, and 980) were agreed to.

Mr. HELMS. Mr. President, have the yeas and nays been ordered on the bill?

The PRESIDING OFFICER. They have not.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TELEMEDICINE, REACH MONTANA

Mr. BURNS. Senator HARKIN has provided tremendous leadership in the area of telemedicine, and I appreciate his efforts to use this advanced technology to improve health care delivery to rural and underserved areas. As he no doubt knows, there are numerous projects being developed across this country as well as some existing projects that need help with funding. Given the vast amounts of money that could be saved in reduced travel and duplicate tests and examinations, would the Senator agree that it is important to fund these new projects and continue the demonstrations now under way?

Mr. HARKIN. This is clearly a technology that will bring much-needed services to many Americans, not only in the area of health care, but in education, in business, and in community development. I certainly do believe this deserves our continued support.

Mr. BURNS. REACH Montana, a network proposed by the Montana Deaconess Medical Center in Great Falls, MT, will establish a consortium of rural community hospitals, physicians, and outreach facilities. The exciting thing about this proposal is that they will use plain old telephone services to bring specialty medical services to rural areas that cannot support their own specialists; it will connect rural providers with support, with medical information, library services, and continuing education—all vital elements to health care providers who practice in a State without a medical college.

The Montana Deaconess Medical Center has pledged in-kind logistical support, system maintenance, and personnel for this project, but require a sum of only $370,000 to cover the cost of the equipment. In a time when we are discussing millions and billions of dollars, this seems like a very small price to pay for the benefits these folks will reap. Just $370,000 will enable rural health care facilities in 20 locations to collaborate with a sponsoring tertiary organization to provide telemedicine, telecommunications, and distance learning to 122,193 people in 9 countries. That works out to be a one-time cost of only $3 per person.

A telecommunications link such as this one can literally mean the difference between life and death for folks in megarural portions of my State. And in the long run, the experience gained can be translated to help others across the country in similarly isolated areas. Would the Senator agree that this proposal would be of tremendous value not only to the residents in rural Montana but to those who need to explore alternative ways to deliver health care in rural and underserved populations?

Mr. HARKIN. It is not often we hear of projects that propose to do so much for so little. I would recommend that it be given every consideration.

Mr. BURNS. The Senator will be glad to know, also, that the senior Senator from my State, Mr. BAUCUS, has also been involved in trying to improve health services in rural areas through telemedicine and would certainly support these efforts.

EASTERN MONTANA TELEMEDICINE PROJECT

Mr. BURNS. Senator HARKIN is undoubtedly aware of the benefits of telemedicine. And his belief that this technology will help improve health care delivery to rural areas is indicative in his introduction of a bill to establish such demonstration projects. Given the tremendous value this technology provides and the savings that can be realized in reduced travel and duplicate tests and examinations, would the Senator agree that it is important to fund new projects and continuing projects?

Mr. HARKIN. By all means. This technology will no doubt be the saving grace to many rural communities as well as other underserved areas.

Mr. BURNS. The Eastern Montana Telemedicine Project, operated by Deaconess Medical Center in Billings, MT, proposes a phased-in demonstration project eventually reaching out to 24 rural facilities not only in Montana, but in Wyoming, North Dakota, and South Dakota. They are currently conducting a 6-month pilot of this network, extending health care services, education, and community development to five rural sites in eastern Montana. In order for this project to continue in its mission, though, money is desperately needed.

A total cost for this 24-site project would be $4 million. Senator HARKIN, I

realize that in a time when budgets are tight, coming up with specific funds for such projects are tough. However, with the emphasis on health care reform, and in particular on cost-effective delivery of services, I feel it is crucial to allow these types of projects to continue and to succeed.

Knowing the moneys available for telemedicine are limited, I am willing to stagger the payments. I would suggest $1 million in the first year, $2 million in the second year, and funds as necessary in the following years. I am aware that $7 million is appropriated for such projects and that, with the continued development of this technology, more money will likely be designated in coming years. Would the Senator agree that continuation of this demonstration project would be valuable not only to the residents in rural Montana, Wyoming, and North and South Dakota, but it would serve as a learning experience for other rural and underserved populations looking to improve their health care delivery?

Mr. HARKIN. This proposal sounds not only workable but vitally important to the survival of many communities in megarural States such as ours, and I would encourage the Department to give careful consideration to the project.

Mr. BURNS. The Senator will be glad to know, also, that the senior Senator from my State, Mr. BAUCUS, has also been involved in trying to improve health services in rural areas through telemedicine and would certainly support these efforts.

THE LIVING AT HOME/BLOCK NURSE PROGRAM

Mr. DURENBERGER. Mr. President, I would like to thank my colleague, the Senator from Iowa and the chairman of the Labor, Health and Human Services, Education Appropriations Subcommittee. In recognizing the success of the Living at Home/Block Nurse Program in its report to accompany H.R. 2518, the subcommittee was very generous in its support of this program, currently operating in a number of midwestern communities.

I would like to bring to the chairman's attention the recognition the program obtained under the Older Americans Act. The program is the model for a national demonstration project, the Neighborhood Senior Care Program included under the Older Americans Act amendments last year. The Neighborhood Senior Care Program would provide grants nationally to eligible entities to coordinate professional and voluntary services to assist the elderly in their own homes.

The Living at Home/Block Nurse Program currently provides coordinated, community-based assistance in many midwestern communities. The program organizes communities to provide older individuals at risk of institutionalization the opportunity to continue to live in the comfort of their own homes, rather than forcing them into nursing home care. That can result in substantial savings to Medicaid. It relies on volunteers and professionals in the community to meet the necessary health and social service needs of the frail elderly that are not being met by Medicare or Medicaid. Through these services, the program has provided nurse case management, prevention activities, and early intervention. And that has contributed to the welfare of our seniors.

I encourage the Congress and the Clinton administration to continue to support this program and its replication through the national health service grants under the Neighborhood Senior Care Program.

Mr. HARKIN. I appreciate the comments from my colleague from Minnesota. The committee does recognize the importance of the Living at Home/Block Nurse Program in caring for our elderly in their own homes rather than costly institutions. I am pleased that the design of the Living at Home/Block Nurse Program has been replicated in the national demonstration program, the Neighborhood Senior Care Program. I also encourage the administration to consider supporting the Living at Home/Block Nurse Program's replication through this national program.

Mr. DURENBERGER. I thank the chairman for his comments and support.

SMART PROGRAM

Mr. KERREY. I would like to bring to the Chairman's attention a program developed by the College of St. Mary in Omaha which promotes gender equity. SMART or Science, Math and Relevant Technology exposes young, female students, particularly those from disadvantaged backgrounds, to math and science education. SMART develops effective hands-on methods of teaching math and science to elementary girls and trains teachers techniques to stimulate interest in these academic areas. I am very impressed by this program and I believe it would be an excellent candidate for funds under the Women's Educational Equity Pprogram.

Mr. HARKIN. As the Senator has described SMART and its objective, I would agree that this is exactly the type of program Congress would view favorably for funding under the Women's Education Equity Program, and I hope their grant application will be given serious consideration.

Mr. KERREY. I thank the distinguished chairman of the subcommittee, and I look forward to working with him further on this program in the future.

NEBRASKA HEALTH CARE NETWORK

Mr. KERREY. I would like to ask the distinguished Senator a question. I have become aware of a project involving 15 communities and 11 counties in rural western Nebraska. They are developing a telecommunications network to link their small communities in order to improve the quality of health care in these communities and to build the infrastructure to support a managed care network. This model could be used to demonstrate its applicability to other parts of rural America. I assume this is the type of telemedicine project the Senator envisions funding through the Office of Rural Health Policy.

Mr. HARKIN. Although I am not familiar with the details of the Rural Nebraska Health Care Network, as the Senator has described it, it is exactly the type of telemedicine project we envisioned funding through the Office of Rural Health Policy, and I would encourage the Office of Rural Health Policy to carefully consider this project.

Mr. KERREY. I thank the distinghushed chairman of the subcommittee and I look forward to working with him on this project.

SEATTLE INDIAN HEALTH BOARD

Mrs. MURRAY. Mr. President, in April 1993, the General Accounting Office [GAO] published a report showing that the greatest need in Indian health care is for effective and scientifically sound alcoholism and drug treatment services. It stated that the information the Federal Government provided to document and measure substance abuse treatment and prevention for American Indian people is seriously lacking. Finally, the GAO recommended that collaboration between the Indian Health Service, the National Institutes of Health [NIH], and the Substance Abuse, Mental Health Services Administration [SAMHSA] is needed to identify strategies and resources to collect and evaluate data on the prevalence of chemical abuse and the nature and effectiveness of prevention and treatment programs.

In my State, the Seattle Indian Health Board [SIHB] has taken a leadership role in bringing together a network of scientific, research experts, Native American traditional healers and alcohol/drug counselors to help address these issues. The SIHB is working with the University of Washington, Alcohol and Drug Abuse Institute, the U.S. Veterans Affairs Medical Center's Addiction Treatment Center, the State of Washington and King County Substance Abuse Programs to establish an "American Indian Center of Excellence in Substance Abuse Treatment and Education." The SIHB has provided residential and outpatient treatment to American Indians and Alaskan Natives since 1972. It currently operates the Thunderbird Treatment Center, the largest urban Indian Residential Program in the entire Nation.

The University of Washington was rated among the top programs nationally in substance abuse research training in a survey of deans of schools of medicine. Many of those top scientists

have signed on as collaborators with the American Indian Center for Substance Abuse Treatment and Education. I believe that this combination of direct experience and technical science directly addresses the type of collaboration identified in the GAO's recommendation. The Fiscal Year 1994 HHS Appropriations Act includes several programs which could directly impact the recommendations of the GAO. In cooperation with the Indian Health Service, and in coordination with the SIHB, American Indian Center for Excellence in Substance Abuse Treatment and Education programs funded under this act could positively impact the deplorable problem of alcohol and drug abuse in Native American communities, and better document the science to measure our effectiveness in addressing these problems. Through the proposed Center for Excellence, we hope to better understand the problems of American Indians who suffer from both substance abuse and mental disorders. We also hope to better understand and better document what treatment modalities work and which do not work with American Indian people, paying particular interest to the value of traditional Native healing approaches. I would like to know how the SIHB American Indian Center for Excellence in Substance Abuse Treatment and Education could participate in the programs funded under this act to accomplish the vast improvements needed in the field of Indian alcohol and substance abuse treatment evaluation.

Mr. HARKIN. Mr. President, I want to thank my colleague from the State of Washington for bringing this matter to my attention. I commend the efforts of the Seattle Indian Health Board to develop an American Indian Center for Excellence in Substance Abuse Treatment and Education. In order to improve drug and alcohol treatment services for American Indians and Alaska Natives, I urge the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the Substance Abuse and Mental Health Services Administration to support projects like the American Indian Center for Excellence in Substance Abuse Treatment and Education.

NATIONAL ASSOCIATION FOR NATIVE AMERICAN CHILDREN OF ALCOHOLICS

Mrs. MURRAY. Mr. President, the Fiscal Year 1994 Appropriations Act for Labor, HHS, and Education provides funding under the Center for Substance Abuse and Prevention [CSAP] for the continuation of a national campaign for alcohol and substance education and prevention in Native American communities specifically targeting children of alcoholics. The National Association for Native American Children of Alcoholics [NANACOA], which is headquartered in Seattle, WA, has worked with CSAP to design and implement this national campaign for the past 2 years. I am pleased that CSAP has recognized the need to ensure that this campaign is culturally sensitive to Native American populations and that the materials, campaign design and social marketing strategies are based on perspectives relevant to Native Americans. As a Native organization, NANACOA has accomplished this task and is preparing to implement the campaign across the Nation in 1994.

NANACOA was incorporated in Washington State in 1988 by a geographically representative group of Native Americans from across the United States. In the past 5 years, NANACOA has had a tremendous impact on Native American communities. Through its newsletter "Healing Our Hearts," and the establishment of regional Native COA networks, NANACOA is providing support for children of alcoholics in Native American communities, with the ultimate goal to break the cycle of addictions within the family system. Over 4,000 American Indians and Alaska Natives have participated in the annual national training conferences sponsored by NANACOA. This December, NANACOA will host its fifth annual training conference in Albuquerque, NM, and expects over 1,000 participants. The national campaign currently being developed by CSAP and NANACOA offers Native communities in Washington State and all across the Nation with a positive prevention approach ingrained in the cultural strengths and resiliency of Native people. I want to thank the committee for their continued support for this important alcohol and drug prevention campaign in Native American communities.

Mr. HARKIN. Mr. President, the FY 1994 Labor, Health and Human Services, Education and related agencies appropriations bill includes funding to continue a national education and prevention strategy to address the alarmingly high incidence of alcoholism and substance abuse in Native American communities. I commend the efforts of groups like the National Association for Native American Children of Alcoholics to break the cycle of alcohol and drug addiction in Native American communities. I encourage the Center for Substance Abuse Prevention to support efforts to prevent the incidence of alcohol and drug abuse among Native American children of alcoholics.

UNIT COST FOR SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. WOFFORD. Mr. President, I wish to engage in a colloquy with my distinguished colleague from Iowa, Mr. HARKIN.

I wish to express my support for H.R. 2518, the Fiscal Year 2994 Labor-HHS-Education Appropriations Act and to commend Members on both side of the aisle who worked cooperatively to make this measure a bipartisan bill. H.R. 2518 provides funding for several important programs for older Americans, including the Senior Community Service Employment Program.

At the outset, I want to emphasize that I fully support the $410.5 million appropriation level for the Senior Community Service Employment Program. However, I am having this discussion with my colleague, Mr. HARKIN, to address an important administrative matter regarding this program.

I am referring to the need for the Department of Labor and the Office of Management and Budget to update the unit cost formula for the Senior Community Service Employment Program to appropriately reflect annual increases in the minimum wage and in the rate of inflation. Since July 1, 1981, the Department of Labor and the Office of Management and Budget have made only three adjustments to the unit cost for the Senior Community Service Employment Program. These adjustments have increased the unit cost from $5,111 to $6,061 per enrollee. This represents an 18.6-percent increase. During the same time period, the Consumer Price Index—the Nation's yardstick for measuring inflation—has risen by 58.1 percent.

As a result, the Senior Community Service Employment Program is being stretched at the seams and rising programmatic costs—including health and liability insurance, workers' compensation, rent, and other costs—are threatening the operation of this very successful program. State and national sponsors cannot operate at their authorized levels throughout the program year and fewer eligible individuals are being served by the program, either as year-round or temporary enrollees. The existing unit costs is not sufficient to support the number of authorized community service positions for low-income older Americans.

For these reasons, I am asking my colleague from Iowa, Mr. HARKIN, to join me in urging the Department of Labor and the Office of Management and Budget to increase the unit cost to more accurately reflect the true cost of supporting one Senior Community Service Employment Program enrollee for 1 year. It is my understanding that the actual unit cost today—based on survey data from the national sponsors of the Senior Community Service Employment Program—is approximately $6,591. I urge the Department of Labor and the Office of Management and Budget to adjust the unit cost to this level, or to a level agreed upon in consultation with national sponsors of the program, and to then make annual adjustments to the unit cost to reflect increases in the minimum wage and inflation. Furthermore, I urge that adjustments to the unit cost be made incrementally so as not to decrease the number of enrollees served by the program.

Mr. HARKIN. The Senator from Pennsylvania has raised a good point

about the Department of Labor and Office of Management and Budget updating the unit cost for the Senior Community Service Employment Program. I agree that the Department of Labor and Office of Management and Budget should confer with State and national sponsors of the Senior Community Service Employment Program and make adjustments in the unit cost formula, if appropriate, as described by my friend and colleague, Mr. WOFFORD.

TELECONFERENCING

Mr. HOLLINGS. It is my understanding that the Department of Labor is currently supporting a teleconferencing program to improve quality systems in the domestic machine tool industry to improve the competitiveness of the domestic industry without reductions in wages and benefits. I applaud the Department's support of this program and encourage the Department to continue its assistance to this important effort by this critical sector of the U.S. economy.

Does my colleague agree with my analysis?

Mr. HARKIN. Yes, Senator, I agree.

THUNDER CHILD TREATMENT CENTER

Mr. SIMPSON. I appreciate the opportunity to engage in a brief colloquy with the manager of the bill concerning subcommittee funding for the treatment improvement grants administered by the Center for Substance Abuse Treatment [CSAT]. I know my two colleagues from the State of Montana have shared my ongoing concern that an estimated 80 percent of the Native American population over the age of 14 living in Wyoming and Montana have substance abuse problems. Having recognized the scope of this problem, the Federal Government must do a better job of providing treatment alternatives for those living in rural communities. Does this bill provide funds intended to help address this problem?

Mr. HARKIN. The Senator is correct. I appreciate the concerns expressed by the Senator from Wyoming, and the Senators from Montana. The committee is aware of the success rate of treatment of Native American populations in culturally specific residential treatment programs, and recognizes the particular treatment barriers that exist in rural communities. Therefore, we have encouraged the Director of the Center for Substance Abuse Treatment to make funds available to support grants for Native American nonprofit primary residential treatment programs.

Mr. BURNS. If I might further inquire of the bill manager, am I correct in assuming that the circumstances facing the Native American populations in the States of Montana and Wyoming led the committee to make this recommendation to the Director of the CSAT? I know my colleagues and I have been most impressed with the work being done at the Thunder Child Treatment Center in Sheridan, WY. This nonprofit treatment program has been operating since 1971, and has earned an exceptional reputation for providing chemical dependency treatment and rehabilitation services specifically aimed at Native American adults, adolescents, and families. The board of directors at Thunder Child contains representatives of all the federally recognized tribes in Montana and Wyoming. Would this program be eligible for funding under the CSAT Program.

Mr. HARKIN. The Senator is correct, the Thunder Child Treatment Center would be an excellent candidate to receive such funding.

Mr. BAUCUS. I want to express my personal appreciation to the manager of the bill for his strong leadership in providing additional funds for substance abuse treatment. And I want to specifically thank him for recognizing the urgent need for providing funds aimed at assisting Native Americans living in rural communities. The support this effort has received crosses party lines, and the work being done at Thunder Child has a positive impact in both my State of Montana and in Wyoming. On behalf of the tribes from our two States, I want to express appreciation for the chairman's strong expression of support for their effort to secure funding of this important program.

Mr. HARKIN. I thank the Senator for his kind remarks, and I thank each of the Senators for bringing this program to the committee's attention. Please be assured of my continued interest in this effort.

CHILDREN'S MENTAL HEALTH SERVICES

Mr. WELLSTONE. Mr. President, I would like to engage my good friend from Iowa in a colloquy on a critical item in the fiscal year 1994 Senate Labor, Health and Human Services, and Education Appropriations bill. On September 14, the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education marked up its spending bill for fiscal year 1994. While I recognize that my colleagues were under tremendous pressure to stay within strict spending caps, the Children's Mental Health Services Program, in the Center for Mental Health Services, received an appropriation in the Senate subcommittee of $15 million, which was $25 million less than the House recommended level. There are between 3 and 4 million American children with serious emotional or behavioral disturbances. It has been reported that only one-fifth of these children receive appropriate services.

Mr. HARKIN. Mr. President, I regret that the subcommittee was unable to provide more funding for the Children's Mental Health Services Program and want to assure my colleague from Minnesota that I am committed to increasing funding for this program. Funds will be used to help States develop and operate comprehensive, community-based mental health services for children with serious emotional, behavioral, or mental disorders so that children and their families can find the range of services they need close to home. Despite severe budget constraints, the Senate restored funding for the substance abuse and mental health block grants and tripled funding for Children's Mental Health, increasing the funding level to $15 million.

Mr. WELLSTONE. I appreciate the chairman's diligent work in committee, but without greater Federal attention to these children and youth with serious emotional disturbances, these children will continue to go without necessary community-based and coordinated services. Our States are spending millions of precious dollars financing out-of-State institutionalized treatment for their children merely because care is not available on the community level. I have heard from many people in my State from parents to educators; from child welfare authorities to the children themselves; all with a common message. The message is that without appropriate Federal funding for the provision of these services, children will be left without needed care, consequently, I would urge the chairman to yield to the House figure when this bill goes before conference.

Mr. HARKIN. Mr. President, I will give careful consideration to the views of my colleague from Minnesota as the Senate works to resolve differences with the House during conference negotiations on H.R. 2518.

MENTAL HEALTH COUNSELORS

Mr. HATFIELD. If I may inquire of the manager of the bill, I am advised that under current law, the clinical training grants administered by the Substance Abuse and Mental Health Services Administration through the Center for Mental Health Services are limited to the mental health disciplines enumerated in the Public Health Service Act. I understand that the Senator from Iowa has considered extending the eligibility for such clinical training grants to the counseling profession, as a means of encouraging these professionals to serve rural and other underserved populations. Has the bill manager made a determination on how to proceed in making counselors who are earning advanced academic degrees at the masters and doctoral level eligible to receive clinical training grants?

Mr. HARKIN. I thank the Senator for his interest in this matter. The counseling profession is not now listed within the Public Health Service Act as a core provider, which currently includes psychology, psychiatry, nursing, marital and family therapy, and social work. In light of the fact that the educational and professional requirements

in the counseling profession are comparable with other enumerated disciplines in the Public Health Service Act, I believe the act should be amended to include counselors. I understand that the relevant authorizing committee, the Senate Committee on Labor and Human resources, on which I serve, will be considering amendment to the Public Health Service Act during the 103d Congress. I intend to urge the chairman, the Senator from Massachusetts, to give favorable consideration to this effort to include counselors as a core provider under the Public Health Service Act.

Mr. HATFIELD. I appreciate being advised of the Senator's interest in this matter, and will be happy to join in this effort.

FUNDING FOR MINORITY TEACHERS

Mr. SPECTER. I would like to engage my colleague, the distinguished chairman of the Subcommittee on Labor, HHS and Education appropriations in a colloquy on the subject of funding for the new program designed to encourage minorities to enter teaching under title V, part E, subpart 2 of the Higher Education Act. As the chairman knows, this program was initiated in the other body before there was an authorization in the 1992 Amendments to the Higher Education Act.

Mr. HARKIN. The Senator from Pennsylvania is correct. I believe Congress provided $1 million in fiscal year 1991 and $2.5 million in fiscal year 1993, and the Department is in the process of awarding the fiscal year 1993 funds at this time.

Mr. SPECTER. I am somewhat concerned about the lengthy delay in the Department's peer review and grantmaking process which may have disrupted at least one consortium of historically African-American, predominantly Hispanic, and majority institutions which were engaged in a pipeline-building effort. Such ongoing efforts must be built upon and sustained if we are to make significant progress in encouraging minority youth to pursue a career in teaching.

Mr. HARKIN. I share the Senator's view completely. In fact, one of the participating institution's in the Consortium for Minorities in Teaching Careers is the University of Iowa, which provides the evaluation component for the consortium's collective efforts. It is clear that the Department's 1-year delay in awarding the fiscal year 1993 funding disrupted the programmatic continuity that had been developed over the past 2 years, and caused the activities being provided to middle and high school students to cease.

Mr. SPECTER. The consortium should be commended for initiating this concept and for working to secure a congressional authorization and appropriations for this important program. As is the case with other Federal education programs, additional resources are required to continue the consortium's fine work and to fund other quality programs in this area. I hope the Senator from Iowa will work with me next year to increase funding for this program—which is supported by the Clinton administration—and which represents an essential element in our efforts to increase minority student retention and academic success in elementary and secondary education.

ELLENDER FELLOWSHIPS

Mr. JOHNSTON. Mr. President, I would like to engage the distinguished chairman of the subcommittee in a brief discussion about an extraordinary program by an organization that I have worked closely with for many years—the Close Up Foundation.

As many of my colleagues know, the Close Up Foundation's program brings students and educators to Washington for a week-long program on government and current issues. One of the principal distinguishing features of Close Up is its unique outreach to every disadvantaged constituency in America. The Close Up program is the only one of its kind that focuses efforts on including students who are at the edge, who are at a risk of dropping out. Students who are hearing impaired, visually impaired or orthopedically handicapped, students who are recent immigrants to this country, students whose parents are migrant workers, and, of course, students who are economically disadvantaged. Close Up's success in reaching diverse groups of students has been due largely to the Allen J. Ellender Fellowship Program, named in memory of the late Senator from Louisiana.

I know the committee has recommended $4.223 million for the Ellender Fellowships and has imposed two conditions on receipt of those funds. It is the second of those conditions—the matching requirement—that I would like to discuss with the subcommittee chairman.

Both the House and Senate bills stipulate that the Foundation match Federal dollars for student fellowships on at least a 1-for-3 basis in 1994 and at least a 1-for-2 basis in 1995."

It is my understanding that because the Foundation has recently lost a major sponsor and has had some difficulty in identifying new sources of comparable private contributions, the Foundation believes it may not be able to comply with the matching requirements specified in the House and Senate report language. I also understand that the chairman of the subcommittee is aware of these concerns, and intends to explore the consequences of the matching requirement during the House-Senate conference on H.R. 2518.

Mr. HARKIN. The Senator from Louisiana is correct. I am aware of the concerns raised by the Close Up Foundation regarding the matching requirement, and I intend to discuss this issue with Chairman NATCHER when we go to conference.

THE CLOSING OF ALASKA PULP CORP. MILL IN SITKA, AK

Mr. MURKOWSKI. Mr. President, I rise today to bring to the chairman's attention an extremely serious economic situation which we are facing in southeast Alaska. On September 30, 1993, the Alaska Pulp Corp. [APC] mill in Sitka will close indefinitely.

The closure of the pulp mill in Sitka, the dominant employer in the community, is a result of Federal resource and environmental policies. The lack of similar jobs in this resource-based economy necessitates a major effort in retraining. The effect of the mill closure on this small isolated community, once the full impact hits, will be devastating, but could be greatly relieved by dislocated worker assistance programs funded in this bill.

Mr. President, I would like to take the time to explain to the chairman the intricacies of this problem. Southeast Alaska is home to numerous small communities located on islands or on thin strips of mainland lying between the coastal mountain ranges and the waters of the Inside Passage. The vast majority of acreage in southeast Alaska is taken up by the Tongass National Forest, the largest national forest in the United States. During the 1950's, in an effort to bring a sustainable timber industry to southeast Alaska, the Forest Service negotiated two 50-year contracts with companies which built large mills in Ketchikan and Sitka. The timber industry brought economic stability to the region.

The closure of the APC mill is due to numerous and complex factors, but among the most important have been the withdrawal of timber production of most of the Tongass National Forest and the enactment of stringent Federal laws, regulations, and policies. These factors have severely limited the timber supply, required major capital investments, and increased the cost of production.

The priorities of Federal decisionmakers in Washington, DC, will severely affect our local economy. Sitka will lose more than 400 direct jobs. These direct jobs lost, combined with the indirect employment affected by the closure of APC, impacts about 20 percent of the community's 8,800 residents. The people of these small, isolated communities will experience a serious economic downturn.

I know that one of the administration's and the chairman's subcommittee's high domestic priorities is to help communities which have been devastated by Federal policies regain economic self-sufficiency. I applaud him for recognizing in your subcommittee report the priority that should be given to the workers in the Pacific Northwest who will lose their jobs due to Federal timber policies.

Mr. President, is the situation that I described above the type of situation to which this language on page 11, 12 under the title of "dislocated worker assistance" in the subcommittee report refers?

Mr. HARKIN. Yes.

Mr. MURKOWSKI. The State of Alaska has recently applied for discretionary funding under the [JTPA], Job Training Partnership Act, title III, National Reserve Program, in the U.S. Department of Labor. I am aware that the Appropriations Committee Subcommittee on Labor, Health and Human Services, and Education has increased the dislocated worker assistance appropriation for 1994 from the previous year by almost $500 million and that the Secretary of Labor receives 20 percent of this total appropriation as discretionary funds.

I cannot think of a more appropriate scenario than the one I have presented to you for the use of these funds. Does the Senator agree that the expenditure of these discretionary funds on the relocation and retraining of the workers who will lose their jobs in just a few days due to the closure of the APC plant in Sitka is an appropriate expenditure of such funds?

Mr. HARKIN. Yes, the committee expects that the Department will give expeditious consideration to applications for emergency assistance like the application submitted by the State of Alaska for the dislocated workers of the APC plant in Sitka.

THE NATIVE AMERICAN LANGUAGES ACT

Mr. MURKOWSKI. Mr. President, I would like to complement the chairman and the ranking minority member of the Senate Labor, Health and Human Services, Education, and Related Agencies Subcommittee on Appropriations for recommending a budget increase of $5,493,000 for the Administration for Native Americans. I am also pleased to see the committee supports the Native American Languages Act (Public Law 102-524).

As the chairman knows, Alaska's indigenous languages face a critical time. Out of the 20 original native languages spoken in Alaska, only two, Siberian Yupik and Central Yupik, continue to be spoken by children. The other 18 Alaska Native languages face extinction early in the next century. The Native American Languages Act will help enhance and preserve many of these languages.

Mr. President, as I mentioned, the Appropriations Subcommittee on Labor and HHS recommended a $5,493,000 increase for the Administration for Native Americans budget for fiscal year 1994. Does this increase represent a commitment by the subcommittee to support funding for the Native American Languages Act?

Mr. HARKIN. Yes, there is sufficient funding in the Administration for Native Americans fiscal year 1994 budget to support the Native American Languages Act. For this reason, I urge the Administration for Native Americans to begin funding the Native American Languages Act during the fiscal year 1994 budget period.

Mr. INOUYE. Mr. President, I commend the Senator from Alaska for his expression of concern over the prospective loss of Native American languages in Alaska, and I thank him for the clarification he has obtained from the chairman of the subcommittee. It was the threat of the loss of Native American languages, the inseparable connection between languages and culture, and the need of tribal governments for assistance in their efforts to preserve their languages that led the Congress to approve the Native American Languages Act of 1992.

At the Committee on Indian Affairs' hearing in June 1992, linguist testified that, although 155 native American languages were still spoken or remembered, perhaps only 20 were spoken by persons of all ages. Further, because some languages are spoken only by the old or very old, they forecast that by the year 2000, as many as 45 languages could be lost forever. It was the conclusion of the committee that the competitive matching grant program it authorized could help defeat that forecast. To be assured that funding for the program is included in the budget, is very good news to Indians and other Native Americans and to all who care about the continuation of the cultures of the indigenous peoples of America.

Mr. SPECTER. I concur with the remarks made by Senator HARKIN, Senator INOUYE, and Senator MURKOWSKI. The Native American Languages Act is an important program that should receive funding during fiscal year 1994.

Mr. MURKOWSKI. I thank Senator HARKIN, Senator INOUYE, and Senator SPECTER for their commitment to the Native American Languages Act. The Native American Languages Act is a good public law that deserves the support of Congress and the President of the United States. I urge the Administration for Native Americans to begin funding this important public law in fiscal year 1994.

NATIONAL INSTITUTE ON DRUG ABUSE'S MEDICATIONS DEVELOPMENT DIVISION

Mr. BIDEN. I want to thank the chairman, Senator HARKIN, and the ranking member, Senator SPECTER, for their work on behalf of the fight against drug abuse in this bill. I wish to underscore the commitment of this bill to a particular and valuable area of the drug treatment effort—research and development of medications to treat drug addiction. I also wish to point out that the President has recently been briefed by some of the Nation's leading pharmacotherapy researchers, and I understand the President is supportive of efforts to develop these medicines. As I understand the position of the chairman and ranking member, more resources are desperately needed in this area and the NIH and NIDA Directors are encouraged to augment this effort within the funds appropriated in this bill.

Mr. HARKIN. I agree with Senator BIDEN. The NIDA Medications Development Division is a particularly promising area of drug treatment research. The committee intends that the Medications Development Division's effort be supported by the NIDA Director, within the funds appropriated in this bill. The committee also intends that resources made available to support activities of the Decade of the Brain Program should include efforts to support research in the important effort to develop medicines to treat drug addition, an area where the Medications Development Division has demonstrated outstanding research.

Mr. SPECTER. I agree with the statements of both Senator BIDEN and Senator HARKIN. The national effort against drug abuse requires research and development of medicines that treat drug addiction. In the 2 years since the Medications Development Division was established, I have been encouraged by the progress of their research and I wish to further emphasize the committee's strong bipartisan support for funding this effort with the funds appropriated in this bill. I also fully endorse the committee's intent that resources supporting activities of the Decade of the Brain Program should support and closely coordinate with the research undertaken by the Medications Development Division.

Mr. BIDEN. I thank Senators HARKIN and SPECTER for clarifying the committee's support for the Medications Development Division and research and development of medications to treat drug addiction. I yield the floor.

STUDENT LITERACY AND MENTORING

Mr. KENNEDY. I want to ask the distinguished subcommittee chairman about the Student Literacy and Mentoring Corps and their intent with regard to funding the program in conference.

As the chairman knows, the Student Literacy and Mentoring Corps, housed at the Department of Education, funds service learning programs in institutions of higher education. In such programs, college students take for-credit classes that have a clinical component involving tutoring illiterate adults or children.

It is estimated that 10 percent of all tutors nationwide in literacy are funded out of this program, all at very low cost.

In Massachusetts, various institutions of higher education such as Stonehill College, Boston University, and Bunker Hill Community College have developed self-sustaining literacy programs with initial seed grants of $50,000 or less.

An evaluation underway shows that the program is taking root and is increasingly successful. The program structure was improved last year in the reauthorization process. In addition, service learning programs, which were exceedingly rare at colleges 5 years ago, are becoming more common, and this Federal program has been a catalyst for this development.

The philosophy of service-learning treats students as a capable and energetic resource which can be enlisted in improving their community. It sees education as an active process and incorporates an understanding that young people learn not just from books and lectures but also by being directly and cooperatively engaged with their classmates in projects outside of the classroom. Colleges are seeing the benefits of using these methods to ensure that the curricula are relevant.

The House appropriations bill approved $1.0 million for the program in fiscal year 1994. The Senate bill does not fund the program. I urge the distinguished chairman to recede to the House in conference and support this important program. When the evaluation is complete, we can determine what the appropriate longer-term funding level should be.

Mr. HARKIN. I appreciate the Senator's comments. It sounds as though the Student Literacy and Mentoring Corps is designed to achieve important goals and is improving. I understand that there are 173 grants outstanding for fiscal year 1994. How would the chairperson recommend we allocate the $1 million in funding across these 173 grants?

Mr. KENNEDY. It is my understanding that there is wide variation in these programs that were funded, ranging from excellent to average. Given that the $1 million would be inadequate to allow all these programs to continue, I would recommend that the Department of Education fund the best programs. I would urge the Senator to incorporate conference report language which directs the Department of Education to determine an equitable manner for distributing the $1 million in funding across the 52 programs which had excellent evaluation scores on their applications of 95 or higher.

Mr. HARKIN. I appreciate the Senator's remarks and will strive to achieve these goals.

Mr. KENNEDY. I thank the Senator.

FIBROMYALGIA

Mr. HATCH. Would my colleague, the distinguished ranking minority member of the Appropriations Labor, Health and Human Services, and Education Subcommittee engage in a colloquy on a very important topic: fibromyalgia?

Mr. SPECTER. I would be glad to do so.

Mr. HATCH. The Utah Chapter of the Arthritis Foundation and its Fibromyalgia Education and Support Group have made me aware of how serious this mysterious disease is. I understand it is the second most prevalent rheumatic disease. It is extremely disturbing because, at present, there is no known cause or cure.

In fact, I was surprised to learn that it affects 3 to 5 percent of the general population. Most affected are women. Some believe it is the most common cause of pain in women between 20 and 55.

Mr. SPECTER. I am familiar with those statistics. As my colleague knows, the committee is very interested in fibromyalgia. It is a serious disease.

In our report on the fiscal year 1993 budget for the National Institutes of Health, the committee directed NIH to provide a report on fibromyalgia research, including information concerning grants awarded, cooperative agreements, intramural research, overall research priorities, and a plan to address those priorities.

Mr. HATCH. Can the Senator bring me up to date on this?

Mr. SPECTER. Yes. NIH provided its report to the committee early this year. They followed it up with a workshop on May 19, which the committee found commendable.

Mr. HATCH. I am concerned that we do all we can to learn the cause of this disease and how to treat it. Does the Senator believe the funds provided for NIH in this legislation are adequate to do that job?

Mr. SPECTER. As the Senator from Utah knows, we always wish we could provide more funds to NIH than we have available. The committee believes that NIH should aggressively pursue stimulating interest in both basic and clinical research on fibromyalgia. We feel we have provided sufficient funds to increase significantly support for this important research, most notably neoendocrine abnormalities.

Mr. HATCH. I thank my colleague for this. As the Senator said, this is very serious, and I would like to work with him to provide whatever support is needed.

Excepted committee amendments on page 9, line 23 through page 10, line 7; page 42, line 20 through page 43, line 2; page 45, lines 7 through 25; and page 63, line 14

Mr. HARKIN. Mr. President, I ask unanimous consent that all remaining committee amendments be agreed to en bloc.

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

The committee amendments agreed to en block are as follows:

Page 9, line 23, through page 10, line 7; page 42, line 20 through page 43, line 2; page 45, lines 7 through 25; and page 63, line 14.

Mr. HARKIN. I move to reconsider the vote by which the committee amendments were agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, while there is a lull in the action and my distinguished colleague from Iowa is not on the floor, and since I will not be able to be present after the final vote, assuming we have the schedules we have discussed for the final votes, I want to take a moment to congratulate the distinguished Senator from Iowa [Mr. HARKIN], for his outstanding work on this very complicated bill. I would also like to thank the distinguished chairman of the Appropriations Committee, Mr. BYRD, from West Virginia, for his continuing help, and also the ranking Republican, Senator HATFIELD, for his cooperation.

It is a difficult bill, because notwithstanding the fact that we have $260 billion total in budget authority, with some $67 billion for discretionary accounts, which is not enough money to go around—I see Senator HARKIN has returned to the floor, and I know he agrees with that proposition because we talk about it frequently—it takes very extraordinary staff work to put this bill in shape. There is extraordinary staff work on the floor and very long hours.

On the minority side, Craig Higgins, Bettilou Taylor, and Meg Snyder have done truly outstanding work not only on this bill, but they are constantly working not only with Senator HATFIELD and myself, but also with all the members of the subcommittee, really all the members of the Appropriations Committee; beyond that, all the Members of the Senate. They are available for advice and consultation. They have long service.

On the majority side, outstanding work has been done by Ed Long, Jim Sourwine, Carol Mitchell, Bill Cordes, Roberta Jones, Carol Ortega, Susan McGovern, and Gladys Clearwaters.

I want to acknowledge my appreciation for their efforts since, as I say, I will not be able to be here after the final vote later this afternoon.

I thank the Chair and yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Pennsylvania for his kind reference.

RETIREMENT OF SENATOR DON RIEGLE

Mr. BYRD. Mr. President, on Tuesday of this week, to the surprise and sincere disappointment of his many friends here in the Senate and to the hundreds of thousands of his constituents in Michigan, Senator DON RIEGLE announced his intention that this will be his last term in the Senate.

Mr. President, I have enjoyed a long friendship with the senior Senator from Michigan and, on more than one occasion, especially during my years as the leader of the Democratic Party in the Senate, I have benefited from the working relationships with Senator RIEGLE on a range of issues coming before the Senate. I have appreciated that quality of comradeship with Senator RIEGLE, as well as our genuine friendship. Likewise, I have appreciated the keen perception and the sheer energy that Senator RIEGLE has brought to our work together here in the Senate.

I have often observed that when Senator RIEGLE chooses sides on an issue, that issue has won for itself a powerful advocate and a faithful friend, as well as a voice to which many of our colleagues listen seriously, for its persuasive quality and its cogency.

Above all, however, Senator RIEGLE's retirement means that the citizens of Michigan will be losing one of their most ardent champions on the national level.

Often, some critics of the Senate decry the "boosterism" that they accuse Senators of exercising here in the Senate on the floor and in the committees. But that so-called boosterism is one of the reasons that States elect their Senators. If a Senator stands up for and speaks out in support of the interests of his or her own State, is that not one of the reasons for which he or she was elected? That is the nature of representative democracy in this Republic. And in his advocacy for the interests of the State of Michigan, Senator RIEGLE has been determined rational and impassioned, and the citizens of Michigan will miss Senator RIEGLE, as will the Senate and as will I when his term ends next year.

In announcing his decision to retire from the Senate, Senator RIEGLE highlighted a dimension of Senate membership that some of the Senate's harshest critics too often overlook in their glib attacks on this institution. Senator RIEGLE cited the sacrifices of family life that Senate duty demands of many of those who choose to serve in this body. For all those who must sacrifice to represent their home States and the Nation and their families, their families too often must sacrifice even more.

Long hours, loneliness, and separation are only some of the negatives that the spouses and offspring of Senators must be prepared to suffer in behalf of a serving Senator. Unfortunately, those sacrifices have become too overbearing for Senator RIEGLE and his family, and I can grasp the weight of those sacrifices in convincing Senator RIEGLE to seek redress for his family by retiring from Senate service.

But, Mr. President, I have long believed in an intangible quality to membership in the Senate. In the lengthy history of this body, out of millions upon millions of men and women who have peopled this Republic, the cumulative membership of the Senate has not yet reached the 2,000 mark. Think of that. In barely more than two centuries, fewer than 2,000 men and women—as a matter of fact, to be exact, 1,815—have carried the title of U.S. Senator.

That is a high challenge. That is a choice association. That is a sacred calling for service to the Nation, to the States, and to the people. This is the only forum of the States under the Constitution. This is the one forum in which all States are equal—the large and small, the most populous and the least populous. All are equal here, in this forum of the States—the United States Senate.

I hope then, Mr. President, that Senator RIEGLE will always remember that he is our friend, and that, as he moves on with his life, he will carry with him a knowledge of the special affection that we feel toward him. Likewise, I hope he will realize to the fullest the pride to which he has a right, as being numbered among such a select group of men and women who, in the long history of our country and in the United States Senate, have sat in this Chamber and its predecessor quarters helping to shape the destiny of America and the history of the world. That, after all, Mr. President, is the duty to which Americans chosen to carry the great and high and honorable title of U.S. Senator are called by a Providence higher than any of us can conceive.

RETIREMENT OF SENATOR DECONCINI

Mr. BYRD. Mr. President, as in every Congress, as the next cycle of elections approaches, some among our colleagues begin wrestling with the existential question of running for reelection or turning to other pursuits in lives and careers that understandably offer other options and that feel the pressure of other duties and commitments. With regret, I listened some days ago to Senator DENNIS DECONCINI's announcement that he did not plan to stand for reelection as his current term expires next year.

Senator DECONCINI has brought to his service in the Senate a quality of thoroughness and commitment and dedication, yoked to an understated warmth of personality and an appealing quality of gracious humility. Senator DECONCINI has been a hard-working Senator and has brought a mature self-discipline to his duty among us. I know I speak for all of our colleagues in saying that the Senate in the years ahead will miss Senator DECONCINI's special contributions.

I will miss him. He has been a faithful, hard-working, diligent member of the Appropriations Committee, of which I am the chairman.

Having said these things, I must add that, like Senator DECONCINI, I have long felt uncomfortable with the current process of seeking funds for reelection to the Senate, and I sought again and again, when I was the majority leader in this body, to support legislation to put a collar on the interminable money chase on which a Senator must embark if he or she senses a calling to Senate service and hopes to follow that sense of vocation.

When I was first elected to the Senate from West Virginia in 1958, I ran on the same ticket, the same year, with our former colleague, Senator Jennings Randolph. He ran for the unexpired term of the late Senator M. M. Neely, and I ran for the full 6-year term that year. Together, in the 1958 races for U.S. Senators from West Virginia, Jennings Randolph and I spent a combined total of roughly $50,000. By today's standards, $50,000 in a West Virginia election campaign would not underwrite a week's efforts, perhaps, for one Senate candidate, not to mention two candidates.

Be that as it may, I can understand Senator DECONCINI's concerns about having to launch another race for campaign funds, and I respect his decision. I particularly regret, however, the loss of a Senator who again and again has taken courageous stands, such as he did in his statesman-like support of the Panama Canal Treaties.

I can very well remember that great debate on the Panama Canal Treaties, when we needed two-thirds of the Senate to approve the ratification of those treaties. We mustered two-thirds plus one vote for each of those treaties. It was with the help of Senator DECONCINI that we were able to adopt that very historic milestone in the annals of our foreign relations.

And there have been other issues of decision wherein Senator DECONCINI chose a vote that he knew might not be popular, but that he believed was right, in the best sense of the word.

I know that, given his warm personality and his agile intellect, Senator DECONCINI will go forward into some new career after his retirement from the Senate. I wish him every success and every happiness wherever his destiny leads him.

RETIREMENT OF SENATOR METZENBAUM

Mr. BYRD. Mr. President, the 1994 general elections are more than a year

away. In spite of that time lead, several Senators have already announced their intention not to stand for reelection as the new election cycle dawns. Among the first to announce his decision not to run next year has been Senator HOWARD METZENBAUM from Ohio.

Senator METZENBAUM has been in politics after a full and successful business career in Ohio. Since winning a full Senate term in 1976, Senator METZENBAUM has established himself as a man of sincerely liberal conscience, speaking out here in the Senate on behalf of causes dear to his heart where some others might have feared to tread.

In that process, Senator METZENBAUM has won the admiration of colleagues who might have opposed him, and who did oppose him, on many of the issues. But, nevertheless, I have appreciated the courage, conviction, commitment, and sheer toughness that Senator METZENBAUM brings to the Senate in everything that he undertakes.

While some men have succeeded in politics through diplomacy and compromise, HOWARD METZENBAUM's forte has been passion. Observing Senator METZENBAUM engaged in hot debate and sincere appeal, with his carefully groomed white mane suggesting the halos of saints in Victorian stained-glass church windows, Senator METZENBAUM calls to mind the image of an old testament prophet proclaiming his convictions and breathing life into his visions for a more just future and a fairer chance for the causes in which he so ardently believes.

Certainly Senator METZENBAUM has fulfilled a role for visionaries that the Founding Fathers foresaw for some elected to the Senate, and he has fulfilled that role very well.

I know that I speak for all of our colleagues in telling Senator METZENBAUM that he has added significantly to Senate deliberations through his years of service. And I, particularly, again note the years when I was the majority leader—and also the years when I was the minority leader in this body—there were times when Senator METZENBAUM's strong voice and strong advocacy and strong support meant the difference.

We wish for him many more years of rich and rewarding life as his retirement approaches.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

THANKING SENATOR HARKIN AND SENATOR SPECTER

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. While I am on the floor and on my feet, let me thank him, too—Mr. HARKIN—for his service to the Nation, to his people, and to the Senate. He is a hard-working member of the Appropriations Committee. He has always been most cooperative and courteous to me; most considerate; and he, too, brings to his work an ardency and a commitment that we all might strive to emulate. I thank him for the work that he has done on the bill and for the leadership that he has demonstrated in the subcommittee, in the full committee, and on the floor.

I likewise congratulate his colleague on the other side of the aisle, who also brings a deep commitment and a high purpose of service to the committee and to the Nation.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I want to thank my friend and the distinguished chairman of the Appropriations Committee for those very kind words. They mean a lot to me because of the deep respect and admiration I have for Senator ROBERT BYRD, from West Virginia.

I want to thank him for the many years of guidance, of counsel that he has given to me since I first came to the Senate. It has been wise counseling, good counseling. I think I can say honestly that not once in my 8 years here have I not failed to follow the advice and counsel of Senator BYRD and counted it much to my benefit to make sure that I do follow his advice and counsel.

So again, I thank him very much for those kind words. They mean a lot to me.

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

I should say, also, that the Senator from Iowa and the Senator from Pennsylvania, Mr. SPECTER, have once again, as they have done repeatedly, stayed within the allocations that were given to the subcommittee by me in the beginning.

No subcommittee of the Appropriations Committee ever exceeds its allocations. So this committee is not a budget-busting committee. These subcommittees are not budget-busting subcommittees. They have faithfully lived up to the Budget Enforcement Act. I am very proud of that fact, and I am very proud of the leadership that continues to be given by the Senator from Iowa and the Senator from Pennsylvania.

Mr. HARKIN. I thank the Senator. We have lived within those allocations because of the great leadership of our distinguished chairman.

BETHUNE-COOKMAN STATEMENT

Mr. HARKIN. Mr. President, I would like to briefly address a matter of concern to certain Members regarding a proposal that we were unable to fund in this bill.

President Clinton included in his fiscal year 1994 investment package for education a request for $12.5 million to fund the second phase of construction of a performing arts center at Bethune-Cookman College in Daytona Beach, FL. Congress initially authorized this project in 1986 to honor Mary McLeod Bethune, the founder and first president of the college, who led the movement to promote the voter registration of African-American women and served as an adviser to President Franklin Roosevelt. The Congress provided $6.2 million under the original authorization for phase 1 of the Mary McLeod Bethune Memorial Fine Arts Center.

Additional support for the construction, maintenance, and endowment of the center was authorized last year and, as I mentioned, President Clinton requested funds for the center in his 1994 budget. As I think most of you know, however, the President's budget request for the activities funded by this bill exceeded our allocation by a substantial margin. As a result, we were unable to fund all of the investment activities included in the President's request.

Unfortunately, the Bethune-Cookman Center was one of the activities that we could not fund this year. The House also did not provide funding for the center. I want to reassure Members, however, that this difficult decision does not reflect an unwillingness to support the center, and that we are prepared to revisit the issue of funding for phase 2 of the center in future years.

NIH/HEART, LUNG, AND BLOOD INSTITUTE

Mr. HARKIN. Mr. President, also I want to clarify some of the report language regarding proportions of funding for heart, lung, and blood research at NHLBI. For many years there has been a precedent for relative percentages of funding, and also funding priorities have been based upon excellence of research proposals and judgment of the scientific advisers and staff at that Institute. The committee did not intend to interfere in that precedent and process. The bill report language simply indicates what is fully understood by all who work with the NIH; that we need to continue to strive to appropriately fund biomedical research across the board.

Mr. BOND. I want to join the chairman and the Senator from Minnesota in their view that current law allows the release of these emergency funds, and I will continue to work with the chairman and ranking minority member of the committee to secure their immediate release. The Missouri Department of Social Services has told me that there is a vital need for these funds, as thousands of Missouri families have been displaced by the flood. If the Great Flood of 1993 does not qualify as an emergency, then the designation is meaningless. I thank the Senators from Iowa and Minnesota for their leadership.

RELEASE OF EMERGENCY LIHEAP FUNDS TO FLOOD STATES

Mr. WELLSTONE. Mr. President, I would like to direct an inquiry to the manager of the bill, Senator HARKIN, relating to the Low-Income Home Energy Assistance Program. This relates to utilization of the emergency funds available under this program to assist victims of flood damage in the Midwest. On September 15, the Governors of nine Midwest States requested that the administration release emergency LIHEAP funding, which can be used to repair furnaces of low-income individuals, and for such other activities as replacement of waterlogged insulation materials. This work needs to be done before the onset of winter, but many low-income people, struggling with massive losses from the flooding, simply can't afford it. I understand OMB Director Panetta, in response to Senator HARKIN'S letter, raised an objection that current law would not permit targeting of LIHEAP funds to specific States. I would ask Senator HARKIN if it was not Congress' intent that emergency LIHEAP funds be targeted to specific areas to meet, among other things, special contingencies like this?

Mr. HARKIN. The Senator from Minnesota is correct. Our intent was clearly to make these LIHEAP reserve funds available to meet emergency needs resulting from specific localized disasters. In the upcoming conference with the House on the Labor-HHS appropriations bill, I will seek to include language in the statement of the managers clarifying congressional intent on this issue, and if deemed necessary, adjust the actual appropriations bill language. I will continue to do all I can to see that emergency LIHEAP funds are released as soon as possible to assist eligible persons in flood-impacted States.

Mr. WELLSTONE. I thank the chairman for that clarification. I know that release of these funds to meet emergency needs for over 6,000 people in Minnesota, and thousands of others in Iowa and in other flood-affected States, would enable us to rush urgent help to those in need as the winter approaches. I will continue to work with the chairman, and with the administration, to ensure prompt release of these funds. I ask unanimous consent to include at this point in the RECORD some correspondence on this issue. The first letter is from Energy Secretary O'Leary and HHS Secretary Shalala to OMB Director Panetta, urging release of the funds. The second is the letter from nine Midwest Governors requesting immediate release of the funds. Finally, I would like to insert an exchange of correspondence between Chairman HARKIN and Mr. Panetta to which I referred earlier. I thank the chairman for his help with this important effort.

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

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, September 27, 1993.

Hon. LEON PANETTA,
Director, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR LEON: We would like to bring to your attention a serious matter involving the survival of low-income persons in the Midwest flood area, and to strongly recommend actions that can be taken immediately to alleviate their distress before the winter.

As you know, Senator Harkin sent a letter to the President on July 19, 1993, requesting the release of a portion of the contingency funds for flood relief. On September 15, you sent Senator Harkin a reply voicing concerns with releasing the funds to just the flood States, and suggesting instead that funds available from the Federal Emergency Management Agency (FEMA) could be used for this purpose. Also on September 15, the Governors of all nine flood States wrote to the President requesting that a portion of the LIHEAP contingency funds be released for flood relief efforts.

Based on the continued need of the flood states and our own review of this issue, we would like to revisit the possibility of using LIHEAP contingency funds for flood relief efforts.

Among those who have been most affected are low-income persons whose residences have been flooded. Many are still homeless, with the mid-western winter only a month to six weeks away in parts of the flood zone. Many more are little more than "camping out" in a shell of a house, with no working furnace and no hot water. Wet insulation not only will be ineffective this winter because of the moisture, but also, if not removed soon, will cause the structure to rot. Many of these disaster victims are struggling to provide food and clothing for their families. Furnace replacement or repair and weatherization needs are completely beyond their reach, and few of them have insurance to cover their losses. It is not likely that funds for weatherization needs will be met through the recently passed flood relief bill, H.R. 2667, at least in the near future.

We are concerned that further devastation awaits these unfortunate flood victims, who are already operating at the economic margins of society, if we do not ensure that they are able to return to their homes before winter.

We have been considering this issue carefully over the last month and believe that we should pursue further the idea of using LIHEAP contingency funds to supplement limited funds available from FEMA. FEMA has advised us that it does not have sufficient funds or authority to carry out all the activities that we believe could be accomplished with the contingency funds. Furthermore, FEMA cannot pay replacement value for items such as furnaces that were destroyed in the flood.

After discussing needs with the nine States involved, we believe release of $68 million of the contingency funds will meet the valid energy-related emergency needs of low-income persons in the flood States, and would cover repairs to approximately 13,000 housing units. The FY 1994 Senate Appropriations Bill contains the same provision for these contingency funds as was provided in the 1993 Appropriation. Therefore, we have the opportunity to modify the bill language to clarify our ability to target these funds if released. This strategy could also be pursued in Conference. We would appreciate your support in bringing this to pass.

Use of the funds made available will be coordinated between the Low-Income Home Energy Assistance Program in the Department of Health and Human Services and the Low-Income Weatherization Assistance Program in the Department of Energy. Local crews have been performing what repair work they can, but they have run out of funds. They are standing by to utilize any funds that are released to continue their work.

We strongly urge you to take immediate action to obtain the release of these funds so that necessary repairs can be made to make these homes ready for winter weather. We stand ready to discuss this with you.

Sincerely,

DONNA E. SHALALA,
Secretary of Health and Human Services.
HAZEL R. O'LEARY,
Secretary of Energy.

STATE OF MINNESOTA,
OFFICE OF THE GOVERNOR,
St. Paul, September 15, 1993.

Hon. BILL CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are respectfully asking for the release of the 1993 LIHEAP (Low-Income Home Energy Assistance Program) contingency appropriation. These funds were appropriated by Congress to provide aid in energy emergencies. Midwest states are experiencing such an emergency as a result of this summer's massive flooding. Flood waters have caused damage to furnaces, water heaters, insulation and windows in the homes of low-income families.

The support and assistance of the federal government have been vital in the flood cleanup and reclamation of property through programs initiated by FEMA, HUD, SBA and Agriculture. However, there are many families who will not be eligible for these programs, yet have needs which must be addressed. For example, SBA loans are available only to those with an ability to repay. Low-income families and those who have lost their jobs due to the floods are not eligible for loans. HUD programs address some repair needs but not the inability of a family with greatly reduced income to pay their winter heating bills. We are writing on behalf of these families.

We have already seen strong indications that the number of these households will increase this winter, as reduced farm income and the flood's ripple effect trigger layoffs, shortened work hours and reduced or eliminated income. These households are primarily working families, small family farmers, "mainstreet" business owners and employees, and those dependent on agriculture for their livelihood.

With your declaration of an energy emergency in the flood damaged states prior to September 30th, the LIHEAP contingency funds can be released. We are respectfully requesting that you release those funds.

Thank you very much for your consideration of our request.

Warmest regards,

Arne H. Carlson, Governor of Minnesota; Terry E. Branstad, Governor of Iowa; Jim Edgar, Governor of Illinois; Tommy G. Thompson, Governor of Wisconsin; Joan Finney, Governor of Kansas; Walter D. Miller, Governor of South Dakota; E. Benjamin Nelson, Governor of Nebraska; Mel Carnahan, Governor of Missouri; Edward T. Schafer, Governor of North Dakota.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 19, 1993.

Hon. BILL CLINTON,
United States President, 1600 Pennsylvania Ave., NW., Washington, DC.

DEAR MR. PRESIDENT: I am writing to urge you to release contingency funds provided in the Fiscal Year 1993 Labor, Health and Human Services, and Education Appropriations bill for the Low-Income Home Energy Assistance Program to assist victims in flood-ravaged states.

It is my understanding that these funds can be used for a variety of crisis intervention activities, such as emergency shelter, reconnecting electrical service, and repair of air conditioning and furnace equipment.

In this crisis, one of the most urgent needs of low-income people who have lost so much is immediate cash assistance. This program can provide much needed relief in this regard by offsetting some of the unanticipated costs of emergency energy-related assistance.

The appropriations bill provided $600 million on a nationwide basis for such emergencies as this, which can be made available by declaration of the President of an emergency, in conjunction with submission to Congress of a formal budget request. No further Congressional action is necessary.

I urge your immediate action to release as much Low-Income Home Energy Assistance contingency funds as possible to meet emergency needs in flood-devastated states.

Sincerely.

TOM HARKIN.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 15, 1993.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: Thank you for your letter to the President suggesting the Low Income Home Energy Assistance (LIHEAP) program's contingency fund be released to assist people affected by the flooding in Midwestern States.

I particularly want to thank you for your work in getting the emergency flood supplemental appropriation passed quickly to aid flood victims. The assistance package enacted, which provides $6.3 billion in disaster assistance, should deliver rapid, coordinated, and well-targeted help.

Your letter suggested that $600 million in FY 1993 LIHEAP contingency funds be released as part of Federal flood assistance efforts. As your letter correctly noted, LIHEAP's energy crisis intervention program may fund activities such as the provision of temporary emergency shelter and emergency repairs to heating and cooling equipment. It appears, however, that were they released, LIHEAP's contingency funds would not target only States affected by flooding but go to all LIHEAP eligible States, whether disaster relief efforts should target flood-affected States and help flood victims. As an alternative, Federal Emergency Management Agency (FEMA) funds in the disaster relief package may provide temporary shelter, cash grants for basic needs such as home energy assistance, and help with repairs.

I want to reiterate that the Administration will continue to seek additional assistance, as needed, for flood-affected States. Thank you again for sharing your views with me. As always, I welcome the opportunity to respond to them.

Sincerely,

LEON E. PANETTA,
Director.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that a vote on or in relation to the D'Amato amendment No. 975 occur at 12:50 p.m.; that upon the disposition of amendment 975, the Senate vote on or in relation to the Helms amendment 976; that following the disposition of the Helms amendment, the bill be read a third time and the Senate proceed to vote on final passage of H.R. 2518, as amended; that upon final disposition of H.R. 2518, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees, and that all of the above occur without any intervening action or debate.

I further ask unanimous consent that after the vote on the D'Amato amendment, the succeeding votes be 10 minutes in duration.

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

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

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

VOTE ON AMENDMENT NO. 975

The PRESIDING OFFICER. The hour of 12:50 having arrived, the question is on agreeing to the D'Amato amendment numbered 975. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN) Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—97

Akaka	Coats	Feingold
Baucus	Cochran	Ford
Bennett	Cohen	Glenn
Biden	Conrad	Gorton
Bingaman	Coverdell	Graham
Bond	Craig	Gramm
Boren	D'Amato	Grassley
Boxer	Danforth	Gregg
Bradley	Daschle	Harkin
Breaux	DeConcini	Hatch
Brown	Dodd	Hatfield
Bryan	Dole	Heflin
Bumpers	Domenici	Helms
Burns	Dorgan	Hollings
Byrd	Durenberger	Hutchison
Campbell	Exon	Inouye
Chafee	Faircloth	Jeffords
Johnston	McConnell	Rockefeller
Kassebaum	Metzenbaum	Roth
Kempthorne	Mikulski	Sarbanes
Kennedy	Mitchell	Sasser
Kerrey	Moseley-Braun	Shelby
Kerry	Moynihan	Simon
Kohl	Murkowski	Simpson
Lautenberg	Murray	Smith
Leahy	Nickles	Specter
Levin	Nunn	Stevens
Lieberman	Packwood	Thurmond
Lott	Pell	Wallop
Lugar	Pressler	Warner
Mack	Reid	Wellstone
Mathews	Riegle	
McCain	Robb	

NAYS—0

NOT VOTING—3

Feinstein	Pryor	Wofford

So the amendment (No. 975) was agreed to.

Mr. D'AMATO. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 976

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment No. 976. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—94

Akaka	Feingold	McCain
Baucus	Feinstein	McConnell
Bennett	Ford	Metzenbaum
Bingaman	Glenn	Mikulski
Bond	Gorton	Mitchell
Boren	Graham	Moseley-Braun
Boxer	Gramm	Moynihan
Bradley	Grassley	Murkowski
Breaux	Gregg	Murray
Brown	Harkin	Nickles
Bryan	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burns	Heflin	Pell
Byrd	Helms	Pressler
Campbell	Hollings	Reid
Chafee	Hutchison	Riegle
Coats	Jeffords	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Sasser
Craig	Kerrey	Shelby
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Dorgan	Lott	Warner
Durenberger	Lugar	Wofford
Exon	Mack	
Faircloth	Mathews	

NAYS—4

Domenici	Simon
Inouye	Wellstone

NOT VOTING—2

Biden	Pryor

So the amendment (No. 976) was agreed to.

POSITION ON ROLLCALL VOTE NO. 293

Mr. WOFFORD. Mr. President, I wish to announce that on rollcall No. 293, the D'Amato amendment, I would have voted "yea."

CENSORSHIP OF BROADCASTING FROM NORTHERN IRELAND

Mr. LAUTENBERG. Madam President, I rise today to express my outrage at the continuing censorship by the British Government of broadcasting related to the conflict in Northern Ireland. As we consider this bill, which contains funding for the Corporation for Public Broadcasting, this is an appropriate time for this body to urge the Corporation, the U.S. Government and all American broadcasters to redouble their efforts to bring about an end to this censorship which is repugnant to American values and traditions.

Since 1988, the British Government has ordered broadcasters in the United Kingdom not to broadcast the voices of members of 11 groups including the Irish Republican Army and Sinn Fein. The British Broadcasting Corporation [BBC] and the British Broadcasting Corp.'s World Service have followed this requirement under protest. In fact, they have avoided the strict requirements of this rule by using actors, in some cases, to repeat the words of banned persons.

Madam President, this would not be an issue before us today except for the fact that many public radio stations in our Nation, funded by the Corporation for Public Broadcasting, air the BBC World Service. The World Service has a strong reputation in this country and around the world. Yet, the censorship that it suffers under is inconsistent with our views on freedom of speech and inconsistent with the need to hear all points of view on the situation in Northern Ireland.

The first amendment is clear on this point. By hearing all views, we can best make up our minds on the critical issues of the day. The long tragedy of conflict in Northern Ireland is certainly one of those issues. To broadcast and hear the views of the banned groups is not to endorse those views. It is simply a matter of hearing all points and positions.

The censorship imposed by the British Government is wrong. All those who value freedom should join in its condemnation. In fact, Mr. President, the Corporation, National Public Radio and the BBC itself have all protested this practice. The BBC airs a warning with all broadcasts that are directly affected by the government ban on using the voices of members of banned groups. The warning states that the government restrictions have prevented the use of the interviewees' voices.

We can and should do more to end this censorship. I rise to urge the Corporation for Public Broadcasting and all those who receive grants from it to take all appropriate steps to encourage the British Government to end this censorship.

Some have suggested that American broadcasters should accompany all BBC broadcasts related to the situation in Northern Ireland with a reminder of the censorship rules. This appears to be a reasonable and appropriate step that is consistent with full disclosure to the public of the restrictions on broadcasters in the United Kingdom. I urge all American broadcasters to consider such a reminder.

I also urge the U.S. Government to do all it can to bring an end to the restrictions. The situation in Northern Ireland remains one of the most troubling unresolved conflicts in the world today. Too many lives have been lost. Too much blood has been shed. We need to face this conflict with our eyes wide open, not blinded by a censor's rules. I urge my colleagues to look into this matter as I have and to join me in condemning this continuing affront to free speech.

DOLE-KASSEBAUM IMPACT AID AMENDMENT

Mr. DOLE. Madam President, for impact aid districts with 50 percent or more federally connected students, regular impact aid payments are not enough to cover the cost of education. As local taxpayers should not foot the bill for a Federal obligation, the 3(d)2(b) program was created to make up for any shortfalls. Realizing that these districts have no alternative revenue streams, the authorizing committee was quite specific that no limitations should be placed on this funding. Unfortunately, the appropriations request for fiscal year 1994 did not meet these needs and eligible school districts would have had this funding supplement cut by 25 percent.

In my home State of Kansas, the Fort Leavenworth budget would have shrunk by $300,000—almost enough money to pay for the education of 100 students. It is my understanding that 10 additional States would have been adversely affected, too.

I am pleased that the managers accepted the Dole-Kassebaum amendment which helped resolve this matter. Furthermore, I appreciate the efforts of Senator PELL and his staff in helping find a workable solution.

Madam President, for 43 years, Congress has supported the education of the sons and daughters of military personnel through the impact aid program. The program has consistently funded strong instruction, and I am pleased that this amendment will enable our most heavily impacted districts to maintain a high standard of excellence.

VOTE ON HELMS AMENDMENT NO. 976

Mr. BIDEN. Madam President, I rise for just a moment to explain my absence on the vote on the Helms amendment. After I voted on the D'Amato amendment, I was meeting with a constituent from Delaware in the President's room off the Senate floor. The room has no bells, and I was not notified that another vote was in progress until after the vote on the Helms amendment was over. I fully intended to participate in the vote, and I regret that I was not notified.

LABOR-HHS APPROPRIATIONS

Mr. KENNEDY. Madam President, I want to commend my colleague from Iowa, the chairman of the Labor-HHS subcommittee, for including two very important items in the National Cancer Institute section of the Appropriations Committee report dealing with issues that are critical to cancer treatment, and central to cancer patients and their families.

There are over 8 million cancer survivors in the United States today. Another million Americans are expected to be diagnosed with cancer this year. It is crucial to the well-being and comfort of these people that NCI find the answers about how to improve quality of life for cancer patients and survivors.

With millions of Americans now living with cancer, NCI should take into account the increasing evidence that psychological and social factors influence the morbidity and mortality of cancer. The institute must increase research on how to lessen the impact of cancer and improve cancer victims' quality of life by managing the disease and its treatment. I commend the subcommittee chairman for directing NCI to do this. Currently, less than 1 percent of NCI's budget is slated for this important research—just $6.5 million of NCI's $1.9 billion budget. Clearly, this isn't enough.

I was especially pleased to note the report language on page 80 of Senate Report 103-43, pointing to the evidence that psychological and social factors influence cancer incidence, morbidity, and mortality, and directing NCI to increase funding for clinical intervention trials that reflect the concerns of cancer patients, survivors, and their families in coping with cancer.

As chairman of the Labor and Human Resources Committee, I supported a provision in the NIH Revitalization Act (Public Law 103-43) setting aside a portion of NCI appropriations for cancer control activities, including psychosocial interventions to improve quality of life and increase treatment compliance. With the set-aside, and the increased funding provided in the House and Senate appropriations bill, NCI will have ample funding for more research on these vital concerns.

Mrs. FEINSTEIN. Madam President, I would like to engage the distinguished Senator from Nevada in a brief colloquy.

Mr. BRYAN. I would be happy to enter into a colloquy with my friend from California.

Mrs. FEINSTEIN. As the distinguished Senator knows, Ukiah Valley Medical Center is a 94-bed hospital located in Ukiah, CA. The 94-bed hospital that exists today is the product of an acquisition that occurred in 1988 when then-Ukiah Adventist Hospital acquired the assets of Ukiah General Hospital. Both hospitals at the time were very small, one 43-beds, the other 51-beds. Both hospitals were experiencing reduced demand and were struggling to survive. The cost of operating both hospitals, given their low occupancy rates, made the outlook for both hospital surviving highly unlikely. Ukiah Valley Medical Center's acquisition of Ukiah General was completed in August 1988. On the eve of the closing, the Federal Trade Commission staff announced it wished to investigate this transaction. Although the FTC chose not to seek an injunction to halt the transaction, the agency did file an administrative complaint 15 months after the hospital was acquired. The FTC did not try the case until November of 1992. Earlier this year, the chief administrative law judge at the FTC, Judge Parker, issued a 45-page opinion which found in favor of Ukiah on virtually every issue, including that the acquisition did not injure competition and that the FTC's proposed remedy, divestiture, should saddle the Ukiah community with two inefficient hospitals that would be less able to deliver improved quality of care.

Despite Judge Parker's clear findings of law and fact in favor of Ukiah Valley, the FTC chose to appeal Judge Parker's decision to the full Commission. The Commission, in doing so, is reviewing the record de novo and is not bound by Judge Parker's findings.

Ukiah now finds that after successfully defending itself from a prosecution that has lasted 5 years it is once again being forced to defend its acquisition before the Federal Trade Commission. During the last 5 years this small rural hospital has spent huge sums on legal fees. It has been hampered by an inability to attract new physicians to its medical staff because of the legal cloud hanging over it. As a not-for-profit concern, the hospital also has been placed at a disadvantage in its quest for charitable contributions.

I ask the distinguished Senator from Nevada if he could assure me that if the Federal Trade Commission does not bring this lengthy prosecution to a conclusion before the end of this calendar year that as chairman of the Subcommittee on Consumer Affairs he will hold an oversight hearing at the beginning of the second session of this Congress to examine why the prosecution of this small rural hospital in my State is being continued by the FTC.

Mr. BRYAN. Madam President, I would like to thank the Senator from California for bringing this matter to my attention. She and I discussed this issue several days ago when we were considering the Federal Trade Commission reauthorization bill. I informed the Senator at that time that I can appreciate her concerns and certainly would be inclined to hold a hearing in the next session to address any further concerns she may have.

Mrs. FEINSTEIN. I thank the Senator, and commend him on his longstanding concern for the preservation of available health care in rural America.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—82

Akaka	Durenberger	Metzenbaum
Baucus	Exon	Mikulski
Bennett	Feingold	Mitchell
Biden	Feinstein	Moseley-Braun
Bingaman	Ford	Moynihan
Bond	Glenn	Murkowski
Boren	Gorton	Murray
Boxer	Graham	Nunn
Bradley	Grassley	Packwood
Breaux	Harkin	Pell
Bryan	Hatfield	Reid
Bumpers	Hollings	Riegle
Burns	Inouye	Robb
Byrd	Jeffords	Rockefeller
Campbell	Johnston	Sarbanes
Chafee	Kassebaum	Sasser
Coats	Kennedy	Shelby
Cochran	Kerrey	Simon
Cohen	Kerry	Simpson
Coverdell	Lautenberg	Specter
D'Amato	Leahy	Stevens
Danforth	Levin	Thurmond
Daschle	Lieberman	Wallop
DeConcini	Lott	Warner
Dodd	Lugar	Wellstone
Dole	Mack	Wofford
Domenici	Mathews	
Dorgan	McConnell	

NAYS—17

Brown	Hatch	McCain
Conrad	Heflin	Nickles
Craig	Helms	Pressler
Faircloth	Hutchison	Roth
Gramm	Kempthorne	Smith
Gregg	Kohl	

NOT VOTING—1

Pryor

So the bill (H.R. 2518), as amended, was passed.

Mr. HARKIN. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Madam President, that finishes the Labor, Health and Human Services, Education appropriations bill. I want to thank all Senators for their indulgence, for their bringing their amendments to the floor and getting this through.

THANKS TO THE STAFF

I want to especially thank the staff who have worked so long and so hard on this bill. It was not an easy year as Senator SPECTER said earlier. We had some pretty tight budget constraints we had to work under. But we got it through, I think as the vote indicates in a strong bipartisan manner. But a lot of the credit has to go to our staff who worked so long and hard.

On the majority side, staff director, Ed Long, Jim Sourwine, Carol Mitchell, Roberta Jones, Bill Cordis, Carol Ortega, Susan McGovern, and Gladys Clearwaters; on the minority side, Craig Higgins, Bettilou Taylor, and Margaret Snyder.

To all of them, my heartfelt thanks and gratitude for so many hours put in on this bill.

Now it is on to the conference. The conference last year lasted less than 6 hours. I was chair of that conference. So I have issued a challenge to my counterpart on the House side to see if he can break that record this year; see if we can do our conference in less than 5 or 6 hours this year. Let us hope we can get that done.

Again, I thank all Senators.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes, and the Chair is authorized to appoint conferees on part of the Senate.

The Presiding Officer (Ms. MOSELEY-BRAUN) appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GORTON, Mr. MACK, and Mr. BOND conferees on the part of the Senate.

MORNING BUSINESS

Mr. HARKIN. Madam President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

CHILD PORNOGRAPHY

Mr. GRASSLEY. Madam President, I rise because I am a member of the Judiciary Committee, and the Justice Department has filed a brief on a child pornography case that is soon going to be before the Supreme Court.

I want to express my dissatisfaction with the action of the Justice Department in doing this.

I do this not only because I am a member of the Judiciary Committee but also because, in 1985 and 1986, I was involved in the federalization of the Ferber case, which was a 1982 Supreme Court decision in which the Supreme Court said that freedom of press and freedom of speech did not cover child pornography, as previously they had said it did not cover obscenity.

Solicitor General Days is the one that is obviously involved in arguing this administration's case before the Supreme Court. When he appeared before the Judiciary Committee for his confirmation hearings, I praised the administration for its decision to appeal an adverse pornography ruling.

Now, however, the Solicitor General has taken an extremely disturbing stand on child pornography. The case I am talking about is Knox v. United States. It concerns the child pornography conviction of a repeat offender who received and possessed videos of minors. These tapes contain pictures of girls, age 10 to 17, striking provocative poses for the camera. Although the girls had some clothing on, the photographer zoomed in on particular parts of the body for extended periods of time.

The Solicitor General represents the Government in cases before the Supreme Court. He defends the constitutionality of statutes and seeks to persuade the Court to adopt interpretations of statutes that further our Government's objectives. Imagine my surprise, then, when I learned that in this case, the Government was arguing that the child pornography conviction that it had won in both the district court and in the court of appeals should be thrown out. In short, our Government is arguing that it should not have won its cases at the district court and appeals level.

Instead, the Government should argue vigorously, in my opinion, for upholding the court of appeals' decision. That decision implements congressional intent. Congress passed this legislation to stop the exploitation of children.

The court of appeals was obviously right. By zooming in on those areas of the body, the photographer was exhibiting the children, taking advantage of young children by putting them on display and attracting notice. The statute applies even to clothed displays of these body parts. Moreover, by depicting the children suggestively, the production of the video violated the statute by using minors engaged in prohibited lascivious conduct.

Unfortunately, the Solicitor General now argues that unless the body part outlines can be perceived through the clothing, there is no prohibited exhibition.

Second, the brief says that the child herself—not at the pornographer's direction—must be engaged in the lascivious conduct. It troubles me that the Government now adopts the erroneous arguments that the criminal made in the court below.

Our Government is saying in this appeal exactly the same thing, that the person who was convicted said on appeal.

There are three significant problems with the Solicitor General's argument. First, it cannot be squared with the statutory language. Body parts can be exhibited through drawing attention to them, and the Solicitor General's focus on the child's acts reads out of the statute the requirement that the "producing of such visual depiction involves the use of a minor engaging in" the conduct.

The production of the videos at issue involved the literal "using" of these children within the words of the statute. Because he ignored these important words in the statute, the Solicitor General erroneously argued that the child—not the pornographer—must be the one lasciviously doing the exhibiting.

Second, the Solicitor General's argument is completely contrary to congressional intent.

Congress passed this statute to stop the victimization of children. We found that these materials were made through exploitation. We also found that the production of these materials harm children psychologically, emotionally, and sometimes even physically. Moreover, we found that child abusers use these materials to seduce other children.

These children are being exploited in a way that Congress, in the 1970's, and again later in the 1980's when I was involved, wanted to make sure it would stop. Children were being exploited for pornographic purposes—and not just for the sake of a picture, but I hope all understand that in child pornography, there are billions and billions of dollars that are being realized from the sale of child pornography.

The Solicitor General reads the statute as turning on the intent of the child. The child is the victim. But the Solicitor General reads the statute to require that the child, rather than the criminal, who happens to be the pornographer, must be acting in a suggestive way. We did not intend that. These are young people that we are talking about here. And the people who are the pornographers, the people who are getting rich off of this process, and probably enjoying it at the same time, are the ones that the statute was intended to go after.

We did not enact statutory language that based convictions on the intent of the victim, and the Solicitor General is wrong to ask the Supreme Court to hold that we did.

Third, the Solicitor General's argument will lead to more child pornography, and it is going to lead to more children being victims of pornography. If the key issue is the child's conduct, consider what kinds of child pornography production could never be prosecuted: Drugged children, threatened children, and very young children who could not possibly intend to display their bodies in any lascivious way. Moreover, how could the Government prove that the child engaged in the exhibition?

The Government would have to track down the victims and would have to ask them to relive the entire humiliating experience in court. Of course, if the child stated truthfully that she had no intent to display herself in a suggestive way, and that the idea was entirely the pornographer's, there could be no prosecution under the Solicitor General's argument.

Needless to say, the Solicitor General's brief is startling. It threatens a vast proportion of the child pornography cases that have been brought.

It asks the Court to reverse a case that it won, which would subvert the entire point of the statute. What is going on here? We know the administration sincerely desires to protect children. In their confirmation hearings that we had at almost any level of the Justice Department, the Attorney General and assistant and associate attorney generals told us of their commitment to children. So why is the Department abandoning the children and taking the side of the pornographer in this brief? I certainly hope that this brief does not signal the Solicitor General's willingness to pursue political goals rather than assisting the Court in understanding the intent of Congress, which is most often the role of the Solicitor General.

Madam President, the Government's brief is an insult to our children. It is also an insult to Congress because it misreads statutory language to seek a result contrary to congressional intent. Child pornography is an unspeakable horror. Congress acted to prohibit it in cases such as this. I hope the administration will reconsider its position. And I remind the Supreme Court that it need not adopt the child pornography user's interpretation of the statute merely because the Solicitor General happens to agree with it. The Supreme Court can adhere to the statute and to congressional intent by upholding the conviction, and I hope that it does. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I commend the distinguished Senator from Iowa for his cogent remarks on the floor at this time. He makes some very good points. I think it is about time people in America understand what really has been going on. I agree with what he said, and I am very happy he has taken time to educate all of us here today.

THE NEED FOR A NATIONAL DRUG CONTROL STRATEGY

Mr. HATCH. Madam President, it is fine to talk about reinventing Government. We might start by adhering to some of the laws that we already have on the books. For instance, on February 1, 1993, the Clinton administration was required by law to submit to Congress its first national drug control strategy. That was February 1, 1993. I do not think any of us will hold them to that date, but it is now September 29 and we still have not had their submission on its first national drug control strategy. Where is that drug strategy? Where is the Presidential leadership in the war on drugs? This administration is sending a terrible signal to our country: drug control is no longer a national priority.

This administration has slashed the drug czar's office to the bone, from 146 positions to 25, below the level needed to devise a drug strategy, and that is part of the reason why they still have not gotten it to us. It has sought to cut funding in the drug war. Budget allocations for prosecutors have been reduced, prison construction is being cut, there is talk about not prosecuting certain drug offenses, and it appears interdiction efforts will be cut back.

In July, the Washington Post reported that the Clinton administration had agreed to a $231 million cut in drug treatment and education funds in the House of Representatives.

Administration officials from the Office of Management and Budget were reported to have privately suggested many of the cuts. And, to give a misleading image of being aggressive in the drug war, the administration made a paper promotion of the drug czar to the Cabinet, yet appears to have cut him out of the loop.

Is this what it means to be a new Democrat? Hardly. Instead, this administration is turning the clock back on drug control, slipping inexorably into the old permissiveness of the Carter era. As A.M. Rosenthal observed in March, in the New York Times, as I recall, President Clinton's interest in fighting drugs can be summed up as: "No leadership. No role. No alerting. No policy." (New York Times, Mar. 26).

In May, Mr. Rosenthal warned that the "concept of the war on drugs is in danger of being dismantled and the result will be creeping legalization. If that is what Americans want, fine—they can get it by just keeping silent." (New York Times, May 18).

I am not trying to be partisan here. I am trying to wake this administration up. On May 18, 1993 at Philip Heymann's hearing to be Deputy Attorney General, and on May 25, 1993, at Lee Brown's confirmation hearing to be Director of the Office of National Drug Control Policy, I prodded the administration, acknowledging that it could not be expected to produce a strategy on February 1, less than 2 weeks after President Clinton was sworn into office. On the Senate floor, on July 13, I again called on the President to produce a national drug strategy and, again, in fairness, acknowledged that the administration needed time to devise a drug strategy.

I call upon editorial writers and columnists to draw attention to this issue and the need for Presidential leadership. I have my own views on this subject. I fought for additional funding for the DEA and Marshals Service. As well, Senator DOLE and I recently introduced a comprehensive crime bill which will provide law enforcement aid to drug ravished urban and rural communities. It beefs up the number of DEA and border patrol agents, increases the size of the drug czar's office, and provides drug control assistance to rural areas. But my purpose today is not to ask for endorsements of our legislation. Rather, I am asking that those who agree drug control should be made a higher priority by this President to let their concerns be known.

I understand that an outline of a drug strategy may be presented to Congress this month but the President's comprehensive strategy will not be presented to the Nation until next February, 1 year late. This is wholly inadequate.

Why do we need a strategy and Presidential leadership in the drug war? A recent University of Michigan study demonstrates why. The study shows that the decline of drug use among our Nation's young people, which began during the Reagan-Bush years, has virtually halt and that marijuana and LSD use are on the rise. Dr. Mitchell Rosenthal, the president of Phoenix House, the Nation's largest residential treatment organization stated that the study "ought to be a big signal to the President and his Cabinet that they have got to pay serious attention to the drug problem"—New York Times, July 16. The New York Times reported that Dr. Lloyd Johnson, who headed up the research team, concluded that the study indicates a more tolerant attitude toward drugs and the possibility of a steep increase in drug abuse. This study demonstrates the risk we face if the administration continues to ignore the drug problem.

The administration's proposal to merge the Drug Enforcement Administration into the Federal Bureau of Investigation also indicates why we need a cohesive national drug strategy. This merger, which is a part of the administration's proposal to reinvent Government, could seriously disrupt our Nation's drug control efforts. I do not want to dismiss the proposal out of hand. I personally thank the distinguished Attorney General of the United States for spending personal time with me on this effort. So I will keep an open mind on it but I am concerned about it and I am not sure it is the right thing to do. I support efforts to streamline Government. Yet, I believe the elimination of our Nation's premier drug control agency will likely undermine the effectiveness of our domestic and international counternarcotics efforts.

The DEA's mission is clearly defined and the DEA has proven itself to be very effective. Elimination of the DEA calls into question this administration's commitment to fighting the drug war. Frankly, I am also concerned that the merger could be used to hide major cuts to Federal law enforcement. Indeed, according to Vice President GORE's Report of the National Performance Review, the administration claims the merger will permit $187 million in cuts to law enforcement spending. I am not persuaded that these cuts will be purely the result of savings through increased efficiency. Rather, I suspect the administration may plan to cut into the muscle of our antidrug initiatives.

Had this administration developed a comprehensive drug strategy, one must question whether this proposal would even be discussed. Important questions need to be asked, the most important of which is: Will such a merger further the implementation of the administration's long term drug control goals and strategy? In order to answer this, and other questions, the Congress first needs to know what this administration's goals and strategy actually are.

I do not think I can be for a merger unless I will know what their strategies are. How could anybody be, if it is going to lead to a reduction in an effort against drugs?

Another recent example of the need for leadership and a national strategy is the recently reported plans to shift resources away from interdiction and toward greater military and economic aid for Andean nations—the Washington Post, September 16. As the administration ponders cutting interdiction, a move I seriously question the wisdom of, the Congress is preparing to cut the very foreign aid programs the White House wants to increase support for. The Senate will soon be considering a bill which cuts U.S. aid to foreign antidrug programs by $47 million. If the Congress had a strategy on which to base its decisions, we might not be seeing these cuts. The Washington Post

reported last Thursday, September 16, "administration officials * * * acknowledged that events may be overtaking them."

Look. I have been all over Mexico, Central and South America. I have gone to some of these Andean countries. I have seen the DEA agents down there. And for the want of peanuts, absolutely hardly any money, they could have interdicted a lot more drugs. They could have stopped a lot more drug activity. We are not putting our money where our mouths are.

When President Clinton was running for office he said, in recognition of the link between drugs and crime, that "we have a national problem on our hands that requires a tough national response." New York times, March 26, quoting an earlier Clinton statement. Yet, the President's own drug czar, Lee Brown, has conceded that drugs are no longer "at the top of the agenda" as a political issue and that it is this administration's duty to "raise the consciousness of the American people."—Washington Post, July 8. Nearly 8 months into his term, however, the President has failed to demonstrate a true commitment to combating the drug problem. In April of this year, former drug czar officials Terrence Pell and John Walters warned of the President's lack of commitment. They wrote that his lack of interest "rests on a widespread mythology minimizing the importance of Presidential leadership."—Washington Post, April 16.

I do not know whether that is fair, but the fact is that is what is being written, and it bothers me.

Madam President, I suggest to my colleagues that we can no longer be silent about the administration's failure to carry out its obligations under the law or about its failure to recognize and address one of the most insidious threats to our families and our communities. I believe the University of Michigan study is an omen of things to come if we persist in allowing this administration's drug policies to drift aimlessly.

I hope President Clinton and the rest of the administration will begin to demonstrate a stronger commitment to sustaining a vigorous national effort against drugs. They can begin to do so by delivering to Congress the national drug strategy—not a summary.

As I have stated on numerous occasions, I stand ready to work with President Clinton and Lee Brown in continuing the fight against drugs. When a strategy is presented to Congress, I look forward to reviewing it, discussing it with the drug czar and the Attorney General and, where appropriate, suggesting changes. Through a sustained effort on the part of the Clinton administration, I believe we can continue to make progress in fighting drug abuse and drug-related violence throughout all of America.

In fact, I suggest this President probably would have a better chance to lead this fight than anybody else in the history of this country, because he is truly a younger man, he truly comes out of that sixties generation, and he truly understands, it seems to me, all of the ramifications.

He is very bright and intelligent. His wife is leading the health fight in this country and he has mastered those details, all of which I admire. I want to help him. I think I have had the reputation of helping him over these past 9 months and I intend to continue to.

But I want to see this defect remedied, and I want to see it remedied now. I think it is time for this administration to get it done. And if people below him are not going to do it, he has to crack the whip and get it done.

In the process, he is going to find a great ally in ORRIN HATCH and, I might add, he will find a great ally in a lot of other people that we can bring along to help support him in this great battle. Our kids and our families and our States and local areas need this done. We need to get this accomplished. We must work together and we have to start now. We cannot wait any longer.

Thank you, Madam President.

I yield the floor.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, the Federal debt stood at $4,384,313,074,547.91 as of the close of business on Monday, September 27. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,068.95.

FEDERAL FUNDS FOR ABORTION SERVICES

Mr. DORGAN. Madam President, since I came to Congress in 1981, I have supported restrictions on the use of Federal funds for abortion services and I have consistently voted in favor of the Hyde amendment. In the past, the Hyde amendment has banned Medicaid funds from being used for abortions except to save the life of the mother. I have supported extending those exceptions to include rape and incest. This year, the Hyde amendment has been modified to allow Medicaid funds to be used for abortions in the case of rape or incest in addition to saving the life of the mother. I am pleased that the Senate is considering what I believe to be a more reasonable version of the Hyde amendment.

Americans on both sides of this issue have indicated that they are very concerned about the number of abortions in this country and are opposed to the use of Federal funds for abortion services. To me, it just does not make sense to use taxpayer dollars to fund abortions.

Instead, we should use our precious resources to educate the American people about how to avoid unwanted pregnancies and about the alternatives that are available when an unwanted pregnancy occurs rather than pay for abortion services. This is the most realistic and effective plan to reduce the number of abortions in our country.

I do not view the abortion debate lightly. I give careful consideration to every vote on this issue. After careful reflection, I believe that a Hyde amendment that makes exceptions for rape and incest as well as when the mother's life is endangered is a reasonable and fair approach. It respects the consciences of millions of Americans and it reaffirms our commitment to reducing the number of abortions in this country.

A VERY SPECIAL LADY

Mr. SIMPSON. Mr. President, on June 26, 1993, I was so very honored and proud to be in attendance at the funeral of our beautiful former first Lady Pat Nixon. Prior to departing for the funeral I made some brief comments on the Senate floor with the intention of extending those remarks at a later date. And that is the purpose, Mr. President, for which I rise.

Mr. President, Pat Nixon was always—always—a very special lady. I first met her while my father was serving as Governor and my mother was First Lady of the State of Wyoming. The highest tribute I can pay to Pat Nixon is that she reminded me very much of my own dear and magnificent mother. I had watched both of these two ladies, Pat Nixon and Lorna Simpson, stand closely by the side of their spouses as they carried out their duties of governing and concluding legislation. Pat Nixon stood by her husband in a very noble, stoic and compassionate way. She always held her head high—even in the midst of an all out media blitzkrieg of political and personal attacks upon her husband. And when the end of the Nixon Presidency came, she never lost her splendid grace in any way. She was always the lady.

No American can ever fully appreciate how hideously difficult it is to be the President's spouse, the life partner and the support system in this giddy goldfish bowl of existence. Pat Nixon would not have chosen that life—and may not even have enjoyed that life. But because of that inner discipline, and inner energy, and rare spirit, and gentle fire she served as a truly generous and gracious First Lady who always conducted herself with great style, class, character and distinction.

She was one of nature's noblewomen. She touched this country's heart and the entire world with her quiet grace and dignity. Before that tremendous strong heart ceased to beat, her list of accomplishments were truly extraordinary. She had an unlimited measure

of compassion for all humanity. She involved herself in so many things. She worked to make national parks and other recreational areas more accessible for Americans. She was a pioneer of the literacy movement and was a great advocate for true voluntarism. The American people owe her a sincere debt of gratitude for all of her extraordinary efforts in these areas.

According to historian William Seale:

> The great collection of White House Americana today is the result of exhaustive long hours spent by Pat Nixon. The impulse, the idea, and the energy were hers.

And we can never forget that she was the one responsible for making the White House accessible to hearing and visually handicapped Americans. Remarkable achievements by a remarkable First Lady.

But perhaps, Mr. President, the most impressive legacy of Pat Nixon was her total devotion and commitment to her family. Here was the tap root that sustained her. The family. There is not a soul among us who does not know of the unwavering support for her husband. But there was so much more. At a young age she lost her mother to cancer, and her brothers and father came to rely heavily upon her. She nurtured and sustained them, too, even at that tender age. She also raised two successful and beautiful daughters, Tricia and Julie. When you come to know them you know truly the old adage, "The Apple Doesn't Fall Far From the Tree." They are very dear and special people and they have supportive and fine spouses of their own and dear children, too. She was a kind, loving and wonderful grandmother to her four doting grandchildren. She loved them dearly. They loved her. It was Winston Churchill who once said that his children were his greatest memorial. For Pat Nixon, I can think of no finer monument. She will be remembered by a grateful citizenry who appreciate all that she gave to this country and its people.

Former President Nixon spoke so tenderly of his departed and beloved, Pat, at an event after the services in Yorba Linda, CA. He said: "I can never forget her smile—who could forget her smile?" I shall never forget the import of those remarks at that very moving remembrance ceremony.

So the great accomplishments of both President and Mrs. Nixon will be felt by future generations of Americans—and the thoughts and prayers of a grateful Nation go winging out to the entire family. The lives of many of us are richer for having shared a portion of them with Pat Nixon. America will always remember her as one of our country's sweetest and kindest and most compassionate First Ladies—and none shall ever forget her smile.

ART BY ANY OTHER NAME

Mr. FAIRCLOTH. Madam President, I have at hand a syndicated column written by Thomas C. Goolsby of Wilmington, NC.

On September 20, Mr. Goolsby wrote an especially refreshing column which was published by a number of newspapers. It was headed, "Art by Any Other Name," and I ask unanimous consent that the text of the column be printed in the RECORD at the conclusion of my remarks.

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

ART BY ANY OTHER NAME

RALEIGH, September 20.—Senator Helms and his fellow conservatives in the U.S. Senate may have lost their recent battles over funding for the National Endowment for the Arts (NEA), but "the times, they are a changing." Almost one-third of the Senate backed Senator Helms and his proposed changes in federal spending on the "arts."

Once again the cries of "censorship" and "totalitarianism" were heard in the halls of Congress, but if we get past the rhetoric to the reality, we see a totality different picture. One of our Senior Senator's common sense proposals was merely to require that NEA funding be restricted to nonprofit organizations. It sounds sensible. Let's only allow nonprofit groups to apply for and receive the free, hard-earned tax dollars of working Americans. As Senator Helms said, "I never heard a symphony orchestra that offended anyone." Wrong, Senator Helms—you should know better that to question the omnipotent wisdom of the NEA.

In response, the Senate came down against such restrictions on funding. The NEA can continue to fund any number of individual artists of questionable skill and taste. Don't forget—it's art and we little people have no right to question its value to society. We are just expected to pay for it.

The other "offensive" action by conservatives in the U.S. Senate was to require that no less than 70 percent of NEA funds be sent to the states for local distribution. Another critical and "dictatorial" error. How dare anyone question the power of the NEA and their ability to decide what is "art" and what art is worthy of funding. To trust decisions of such extreme import to "provincials" in Any Town, U.S.A. is patently absurd.

If Bill Clinton has his way, we will soon have a new "Madame of the Arts." Actress Jane Alexander is the President's choice as the new chairman for NEA. When Senator Helms was suggesting the previously mentioned changes to the NEA's spending habits, Senator Barbara Boxer, D-California, told him, "I am not an art critic. The senator from North Carolina is not an art critic. We will make mistakes, yes, but give Jane Alexander a chance." Senator Boxer left out that Ms. Alexander is not an art critic either, but even if she were, what gives her the right to decide what is art and what is not?

I freely admit that I don't agree with any federal funding of the arts. When so many Americans need so many things and when our Nation is trillions of dollars in debt, how can we take 180 million additional dollars away from those who need it in order to give it away to something as vague as "art?" Even if you disagree and believe in taxpayer funding of the arts, what is wrong with requiring that 70 percent or more of the money be distributed by local officials. At least then the "little guy" has more of a chance in deciding how his money is spent?

The best analogy to use for describing the attitude that exists in the minds of our so-called art critics at the NEA is to pretend that they hire house painters. You may not have even decided if your house needed painting. However, for the sake of make believe, a government bureaucrat shows up and says not only does your house need painting, but you will pay for it whether you like it or not. Further, you don't even have a choice on the color of paint—that's for the "artist" to decide.

Just remember—It's a crazy world we live in and you're paying the tab.

DEATH OF SGT. EUGENE WILLIAMS AND PVT. MATTHEW K. ANDERSON

Mr. McCONNELL. Mr. President, last Saturday 26-year-old Sgt. Eugene Williams and 21-year-old Pvt. Matthew K. Anderson from the 101st Airborne Division at Fort Campbell, KY, were shot down in an Army Blackhawk helicopter over Somalia and killed. Both of these men had been members of the Screaming Eagle Division for 1 year.

I want to express my sympathy to these men's friends and the Fort Campbell community. They served our Nation with distinction and honor, and we are all eternally grateful for their loyalty and courage. I extend my deepest condolences to their families and General Keane, the 101st's commander. Their loss is felt not only by those who knew them, but it is felt by me and the entire Nation as well.

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

Mr. JOHNSTON. Madam President, I ask unanimous consent that we proceed to the consideration of H.R. 2445, an act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the

Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, [$207,540,000] *$208,544,000*, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

[Central Basin Groundwater Project, California, $750,000;

[Los Angeles County Water Conservation, California, $100,000;

[Los Angeles River Watercourse Improvement, California, $300,000;

[Norco Bluffs, California, $150,000;

[Rancho Palos Verdes, California, $80,000;

[Biscayne Bay, Florida, $700,000;

[Tampa Harbor, Alafia River and Big Bend, Florida, $250,000;

[Indianapolis, White River, Central Waterfront, Indiana, $4,000,000;

[Lake George, Hobart, Indiana, $200,000;

[Little Calumet River Basin (Cady Marsh Ditch), Indiana, $310,000;

[Ohio River Shoreline Flood Protection, Indiana, $400,000;

[Hazard, Kentucky, $250,000;

[Brockton, Massachusetts, $350,000;

[Passaic River Mainstem, New Jersey, $17,000,000;

[Broad Top Region, Pennsylvania, $400,000;

[Juniata River Basin, Pennsylvania, $450,000;

[Lackawanna River Basin Greenway Corridor, Pennsylvania, $300,000;

[Pocotaligo River and Swamp, South Carolina, $400,000;

[Jennings Randolph Lake, West Virginia, $400,000;

[Monongahela River Comprehensive, West Virginia, $600,000; and

[West Virginia Comprehensive, West Virginia, $500,000.]

Central Basin Groundwater Project, California, $750,000;

McCook and Thornton Reservoirs, Illinois, $5,500,000;

Indianapolis, White River, Central Waterfront, Indiana, $900,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $310,000;

Ohio River Shoreline Flood Protection, Indiana, $400,000;

Hazard, Kentucky, $250,000;

Brockton, Massachusetts, $350,000;

Passaic River Mainstem, New Jersey, $10,000,000;

Pocotaligo River and Swamp, South Carolina, $400,000;

Jennings Randolph Lake, West Virginia, $400,000;

Monongahela River Comprehensive, West Virginia, $600,000; and

West Virginia Comprehensive, West Virginia, $500,000:

Provided, That notwithstanding ongoing studies using previously appropriated funds, and using $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct hydraulic modeling, foundations analysis and related design, and mapping efforts in continuing preconstruction engineering and design for the additional lock at Kentucky Dam, Kentucky project, in accordance with the Kentucky Lock Addition Feasibility Report approved by Report of the Chief of Engineers, dated June 1, 1992: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $250,000 of available funds to complete a detailed project report, and plans and specifications for a permanent shore erosion protection project at Geneva State Park, Ashtabula County, Ohio: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $400,000 appropriated herein to continue preconstruction engineering and design, including preparation of the special design report, initiation of National Environmental Policy Act document preparation, and initiation of hydraulic model studies for the Kaumalapau Harbor navigation study, Lanai, Hawaii: Provided further, That the Secretary of the Army is directed to limit the Columbia River Navigation Channel, Oregon and Washington feasibility study to investigation of the feasibility of constructing a navigation channel not to exceed 43-feet in depth from the Columbia River entrance to Port of Portland/Port of Vancouver and to modify the Initial Project Management Plan accordingly: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $400,000 of funds appropriated herein to initiate a reconnaissance study, including economic and environmental studies, for the Pocataligo River and Swamp, South Carolina: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $90,000 of funds appropriated herein to complete the reconnaissance study of the Black Fox and Oakland Spring wetland area in Murfreesboro, Tennessee: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $200,000 of available funds to initiate the planning and design of remedial measures to restore the environmental integrity and recreational boating facilities at Old Hickory Lake, in the vicinity of Drakes Creek Park, in accordance with the reconnaissance study findings dated September, 1993.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), [$1,389,138,000] *$1,296,167,000*, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

[Rillito River, Arizona, $4,200,000;

[Red River Emergency Bank Protection, Arkansas, $3,500,000;

[Coyote and Berryessa Creeks, California, $4,000,000;

[Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

[San Timoteo Creek (Santa Ana River Mainstem), California, $12,000,000;

[Sonoma Baylands Wetland Demonstration Project, California, $4,000,000;

[Central and Southern Florida, Florida, $17,850,000;

[Kissimmee River, Florida, $5,000,000;

[Melaleuca Quarantine Facility, Florida, $1,000,000;

[Casino Beach, Illinois, $300,000;

[McCook and Thornton Reservoirs, Illinois, $13,000,000;

[O'Hare Reservoir, Illinois, $5,000,000;

[Des Moines Recreational River and Greenbelt, Iowa, $2,700,000;

[Barbourville (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $3,868,000;

[Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $15,432,000;

[Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

[Salyersville, Kentucky, $1,000,000;

[Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000;

[Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $24,119,000;

[Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $200,000;

[Red River Waterway, Mississippi River to Shreveport, Louisiana, $65,000,000;

[Anacostia River, Maryland and District of Columbia, $700,000;

[Clinton River Spillway, Michigan, $2,000,000;

[Silver Bay Harbor, Minnesota, $2,600,000;

[Stillwater, Minnesota, $2,400,000;

[Sowashee Creek, Mississippi, $3,240,000;

[Molly Ann's Brook, New Jersey, $1,000,000;

[New York Harbor Collection and Removal of Drift, New York and New Jersey, $3,900,000;

[Rochester Harbor, New York, $4,000,000;

[Wilmington Harbor Ocean Bar, North Carolina, $5,266,000;

[West Columbus, Ohio, $5,000,000;

[Lackawanna River Greenway Corridor, Pennsylvania, $2,000,000;

[South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $10,000,000;

[Fort Point, Galveston, Texas, $1,500,000;

[Lake O' The Pines-Big Cypress Bayou, Texas, $300,000;

[Red River Basin Chloride Control, Texas and Oklahoma, $4,000,000;

[Wallisville Lake, Texas, $1,000,000;

[Richmond Filtration Plant, Virginia, $1,000,000;

[Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $3,500,000; and

[State Road and Ebner Coulees, LaCrosse and Shelby, Wisconsin, $1,467,000.]

Rillito River, Arizona, $4,200,000;

Coyote and Berryessa Creeks, California, $4,000,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $400,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $12,000,000;

Sonoma Baylands Wetland Demonstration Project, California, $4,000,000;

Central and Southern Florida, Florida, $9,500,000;

Kissimmee River, Florida, $5,000,000;

Casino Beach, Illinois, $300,000;

O'Hare Reservoir, Illinois, $5,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $1,700,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,000,000;

Salyersville, Kentucky, $1,000,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000;

Lake Pontchartrain and Vicinity (Jefferson Parish), Louisiana, $200,000;

Anacostia River, Maryland and District of Columbia, $700,000;

Stillwater, Minnesota, $2,400,000;

Sowashee Creek, Mississippi, $3,240,000;

Molly Ann's Brook, New Jersey, $1,000,000;

New York Harbor Collection and Removal of Drift, New York and New Jersey, $2,900,000;

Lake O' The Pines-Big Cypress Bayou, Texas, $300,000;

Red River Basin Chloride Control, Texas and Oklahoma, $4,000,000;

Wallisville Lake, Texas, $1,000,000; and

Southern West Virginia Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, West Virginia, $3,500,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,500,000 of available funds to initiate and complete construction of the Finn Revetment portion of the Red River Emergency Bank Protection, Arkansas and Louisiana project: Provided further, That the Chief of Engineers is directed to use a fully funded contract for the construction of the Finn Revetment: Provided further, That the Secretary of the Army is directed to use $3,500,000 of funds appropriated herein to continue the Red River Levees and Bank Stabilization below Denison Dam, Arkansas project, including completion of studies to improve the stability of the levee system from Index, Arkansas to the Louisiana State line and continuation of rehabilitation work underway: Provided further, That with $2,000,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Bethel, Alaska project authorized by Public Law 99-662, including but not limited to initiating lands and damages, erosion control construction, and continued related engineering and construction management: Provided further, That no fully funded allocation policy shall apply to the construction of the Bethel, Alaska project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $24,119,000 of the funds appropriated herein to continue the Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project, including continued construction of parallel protection along Orleans and London Avenue Outfall Canals and the award of continuing contracts for construction of this parallel protection under the same terms and conditions specified for such work under this heading in Public Law 102-377: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $450,000 of funds appropriated herein to complete the repair and restoration to a safe condition of the existing Tulsa and West Tulsa local protection project, Oklahoma, authorized by the Flood Control Act of 1941, Public Law 73-228: Provided further, That with $19,300,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Barbourville, Kentucky, and the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: Provided further, That with $5,365,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland River project authorized by section 202 of Public Law 96-367: Provided further, That with $3,500,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland River project authorized by section 202 of Public Law 96-367 using continuing contracts: Provided further, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Hatfield Bottom, West Virginia, Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy and Upper Cumberland river project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of offshore breakwaters at Grand Isle, Louisiana, as an integral part of the repair of features of the Grand Isle and Vicinity, Louisiana, project damaged by Hurricane Andrew using funds previously appropriated for the purpose in the fiscal year 1992 Dire Emergency Supplemental Appropriations Act, Public Law 102-368, which are available for this work: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the section 14 bank stabilization program at McGregor Park in Clarksville, Tennessee utilizing heretofore appropriated funds until the Federal funds limit of $550,000 is reached or bank protection for the entire park is completed: Provided further, That using $3,800,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue with the authorized Ouachita River Levees, Louisiana project in an orderly but expeditious manner; and in addition, $145,000,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, as authorized by laws, and the Secretary is directed to continue the second phase of construction of Locks and Dams 4 and 5; complete construction of Howard Capout, McDade, Elm Grove, Cecile, Curtis, Sunny Point, and Eagle Bend Phase I and Phase II revetments in Pools 4 and 5, and levee modifications in Pool 5, all of which were previously directed to be initiated; and award continuing contracts in fiscal year 1994 for construction of the following features of the Red River Waterway which are not to be considered fully funded: recreation facilities in Pools 4 and 5, Piermont/Nicholas and Sunny Point Capouts, Lock and Dam 4 Upstream Dikes, Lock and Dam 5 Downstream Additional Control Structure, Wells Island Road Revetment, and construction dredging in Pool 4; all as authorized by laws, and the Secretary is further directed to provide annual reimbursement to the projects local sponsor for the Federal share of management costs for the Bayou Bodcau Mitigation Area as authorized by Public Law 101-640, the Water Resources Development Act of 1990.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), [$352,475,000] *$348,875,000*, to remain available until expended, of which $2,400,000 is provided for the Eastern Arkansas Region, Arkansas, project.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,691,350,000] *$1,673,704,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $18,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), and of which funds are provided for the following projects in the amounts specified:

Tucson Diversion Channel, Arizona, $550,000;

[Los Angeles River (Sepulveda Basin to Arroyo Seco), California, $400,000;]

Oceanside Experimental Sand Bypass, California, $4,000,000;

Los Angeles County Drainage Area (Hansen Dam), California, $2,790,000; and

[Flint River Flood Control, Michigan, $2,500,000;]

Sauk Lake, Minnesota, $40,000[; and]:

[New Madrid County Harbor, Missouri, $250,000:]

Provided, That not to exceed $7,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of available funds to undertake and complete critical maintenance items for water supply of the Kentucky River Locks and Dams 5-14 and to transfer such facilities to the Commonwealth of Kentucky: Provided further, That the Secretary of the Army is directed during fiscal year 1994 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use Operation and Maintenance funds and complete, in coordination with the schedule for feasibility phase, studies to deepen the Columbia River navigation channel, long-term dredge disposal plans for the existing authorized Columbia River Navigation Channel project, including associated fish and wildlife studies.*

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $92,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of

the Flood Control Act approved August 18, 1941, as amended, $20,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to title VII of the Oil Pollution Act of 1990, $350,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, and the Water Resources Support Center, $148,500,000, to remain available until expended: [*Provided*, That not to exceed $54,855,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers] *Provided, That not to exceed $58,255,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the Secretary's determination and the reasons therefore: Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

During the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. None of the funds provided in this Act may be used to close any Corps of Engineers District Office.

SEC. 102. None of the funds provided in this Act may be used to transfer any functions of any Corps of Engineers District Office.

SEC. 103. None of the funds provided in this Act may be used to fund the activities of the Office of the Assistant Secretary of the Army for Civil Works.

SEC. 104. Any funds heretofore appropriated and made available in Public Law 100-202 to carry out the provisions for the harbor modifications of the Cleveland Harbor, Ohio, project contained in Public Law 99-662; and in Public Law 102-104 for the development of Gateway Park at the Lower Granite Lock and Dam Project, Washington, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 105. None of the funds provided in this Act shall be used to implement Defense Management Review Decision No. 918, dated September 15, 1992, to transfer from the Corps of Engineers property accountability of automated data processing equipment and software acquired with funds from the revolving fund established by the Act of July 27, 1953, chapter 245, 33 U.S.C. 576.

SEC. 106. In fiscal year 1994, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with Government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

SEC. 107. Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to reprogram, obligate and expend such additional sums as necessary to continue construction and cover anticipated contract earnings of any water resources project which received an appropriation or allowance for construction in or through an appropriations Act or resolution of a current or last preceding fiscal year, in order to prevent the termination of a contract or the delay of scheduled work.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102-575 (106 Stat. 4605), [$25,770,000] *$24,770,000*, to remain available until expended, of which [$15,920,000] *$14,920,000* shall be *available* to carry out the activities authorized under title II of the Act *and for feasibility studies of alternatives to the Uintah and Upalco Units*, and of which $9,850,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $4,850,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out the activities authorized under title III of the Act[: *Provided further*, That, notwithstanding any other provision of law, of the amounts available for activities authorized under title II of the Act, not to exceed $500,000 shall be available for necessary expenses incurred in carrying out the responsibilities of the Secretary of the Interior under the Act].

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,000,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$13,109,000] *$14,409,000*: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, [$464,423,000] *$460,898,000* of which $46,507,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $160,470,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $282,898,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l-6a, as amended), may be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

In addition, to remain available until expended, such sums as may be necessary to cover the cost of work associated with rebuilding the Minidoka Powerplant, Minidoka Project, Idaho, to be offset by funds provided by the Bonneville Power Administrator as authorized by section 2406 of Public Law 102-486. Such offset will result in a final appropriation estimated at no more than $282,898,000.

BUREAU OF RECLAMATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans and/or grants, [$11,563,000] *$12,900,000*, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed [$18,726,000] *$21,000,000*.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $600,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be assessed and collected in the Central Valley Project Restoration Fund in fiscal year 1993 and such sums as become available in, and may be derived from, the Central Valley Project Restoration Fund in fiscal year 1994, pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels), as authorized by section 3407(d) of Public Law 102-575: *Provided further*, That the Bureau of Reclamation is directed to assess and collect payments, revenues and surcharges in the amounts and manner authorized by sections 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-575, respectively.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $54,034,000, of which $1,171,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 24, of which 18 are for replacement only), [$3,167,634,000 to remain available until expended, of which $10,000,000 shall be for hydrogen research and development], *$3,271,286,000, to remain available until expended.*

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

[For expenses of the uranium program, including payment to the Tennessee Valley Authority under the settlement agreement filed with the United States Claims Court on December 18, 1987, $160,000,000, to remain available until expended.]

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for residual uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary and payment to the Tennessee Valley Authority under the settlement agreement filed with the United States Claims Court on December 18, 1987; purchase of passenger motor vehicles (not to exceed 5, of which 5 are for replacement only), $247,092,000, to remain available until expended: Provided, That revenues received by the Department for residual uranium enrichment activities authorized by section 201 of Public Law 95-238, and estimated to total $70,000,000 in fiscal year 1994, shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities, notwithstanding section 3302(b) of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than $177,092,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, Subtitle A of the Energy Policy Act of 1992, $286,320,000 to be derived from the fund, to remain available until expended; [and in addition, $49,679,000 in unexpended balances, consisting of $6,267,000 of unobligated balances and $43,412,000 of obligated] *and in addition, an estimated $49,679,000 in unexpended balances, consisting of an estimated $6,267,000 of unobligated balances and an estimated $43,412,000 of obligated* balances, are transferred from the Uranium Supply and Enrichment Activities account, to be available for such expenses.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 15 for replacement only), [$1,194,114,000, to remain available until expended: *Provided*, That no funds may be obligated for construction of a B-factory until completion, by October 31, 1993, of a technical review of the Cornell and Stanford linear accelerator proposals by the Department of Energy and the National Science Foundation: *Provided further*,] *$1,615,114,000, to remain available until expended: Provided*, That none of the funds made available under this section for Department of Energy facilities may be obligated or expended for food, beverages, receptions, parties, country club fees, plants or flowers pursuant to any cost-reimbursable contract.

NUCLEAR WASTE DISPOSAL FUND

[For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $260,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed $5,500,000 may be provided to the State of Nevada, for the sole purpose in the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That of the amount herein appropriated, not more than $7,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act.]

For the nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $260,000,000 to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise her

authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: Provided, That of the amount herein appropriated, within available funds, not to exceed $5,500,000 may be provided to the State of Nevada, for the sole purpose of conduct of its scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That of the amount herein appropriated, not more than $7,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: Provided further, That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: Provided further, That none of the funds herein appropriated may be used for litigation expenses: Provided further, That none of the funds herein appropriated may be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For Department of Energy expenses for isotope production and distribution activities, $3,910,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; the purchase of passenger motor vehicles (not to exceed 109 for replacement only, including one police-type vehicle), and the purchase of one rotary-wing aircraft, **[$3,572,198,000]** *$3,597,482,000*, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 125 of which 122 are for replacement only including 9 police-type vehicles), **[$5,185,877,000]** *$5,106,855,000*, to remain available until expended: *Provided, That a total of $8,000,000 shall be transferred from this account to the Environmental Protection Agency for the implementation of the Waste Isolation Pilot Plan Land Withdrawal Act of 1992 and the development of cleanup standards to guide the Department of Energy's environmental restoration efforts.*

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials support, and other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 45 for replacement only), **[$2,046,592,000]** *$1,963,755,000*, to remain available until expended: *Provided*, That the New Production Reactor Appropriation Account shall be merged with and the balances made available to this appropriation.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $120,000,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $401,238,000 to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $239,209,000 in fiscal year 1994 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1994 so as to result in a final fiscal year 1994 appropriation estimated at not more than $162,029,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, **[$31,757,000]** *$30,362,000*, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,010,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1994, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $29,742,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $33,587,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,583,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase, maintenance, and operation of one fixed-wing aircraft for replacement only, **[$287,956,000]** *$272,956,000*, to remain available until expended, of which **[$275,400,000]** *$260,400,000* shall be derived from the Department of the Interior Reclamation fund; in addition, $5,000,000 is appropriated for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,168,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $165,375,000 to remain available until expended: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed $165,375,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1994, shall be retained and used for necessary expenses in

this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, **[$189,000,000]** *$249,000,000*.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, **[$15,060,000]** *$18,060,000*, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $333,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $488,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $498,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $542,900,000, to remain available until expended, of which $22,000,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $520,900,000 in fiscal year 1994 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1994 appropriation estimated at not more than $22,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $4,800,000 to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1994 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1994 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $2,160,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the office of the Nuclear Waste Negotiator in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended by Public Law 102-486, section 802, $1,000,000 to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $308,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $298,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, **[$138,973,000]** *$140,473,000*, to remain available until expended.

TITLE V—GENERAL PROVISION

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 501. (a) PROGRAM IMPROVEMENTS.—Section 304 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 106 Stat. 1339) is amended—

(1) in subsection (a)—

(A) by striking "owned or controlled" and inserting "that (1) are owned and controlled";

(B) by inserting after "Native Americans" the following: "; or (2) are small business concerns that are at least 51 percent owned by 1 or more women and whose management and daily business operations are controlled by 1 or more women"; and

(C) by striking the last sentence;

(2) by inserting "and (d)" after "(6)" each place it appears; and

(3) by adding at the end the following new subsection:

"(c) ADMINISTRATION OF PROGRAM.—

"(1) CERTIFICATION REQUIREMENT.—A business concern or other organization shall be eligible for participation under this section only if it has been certified as meeting the requirements specified in subsection (a) by the Small Business Administration, or by a State, local, regional, or other organization designated by the Small Business Administration.

"(2) RECORDS AND REPORTS.—The Secretary of Energy, with respect to the Superconducting Super Collider project, shall—

"(A) submit to the Congress copies of—

"(i) each subcontracting report for individual contracts (SF294) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

"(ii) each summary subcontract report (SF295) required under the Federal Acquisition Regulation (48 CFR chapter 1) to be submitted by a contractor or subcontractor with respect to the project; and

"(B) maintain accurate information and data on the amount and type of subcontracts awarded by each contractor or subcontractor

under the project and the extent of participation in the subcontracts by socially and economically disadvantaged individuals and economically disadvantaged women referred to in subsection (b).

"(3) CATEGORIES OF WORK TO BE INCLUDED.—The Secretary of Energy shall, to the fullest extent possible, ensure that the categories of work performed under contracts entered into pursuant to this section are representative of all categories of work performed under contract for the Superconducting Super Collider project.

"(4) AUDITS.—The Secretary of Energy shall conduct periodic audits to verify the continuing compliance of prime contractors and subcontractors with the requirements of this section. For such purpose, the Secretary shall have access to such reports and records of prime contractors and subcontractors as the Secretary determines to be necessary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 1994 and thereafter.

SEC. 502. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 503. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 504. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 505. BONNEVILLE POWER ADMINISTRATION REPAYMENT PROPOSAL

Utilizing funds made available in this Act, the Secretary of Energy is directed to submit to the Congress by February 1, 1994, a legislative proposal to satisfy the Bonneville Power Administration's entire repayment obligation to the United States Treasury for appropriated investment in the Federal Columbia River Power System: Provided, That such a proposal shall result in maximum deficit reduction for the Federal Government in fiscal year 1995 through fiscal year 1999, and shall not increase Bonneville Power Administration rates beyond those rates which would result under existing debt repayment policy and practices.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1994".

PRIVILEGE OF THE FLOOR

Mr. JOHNSTON. Madam President, I ask unanimous consent that floor privileges be granted to Robert Simon, who is a DOE fellow, during the pendency of this bill.

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

Mr. JOHNSTON. Madam President, I ask unanimous consent that the committee amendments, except the amendments on page 2, line 18; page 20, lines 4 through 14; and page 42, line 5, be agreed to en bloc; and that the bill as thus amended be regarded for purposes of amendment as original text; provided that no point of order shall be considered to have been waived by agreeing to this request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc, except the committee amendments on page 2, line 18; page 20, lines 4 through 14; and page 42, line 5.

Mr. JOHNSTON. Madam President, I am pleased to present to the Senate, the energy and water development appropriation bill for the fiscal year beginning on October 1, 1993, and ending on September 30, 1994, This bill, H.R. 2445, passed the House of Representatives on June 24, 1993, by a vote of 350 yeas to 73 nays. The Subcommittee on Energy and Water Development marked up this bill on September 21 and the full Committee on Appropriations marked up and reported this bill on September 23, 1993.

At the outset, Madam President, I want to express my deep appreciation to the chairman of the full Committee on Appropriations, Senator BYRD, for his assistance and for his leadership in moving this bill through both the subcommittee and the full committee and to the Senate.

Madam President, I especially want to express my warm appreciation to my ranking member and coleader in this endeavor, coleader for about 17 years, I think now, Mr. HATFIELD. It is a pleasant and a very productive relationship. I appreciate very much not just his help but his coauthoriship and comanagement of the bill. In addition, I thank all members of the subcommittee for their work on this bill.

PURPOSE OF THE BILL

The purpose of this bill is provide appropriations for the fiscal year 1994 for energy and water development, and for other purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, Civil Functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions including the Appalachian Regional Commission and Appalachian regional development Programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title IV.

SUMMARY OF RECOMMENDATIONS

Madam President, the fiscal year 1994 budget estimates for the bill total $22,128,500,000. The amount of the bill as reported to the Senate is $21,990,171,000, which is under the 1994 budget estimate by $138,329,000 and over the House-passed bill by $484,173,000.

Madam President, I will briefly summarize the major recommendations provided in the bill. All the details and figures are, of course, included in the Committee Report No. 103–147, accompanying the bill, which has been available since last Friday, September 24.

TITLE I—ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army Civil Works Program, U.S. Army Corps of Engineers, we are recommending a total amount of new budget authority of $3,933,140,000, which is $31.7 million over the House and $307.7 million over the budget estimate.

TITLE II—DEPARTMENT OF THE INTERIOR

For title II, Department of the Interior, Bureau of Reclamation, we recommend a total in new budget authority of $907.3 million, which is $54 million over the budget estimate and $888,000 under the House.

The water resources development activities and programs under titles I and II include appropriations totaling approximately $4,183,620,000 for Federal water resource development programs. This includes projects and related activities of the U.S. Army Corps of Engineers—Civil, the Bureau of Reclamation of the Department of the Interior, and the Tennessee Valley Authority. The Federal water resource development program provides lasting benefits to the Nation in the area of flood control, municipal and industrial water supply, irrigation of agricultural lands, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

The water resources appropriations are: $222,953,000 for general investigations; $1,902,065,000 for construction; $1,956,602,000 for operations and maintenance; and $92,000,000 for Corps of Engineers, regulatory activities.

TITLE III—DEPARTMENT OF ENERGY

Under title III, Department of Energy, the committee provides a total of $16.9 billion. This amount includes approximately $10.8 billion for atomic energy defense activities, for research and development, including national

laboratories, $1,357,622,000; testing, $403,400,000; verification and control technology, $366,029,000; materials support, $1,092,193,000 for defense waste management and environmental restoration, $5,106,855,000.

For Energy supply, research, and development, a total of $3,271,286,000 is provided, which includes $252,349,000 for solar energy; $717,478,000 for environmental restoration and waste management—nondefense; $353,964,000 for nuclear fission R&D; $342,595,000 for magnetic fusion; $801,965,000 for basic energy sciences; and $416,060,000 for biological and environmental R&D.

An appropriation of $1,614,114,000 is provided for general science and research activities, high energy physics, and nuclear physics. Major programs are: High energy physics research, $612,769,000; nuclear physics, $353,345,000 and superconducting super collider, $640,000,000.

A new appropriation of $177 million is included in the bill for uranium supply and enrichment activities and $286.3 million is for a new appropriation account—uranium enrichment decontamination and decommissioning fund. For nuclear waste disposal an appropriation of $260 million is included out of the waste fund and $120 million is appropriated for defense nuclear waste disposal providing a total appropriation of $380 million to continue scientific characterization of Yucca Mountain and other nuclear waste program activities. For departmental administration $401.2 million is recommended offset with anticipated miscellaneous revenues of $239.2 million for a new appropriation of $162 million. A total of $345.3 million is recommended in the bill for the power marketing administrations and $165 million is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

TITLE IV—REGULATORY AND OTHER INDEPENDENT AGENCIES

A total of $435 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, $249,000,000; Nuclear Regulatory Commission, $542,900,000 and the Tennessee Valley Authority, $140,473,000. The NRC amount is offset by licensing fees since, under law, the commission is required to recover 100 percent of its costs.

The 602B allocation for the bill is $22.1 billion in new budget obligational authority and $21.7 billion in outlays. The bill before the Senate contains $21.99 billion in budget authority and $21.7 billion in outlays. So there is no room to add to the bill because we have reached the outlay allocation number.

At this time, I would like to discuss the major recommendations, the first of which is the superconducting super collider [SSC].

SUPERCONDUCTING SUPER COLLIDER

The committee recommends $640,000,000 for the superconducting super collider to permit continued construction of this high-priority national project.

As the committee has noted for the last several years, construction of the SSC is the highest priority in particle physics today and is a critical necessity to permit progress in the basic understanding of matter into the 21st century. Numerous scientific reviews have affirmed and reaffirmed the fact that the SSC is the next logical and meaningful step in the ages-old quest for a deeper understanding of what things are made of and how they work.

Progress on the SSC has been impressive. Currently the project is about 20 percent complete. All major technical milestones have been met. The critical technical challenge to the project, the design and fabrication of the large superconducting dipole magnets, has been met. Highly successful magnets have been built at our national laboratories and the technology has been transferred to industry from those laboratories. Over 14 miles of the 54-mile collider tunnel have been completed.

The SSC continues to meet its cost and schedule goals as the Secretary of Energy testified before the committee. The committee is aware of a number of criticisms of SSC management that have been made public recently, but notes that those criticisms having any merit at all are aimed principally at the transparency and ease of use of financial and schedule reporting systems and not at any misuse of funds or mismanagement of project activities. The Department and its contractor have outlined the steps that will be taken to improve the performance of the project reporting systems while maintaining the excellent technical progress on the project.

The SSC continues to create excitement and activity in the world scientific community. Over 2,000 scientists from 23 countries are working on the design, development, and construction of the two major detectors that will address the scientific questions at the SSC. More than 100 American universities are involved in this effort.

The SSC is also having an impact on American industry. In addition to the transfer of technology from laboratories to industry that is evident in the SSC's magnet program, new tools, and techniques that are employed to meet the SSC's demanding performance requirements are finding significant application in other areas. The fabrication of high-quality superconducting wire, widespread uses of high-performance parallel computing, development of rapid tunnel-boring machines, and the use of proton beams in cancer therapy are but a few examples.

As it noted last year in its report on the super collider appropriation, the committee recognizes the historically international character of high-energy physics and encourages the Secretary of Energy to continue efforts seeking significant foreign contributions to the construction of the project. The committee recognizes the difficulty of obtaining firm commitments from foreign governments in light of the uncertainty of the United States commitment that is highlighted by the annual debate over continued funding for the project in the U.S. Congress. The committee reiterates its early contention that construction of the SSC should not be made dependent on obtaining foreign contributions. Since the SSC is an important, high-priority project, this Nation should be prepared to complete the project whether or not foreign contributions are obtained. The clear benefits of U.S. industries far outweigh any costs that might be attributed to a lack of foreign contributions.

It is apparent that the SSC has become a symbol of excessive Government spending and that opposition to the project is taken, by some, as a symbol of fiscal responsibility. The committee finds this outlook damaging. The SSC is an investment with great promise of profound new scientific knowledge and demonstrated capacity to develop future technologies and the economic well-being that will accompany those technologies. Terminating the SSC is not a mark of fiscal responsibility; true fiscal responsibility would nurture and encourage such investment and would demonstrate, to the Nation and the world, that this country can successfully complete the challenging projects on which it embarks.

One of the greatest challenges facing the Department of Energy and the country is the matter of environmental cleanup at the defense production sites. The committee is growing increasingly concerned that the cost of the environmental cleanup action that the Department is committed to perform under its' unusual compliance agreements is outpacing Congress' ability to pay for them.

In this bill, a total of $5.1 billion is appropriated for defense environmental restoration and waste management; $717.5 million for nondefense cleanup and management activities and $286 million for uranium enrichment decontamination and decommissioning. A grand total of $6.1 billion is appropriated for DOE programs and activities under environmental and restoration and waste management. The committee is also urging the Department to develop a mechanism for establishing priorities among competing cleanup requirements. The Department will need to address such matters as the risk to the health and safety of the public intended to be addressed by cleanup activities, the health and safety effect and the cost associated with

implementing the requirements. In addition, the committee is concerned that the Department may not be providing sufficient attention and resources for basic science research activities which may lead to the development of new and innovative cleanup technologies.

The Department of Energy maintains our Nation's great scientific capability through the national laboratories and other DOE-related institutions. These are an invaluable resource of mathematical, scientific, and engineering expertise that should be tapped to promote competitiveness through joint scientific and technological ventures with industry and academia and to improve the education of America's youth.

The committee has included in the bill $38,353,000 for technology transfer at the energy research laboratories and $240,000,000 for technology transfer activities at the defense laboratories.

The committee strongly supports the Department's efforts in pursuing technology partnerships between its laboratories and the private sector. This country faces many political and economic changes that are creating new sets of priorities for the national agenda. The restructuring of the former Soviet Union has profound implications for defense priorities. Concern about the technological competitiveness of the United States is at an all-time high. The quality and educational level of our work force is one of the critical issues for our Nation in this decade. Environmental issues, such as global climate change, will play an important role in shaping the research and development agenda for the next several decades.

The Department's laboratories are well-suited to take on these challenges. The Department's laboratories have incomparable resources, and both the Government and the private sector should work to channel those resources. Tremendous opportunity exists for cooperative work with the Department's laboratories to develop new technologies. There are numerous vehicles available to carry out partnerships with the private section. Therefore, a significant portion of the budgets of the laboratories should be directed to activities determined jointly with industry and conducted in close cooperation and industry.

Madam President, in conclusion let me say that this is a good bill that merits the support of the Senate. The budget constraints we are operating under preclude including a number of good projects and activities. We simply had to defer a large number of requests for appropriations because of these constraints. As I mentioned earlier, we have no room to add to the bill which would cause us to exceed the outlay allocation under the 602B assigned this bill by the Committee on Appropriations. I would also urge Members who have questions and concerns to discuss them with the Senator from Oregon and me as soon as possible. We will, of course, be happy to cooperate and work out to the extent we can, problems and issues that we are advised of in advance. Hopefully there are not many amendments, and I hope Members who do contemplate amendments will discuss with us their concerns as soon as possible.

Madam President, for the edification of my colleagues, there are three big amendments that we know about in this bill—one dealing with the integral fast reactor by Senator KERRY, which I believe will come up first; one by Senator BUMPERS, dealing with the superconducting super collider, which I am advised will come up immediately after the Kerry amendment, which should be today; and one dealing with what we used to call the HTGR. It is now called the gas turbine modular helium reactor, a California project that the Russians want to go in 50-50 with us. That should come third after these other amendments.

Madam President, those are the only three amendments that I am aware of a controversial nature, other than housekeeping amendments and agreed to amendments.

I would say to my colleagues that the time is now to come to the floor, because we hope to finish this bill today. It may take a little longer than today, but certainly not beyond tomorrow morning.

I would tell my colleagues, if they are waiting for later in the week to put in amendments, the train will have left the station, because we do not intend to dally. We intend to give Senators a full length of time to debate, but after that, to move on to final passage.

With that, Madam President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I wish to first thank the chairman of the Energy and Water Appropriations Subcommittee, Senator JOHNSTON, for his excellent work, and that of our staff, our combined staffs, in preparing the bill for Senate consideration.

Madam President, this has been truly a bipartisan effort. The process has reflected again the long tradition, as Senator JOHNSTON already referred to, that we have established through some 17 years of sharing the leadership of this subcommittee. Of that period I was privileged to serve as chairman for 6 years, and Senator JOHNSTON now going onto 10 years. So, I am delighted to recognize that historic event, not only our own experience as individuals but as members of the entire Appropriations Committee.

The Senator from West Virginia, Chairman BYRD, of the full Appropriations Committee, has certainly had his hand in making this bill possible. We take note of that role as well.

Madam President, I again want to take this occasion to emphasize the important role played by staff. I have often said we take the credit and the staff does much of the work. On this particular bill, certainly the work of Proctor Jones, David Gwaltney, Gloria Butland, Mark Walker, Dorothy Pastis, and Virginia James have all contributed to this bill in a very substantial way. We are blessed in our Appropriations Committee with a very professional staff. I would like to take note, too, our staff is very, very professional and nonpartisan.

I cannot help but repeat when the Republicans became the majority party in the Senate in the 1980 election, taking over the Appropriations Committee, my desire to retain all the professional staff on that committee was certainly to the advantage of the new majority party, because they represented the continuity of that staff. And we continued that staff that had been overwhelmingly appointed by the Democratic majority over many, many years prior to the Republicans' taking the majority status in the 1980 election.

Also, then, as we lost control of the Senate in the 1986 election, my successor, Senator John Stennis, of Mississippi, likewise continued the professional staff. We actually have staff on our subcommittee, David Gwaltney being one, who has never worked for other than a majority status staff in his long tradition on that committee. We are proud of that on our Appropriations Committee.

While Senator JOHNSTON has already given a fine summary of the contents of the committee's fiscal year 1994 recommendations, I want to emphasize a few points of my own.

First, this is one of the cleanest Energy and Water bills we have brought before the Senate. Although we were under some pressure to do otherwise, we have not recommended funding for any unauthorized construction projects, or included authorizing bill language for the Army Corps of Engineers or the Bureau of Reclamation. Furthermore, we have reduced drastically the number of specific earmarks for projects within the jurisdiction of the Department of Energy.

With regard to some of the actual programs covered in the bill, I first want to mention a provision we have included in the bill dealing with the Bonneville Power Administration. Section 505 of the bill urges the Secretary of Energy to submit draft legislation to the Congress by February 1, 1994, which would result in a buyout of Bonneville's total appropriated debt. This provision was included in reaction to the Vice President's National Performance Review which was unveiled just a few weeks ago.

In his report, the Vice President advocated reforming the debt repayment schedules for the Nation's Power Market Administrations. He also mentioned the debt buyout as a potential alternative to repayment reform for Bonneville Power. I am a strong supporter of the debt buyout option for Bonneville, and I do want to comply with the administration's request about the specific language.

When I finish my opening remarks I would like to offer a technical amendment, changing the word "direct" to "urge" in order to maintain the constitutional separation of powers, so that the President is unencumbered to offer any legislation by direction from the legislative branch. That has been made very clear to us in a letter from OMB, so I want to comply with that request in just a moment.

The committee's report to the bill also includes a provision on PMA repayment reform. In particular, the committee reminded the administration that Congress has historically opposed repayment acceleration proposals and has sought and received commitments that no changes in repayment would be implemented administratively. The committee also made it clear that any proposals affecting the repayment of debt by PMA's must be fully reviewed by the Congress and the public due to the potential for significant impacts on regional economies.

The committee also included language in its report on the Army Corps of Engineers' reorganization efforts at the division office level. While I empathize with Senators with division offices in their States which are proposed to be closed and merged with offices in other States, I do not believe that the corps will ever be able to alleviate every Members' individual concerns. From a pure efficiency and cost-effectiveness standpoint, the Energy and Water Development Subcommittee has been firm in its position that the corps should reorganize its headquarters and division offices.

In anticipation of these activities, the committee provided $7 million for corps reorganization activities in last year's appropriations bill. It is my understanding that a portion of those funds remain available to initiate reorganization activities as soon as Secretary Aspen issues his anticipated directive.

There should be no misunderstanding by any Member of the Senate about the fiscal urgency of this matter. The corps must either initiate its reorganization activities in the near future, or be forced to reduce its work force, nationwide. Either way, existing budget constraints cannot and will not allow the committee to fund corps activities at current levels indefinitely.

I believe the corps understands that any reorganization proposal that is not based on the basic principles of cost savings and efficiency is doomed to failure. If a proposal does not save money, or cannot be justified adequately on the basis of solid cost savings, then it likely will be rejected by the Congress. The corps has studied its reorganization options ad infinitum. The time has come for implementation.

Finally, I want to mention the committee's recommendation for nuclear weapons activities, and specifically our proposal for the nuclear testing program. The total recommendation for the weapons activities account is $3.597 billion. This is a decrease of $971 million from the fiscal year 1993 level, and a $109 million decrease from the budget request.

These numbers dramatically illustrate how the national security priorities for the United States are changing, and how this committee is keeping in step with those changes. Our recommendations support a program that anticipates a reduced nuclear weapons stockpile, no underground nuclear weapons testing, and no weapons production. I am proud to be associated with these recommendations, and believe they set a prudent and thoughtful course for the United States—one which will assist the President in his efforts to achieve a global ban on nuclear weapons testing, and control the production and distribution of nuclear materials.

Madam President, it has been my thesis for many years that science, in the sense of experimenting in underground testing, is the technology that is driving the weapons race, and unless we get control of that energy that is driving the weapons race, we are not going to really control the arms that are flooding this world.

So when this Senate and House of Representatives passed the Test Ban Treaty, or passed the test ban resolution, signed into law by the President, it became our responsibility to follow up in these appropriations bills, recognizing that new policy.

I am delighted to get at least the impression that the White House is not going to respond to the threatened Chinese underground testing by a knee-jerk reaction that we have to resume testing immediately in order to respond to the Chinese, even though that provision was given in the underground test ban legislation.

I think it shows maturity, it shows wisdom, and I do not think our foreign policy or domestic policy should be determined by another political power, particularly one like China.

With regard to the Nuclear Weapons Testing Program further, the committee is recommending a total of $403 million, $5 million less than the administration request, and $16 million below the fiscal year 1993 enacted level. Although this funding level is more than I personally would prefer to see, it is largely consistent with both the administration's proposed program and the Senate-passed version of the defense authorization.

Once again, Madam President, I want to thank Senator JOHNSTON for his efforts and leadership in developing this bill and delivering an excellent product to the full Senate for consideration. The subcommittee and the committee's recommendation is within the 602(b) allocation, $22.17 billion in budget authority and $21.7 billion in outlays.

AMENDMENT NO. 981

Mr. HATFIELD. Madam President, I would like to send to the desk and ask for its immediate consideration this technical amendment—which I believe has been cleared on both sides—to section 505 of the bill.

Mr. JOHNSTON. Madam President, we have cleared the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 981.

On page 53, line 22, strike the word "directed" and replace in lieu thereof the word "urged".

Mr. HATFIELD. Madam President, the amendment is self-explanatory, and it conforms now to the OMB's request that section be modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 981) was agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 2445, the energy and water appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $127 million and under its 602(b) outlay allocation by $2 million.

I compliment the distinguished manager of the bill Senator JOHNSTON, and the distinguished ranking member of the Energy and Water Subcommittee, Senator HATFIELD on all their hard work.

Madam President, I have a table prepared by the Budget Committee which shows the official scoring of the energy and water appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEES SCORING OF H.R. 2445: FISCAL YEAR 1994 ENERGY-WATER DEVELOPMENT APPROPRIATIONS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total		
New spending in bill	21,900	12,924
Outlays from prior years appropriations		8,775
Supplementals	0	0
Subtotal, discretionary spending	21,990	21,700
Mandatory total:	0	0
Bill total	21,990	21,700
Senate 602(b) allocation	22,117	21,702
Difference	−127	−2
Discretionary total above (+) or below (−):		
President's request	−133	−100
House—passed bill	484	289
Senate—reported bill		
Senate—passed bill		

Mr. JOHNSTON. Madam President, we await Senators to come to the Floor to offer their amendments. We certainly do not want to hurry Senators but, on the other hand, we do not intend to stay here all afternoon. So at some point we will go to third reading. That is a long way away, certainly not in the next 30 minutes.

So we are particularly waiting for Senator KERRY with an amendment on integral fast reactor and Senator BUMPERS is scheduled to come after him. I wish, if anyone in those offices is listening, if they could give us an indication of when we might expect Senator KERRY on the floor because we are ready to go on that amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Madam President, the chairman and comanager of this bill indicated some 40 minutes ago that we were ready for amendments, and I, in addition, had asked the Republican Cloakroom to send out a hotline to all Republican Senators that we were ready for handling any of their amendments. We have had no response, no calls, as to the hotline.

So it seems to me that, bearing the time factor that we have experienced here, we should go to third reading. Therefore, I ask the manager of the bill if there would be any reason why we should not go to third reading of the bill and dispose of it, since there has been no response to our call to our colleagues who might have amendments.

Mr. JOHNSTON. Madam President, I say to my colleague that we have been waiting here now 40 minutes, and I know it does not take that long to get to the floor. Maybe we miscalculated the interest of Senators in bringing up their amendments. But I am advised that there is interest in bringing up the amendments.

I understood Senator KERRY of Massachusetts has an amendment on the integral fast reactor which he wanted to bring up and it was supposed to be brought up first.

At some point, certainly not beyond 3:30—that is another 30 minutes—that is time.

Mr. HATFIELD. Will the Senator compromise at 3 o'clock?

Mr. JOHNSTON. Well, the majority leader may want to come out here and ask for a quorum call and keep this going indefinitely. But I want to put Senators on notice that we will go to third reading, and I say if it has not happened by 3:30, this bill is on the way.

Mr. HATFIELD. I say to my colleague that, obviously, we are being observed by offices of our colleagues, because I have just been given a note on a call from Senator BROWN's office that he is on his way to the floor now to offer an amendment.

So I am happy to report that we may be in business shortly.

Mr. JOHNSTON. I am glad to hear that.

Madam President, in our caucus, we frequently have meetings where we talk about the quality of life, where Senator after Senator gets up and says: Why do we have to meet at night? Why can we not go home and have dinner with our families? Why can we not see our children before they are put to bed?

The distinguished Senator from Michigan [Mr. RIEGLE] just made a statement yesterday announcing that he was not going to run, and one of the reasons is that he has a family, and he is here night after night, losing the opportunity to see his family, because we are here at night. So, consequently, we are going to lose the services of, in my judgment, one of the most outstanding Senators I have ever served with.

Why are we here at night? It is because Senators will not come to the floor and offer their amendments. I think there is only one way to put a stop to that, and that is if Senators do not care enough to come to the floor to offer their amendments, then we go to third reading.

Senators have been put on notice now that at 3:30 we are going to third reading. So let the notice go forth.

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

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. If the Senator will yield, parliamentary inquiry. Do we not need to ask unanimous consent to set aside the committee amendments for this amendment to be considered?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. I ask unanimous consent to set aside the pending committee amendments in order for the Senator from Colorado to offer his amendment.

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

AMENDMENT NO. 982

(Purpose: To limit the expenditure of funds for the superconducting super collider until certain management concerns are addressed)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 982.

On page 34, line 8, insert before the period ": *Provided further*, that none of the funds made available under this section for Department of Energy facilities may be spent to permit the continued construction of the superconducting super collider until after the Secretary delivers to the Committee an implementation plan for the specific recommendations of the Report of the DOE Review Committee on the Baseline Validation of the Superconducting Super Collider and the Secretary certifies that the management issues raised by General Accounting Office in its report dated February 1993, number GAO/RCED-93-87 have been adequately addressed and will not recur".

Mr. BROWN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, this is a straightforward amendment, and I will not trouble the body with extended debate.

I am happy to respond to comments or inquiries made. I believe it is a legitimate concern for American taxpayers. They insist that Congress and the administration address the observations made by the Government Accounting Office in their report, which was issued earlier this year, entitled "Federal Research Superconductor Is Overbudget and Behind Schedule."

I think it is a relevant factor in these deliberations. I think the American taxpayers have a legitimate right to insist that that report be addressed in detail, that the concerns be reviewed, analyzed, addressed, and answered.

That is what this amendment asks for. It addresses both the DOE Review Committee report and the Government Accounting Office report, the GAO report being dated February 1993. And it asks specifically that the management issues addressed by the GAO report be addressed and that the Secretary assure us that those problems will not reoccur. It carries some teeth.

If the Secretary is not able to address those issues and not able to assure us that they will not reoccur, then the

money cannot be spent. But if, indeed, they are addressed and we are assured they will not reoccur, then the amendment would allow the funding provided in this measure to go forward.

It is straightforward. It is simple. It imposes restriction on further funding until these are taken care of, but I think it is a minimum level of assurance that the taxpayers of this country deserve if the spending on this project is to continue.

I yield the floor.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BROWN. I am happy to yield.

Mr. JOHNSTON. Mr. President, I do not disagree with the thrust of this amendment because the Secretary of Energy has stated that she is going to do just this. I have given her assurance through me to my colleagues that those issues raised in that report will be addressed.

I have a concern here though that I ask the Senator from Colorado. If we were to adopt this amendment, it would go into effect immediately, and those employees at both places—some 10,000 employees, I think—would have to be immediately blue slipped.

I wonder if we could have a period of grace here. It will take her some time to implement and to certify this issue. I wonder if we could have a period of grace here. I would suggest 120 days, maybe. In other words, if she cannot deal with this under this amendment, the project would stop. But would the Senator be amenable to that kind of change?

Mr. BROWN. I appreciate the distinguished Senator's observation. My understanding is these are both reports that the Secretary is aware of, that they are in the process of trying to address, and I think the Senator's suggestion is a good one.

I am wondering if the Senator would think it would be reasonable to provide 90 days after the beginning of the fiscal year for the implementation of it.

Mr. JOHNSTON. Mr. President, there is nothing magic in my suggestion of 120 days. If we could take the 90 days with the understanding that we contact the Secretary in the meantime and do so jointly and if for whatever reason she needs a few more days, I could work with the Senator as we go to conference and extend that, because not only do I not resist this but I think it is a good amendment because it tightens this thing up and assures that those problems in the DOE review baseline validation committee report be addressed, and I believe it will be done within 90 days.

Mr. BROWN. I would be amenable to that, and I will be happy to work with the Senator to put that understanding into legislative language.

Mr. JOHNSTON. If I may ask my colleague, will this language do the job? It would read as follows:

* * * that none of the funds made available under this section for Department of Energy facilities may be spent 90 days after the beginning of the fiscal year to permit * * * until * * *

Mr. BROWN. And pick up the balance of the amendment.

Mr. JOHNSTON. Yes. I think it would be unless the Secretary delivers.

So there would be two changes. We would put in 90 days after the beginning fiscal year and we would change "until after" to "unless."

AMENDMENT NO. 982, AS MODIFIED

Mr. BROWN. Mr. President, I ask unanimous consent of the Senate to amend my amendment as it has been outlined by the distinguished chairman.

The PRESIDING OFFICER. The Senator is modifying his amendment and he has that right.

Without objection, the amendment is so modified.

The amendment (No. 982), as modified, is as follows:

On page 34, line 8, insert before the period ": *Provided further*, That none of the funds made available under this section for Department of Energy facilities may be spent 90 days after the beginning of the fiscal year to permit the continued construction of the superconducting super collider unless the Secretary delivers to the Committee an implementation plan for the specific recommendations of the Report of the DOE Review Committee on the Baseline Validation of the Superconducting Super Collider and the Secretary certifies that the management issues raised by General Accounting Office in its report dated February 1993, number GAO/RCED-93-87 have been adequately addressed and will not recur".

Mr. BROWN. Mr. President, my understanding is there are other Senators who wish to speak on this subject.

Mr. JOHNSTON. Mr. President, we are prepared to accept this amendment.

Mr. HATFIELD. We are prepared on this side to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The yeas and nays have been ordered on the amendment.

The Senator from Colorado.

Mr. BROWN. Mr. President, it is my understanding that the junior Senator from Texas wishes to address this particular amendment.

I suggest the absence of a quorum.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado withdraw the request for the quorum call?

Mr. BROWN. Mr. President, I withdraw the request.

Senator BUMPERS and Senator HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I am sorry.

Mr. HATFIELD. I want to ask one question.

Will the Senator yield for a question?

Mr. BROWN. I am glad to yield.

Mr. HATFIELD. With the modification and willingness to accept the amendment, will the Senator require a rollcall on this?

Mr. BROWN. I would like to have a rollcall, but I would be happy to adjust the timing.

Mr. HATFIELD. I think the information that has come to me, as well as to you, is that the junior Senator from Texas may wish to speak on this subject. I think the more important part that she wishes to speak on is on the amendment to be offered by the Senator from Arkansas [Mr. BUMPERS]. Therefore, she will have that opportunity to do so.

I just want to know if there is any reason why we have to have a rollcall, if we are willing to accept this amendment.

Mr. BROWN. I would be delighted to have the amendment adopted.

Mr. HATFIELD. Will the Senator vitiate the yeas and nays?

Mr. BROWN. Mr. President, I ask unanimous consent that we vitiate the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. JOHNSTON. Mr. President, I suggest we adopt the amendment but not reconsider it and lay it on the table, and if there is any problem with this, we can come back to it.

But, in the meantime, we can go ahead and adopt the amendment, because I do not believe there is any objection.

The PRESIDING OFFICER. If there is no further debate on this amendment, the question is on agreeing to the amendment offered by the Senator from Colorado [Mr. BROWN].

The amendment (No. 982), as modified, was agreed to.

Mr. JOHNSTON. Mr. President, I thank the Senator from Colorado for really an excellent amendment that I am sure will reassure some Senators who were worried about whether this plan would be timely adopted. This ensures that it will.

The PRESIDING OFFICER. The question then recurs on the committee amendment on page 2, line 18.

Mr. HATFIELD. Mr. President, I again ask unanimous consent to set aside the committee amendment in order that the Senator from Arkansas may be able to offer an amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

AMENDMENT NO. 983

(Purpose: To reduce the appropriation for General Science and Research Activities and terminate the Superconducting Super Collider program for the purposes of reducing the deficit in the Federal budget)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, Mr. BRYAN, Mr. FEINGOLD, Mr. DORGAN, Mr. LAUTENBERG, Mr. BOND, Mr. EXON, Mr. JEFFORDS, Mr. KOHL, Mr. LEAHY, Mr. RIEGLE, Mr. WOFFORD, Mr. DECONCINI, and Mr. KERRY, proposes an amendment numbered 983.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 33, line 22, after the first comma, strike all through page 3, and insert in lieu thereof the following: "1,195,114,000, to remain available until expended: *Provided*, That of the funds provided under this heading, $220,000,000 shall be made available for termination of the contracts relating to the Superconducting Super Collider program: Provided, that none of the funds"

Mr. JOHNSTON. Mr. President, I wonder if the Senator will yield at this point before we get into this to see if we could discuss a time agreement. Would the Senator be amenable to that?

Mr. BUMPERS. I say to the Senator, I have several cosponsors. I think some of them are on the way to the floor right now. I would be reluctant to enter into a time agreement. I want to enter into an agreement at the earliest possible time, but I do not want to jeopardize anybody's rights on either side who wishes to speak on this amendment.

Mr. JOHNSTON. I would certainly want to do that. Does the Senator have an approximation of time, so we can begin to circulate the idea?

Mr. BUMPERS. It is very difficult to do right now. This amendment has, I do not know, 15 or 20 cosponsors. I do not know how many of them want to speak; I do not think too many of them. Quite frankly, I think there will be more speeches on your side than there will be on this side. But we have no intention of prolonging the debate.

I simply want to say to the distinguished Senator, Mr. President, that there are several things that need to be said to make the record, not for redundancy, only for emphasis to make the point of the amendment. I promise the Senator that is all our intention is.

As I say, we have no intention of delaying it. I would like to get the record made on it. We will have, hopefully, an up or down vote, and then we will go on from there.

Mr. JOHNSTON. I thank the Senator. I hope that we can have, later, when people come to the floor, maybe a time agreement of 3 or 4 hours, if you want it that long. And we can shorten it later, if we can.

Mr. BUMPERS. Mr. President, I hope that it will not take more than 4 hours. But, at this point, I am reluctant to enter into an agreement.

Certainly, Senator SASSER, Senator WARNER, and Senator BRYAN, and a couple of others, wish to speak on it. I am the only one that is going to take a lot of time, and that is not going to be a lot of time by Senate standards on amendments of this magnitude.

Mr. JOHNSTON. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BUMPERS. Mr. President, this is either the third or fourth time now that this issue has been debated on the Senate floor. My amendment leaves $220 million of the $600-plus million in the bill for the super collider. The $220 million I propose to leave is to terminate the project, to fill the big hole in.

Mr. President, I want to start by saying, I said on the floor one time that the only time I have ever seen a project killed in the U.S. Senate—and I believe I am correct on this—I have been here 19 years, and the only time I have ever seen a project of any size killed was on the Clinch River Breeder. I remember Howard Baker, the distinguished Senator from Tennessee, was the majority leader. And I want you to know that was a formidable chore.

Second—and this goes to the heart of why I agree with the distinguished floor manager that we should not belabor this amendment too long—is that debate does not change much of anything around here.

The other day, when we voted on my amendment on the advanced solid rocket amendment, one Senator came up to me and said, "I have been listening to this debate. I had intended to vote on the other side. I am persuaded of your position and I intend to support you."

Mr. President, it was about 1987, I guess, that we fought the third battle of Manassas here, late at night, to preserve the Manassas battlefield. That was the first and only time I have seen debate affect the outcome of a vote. That is a tragedy to say that, and I may be in error, but that is the only time I know of where Senators came in in the evening, took their seats, listened to the debate, happily did not know what the issue was, listened to both sides of the argument, and we were able to preserve the Manassas battlefield as a result.

And then, the other night, one Senator said he changed his mind after listening to the debate.

I do not know whether any minds are going to be changed on this or not. Our checks show that some Senators say they are undecided.

Mr. President, the superconducting super collider is what the Washington Post called this morning elegant science, and that the debate should really be about whether we could afford it or not.

And I could not agree more. The debate ought to be: Can we afford it?

Now, if you want to go back and look at something possibly before that, it is: Is there going to be a payback? Is the staggering cost of this project likely to return benefits in kind to the American people, who are going to be asked to pay for it? I say the answer is an absolute, unequivocal, no.

My amendment is not antiscience. Nobody has stood on the floor longer than I have to try to get more money for the National Institutes of Health. Nobody has fought for good science programs any harder than I have.

The distinguished Senator from Louisiana and I have bantered back and forth a lot about this amendment. I understand how important it is to him. It is important to the State of Louisiana. Louisiana and Texas are the two big winners. The rest of us only have to pick up the tab.

He said Senator BUMPERS is a member of the Flat Earth Society.

I said no, I am a member of the flat broke society.

This Nation is flat broke. I stand here, as I have on many occasions, and talk about a whole host of amendments that I think ought to be enacted in order to try to prove to the American people that they are wrong about Congress, and every year we conclusively prove that the American people are right about Congress—oftentimes for the wrong reasons.

I am reluctant to say some of these things during this debate because I have an excellent relationship with every Member of the Senate. The Governor of Texas, Ann Richards, is certainly one of the most effective lobbyists I have ever run up against. She is not even a member of this body, but there are precious few people, at least on this side of the aisle, who have not had a phone call from Ann Richards. I think she is a wonderful woman and great Governor. And if I lose this amendment, it will be in large measure because of her effective lobbying on behalf of the superconducting super collider. We all understand this is a big, big jobs program for Texas.

It has been said by one Senator that the space station and the superconducting super collider are welfare for Texas and free enterprise for the rest of us. When I think of the needs of this Nation, when I watched Hillary Clinton, as I did yesterday, testifying before a joint House committee, and the question on everybody's mind in the Congress is not whether we should have universal health care, whether it should be more efficiently delivered, whether it should be affordable. The question on everybody's mind is how are we going to afford it? How are we going to pay for it?

Everybody knows that a 75-cent tax on cigarettes is not going to pay for this health care bill.

We are proposing in our budget resolution, and in a reconciliation bill, to

cut $56 billion out of Medicare over the next 5 years. I forget how many billions out of Medicaid. What is that? That is health care for the elderly, that is health care for the poorest of the poor.

Everybody here believes that education and the quality of education is deteriorating in this country. And, while money is not the only solution, certainly money would solve a lot of our educational problems.

When it comes to crime—which is out of control in this country—money will not solve the root causes of crime but it would certainly start an awful lot of programs that could ameliorate the crime rate in this country.

Let me just show my colleagues, when I talk about how much this is going to cost—I will come back to the total cost in a minute—but here is a chart which shows what we are committing ourselves to.

We have already spent $2 billion on this. Listen to this. We have spent $2 billion and that is 50 percent of what Admiral Watkins, Secretary of Energy, told us in 1987 the entire project was going to cost; $4 billion was the first estimate we got.

The next year Admiral Watkins came back and said, "I am sorry." This was in 1990. He came in 1987 and said the cost would be $4.4 billion. In 1990 he came back and said, "It is going to cost $5.9 billion, and if it costs a penny more than that, count me out. I promise you we can do it for $5.9 billion."

In 1991, 1 year later, the same Admiral Watkins came back and said the cost will be $8.2 billion. Stop there for just one moment. From 1987 to 1991—we had hardly broken ground—the cost doubled. In 4 years the cost doubled.

Now, in 1993 the cost is either $11.6 or $13 billion.

You will hear arguments on the other side today saying there are no cost overruns. We are right on target.

Here we have gone from $4.4 billion in 1987 to a short 6 years later, $13 billion, or a tripling of the cost.

When we first started off on this, they said the State of Texas is going to put up $1 billion and we are going to get a couple of billion from foreign contributors. I think Texas is good for $900 million. It issued a bond to do it.

So far as the other foreign contributions are concerned, forget that. It is so minuscule as to be hardly mentionable. What is it, cash? No. Who are the givers? India, Russia, China—they are not going to give us a dime. They are going to build a part of it.

And here we are. The Federal contribution—non-Federal contribution share is still shown as $1.4 billion. And $1 billion of that is supposed to come from Texas. The other $400 million they say is in commitments; not cash, commitments.

Anybody who has ever run for office, you try running on commitments. You will have a bunch of unpaid bills when your campaign is over. And we are going to have a bunch of unpaid bills, too, if we rely on the foreign contributions.

Here is what we are going to be doing. If this amendment is defeated today we are committing ourselves to $620 million next year, approximately the same amount until 1998 when it goes to $1 billion. And then for 4 years, 1999 through the year 2002—

Mr. JOHNSTON. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. Could the Senator tell me where he got those figures, of $1.7 billion starting after 1998?

Mr. BUMPERS. Yes. These figures are based on the DOE baseline validation report.

I might also say to the Senator, the Secretary of Energy, Mrs. O'Leary, appeared and somebody asked her for a definitive figure on what it was going to cost, because she had said she could give that to us.

Mr. JOHNSTON. The baseline validation report? I have it here. If the Senator could direct me to where it states it in the baseline validation, I would appreciate it.

Mr. BUMPERS. Senator, the 1991 baseline validation cost by the DOE was $8.44 billion. But they admitted that there were risks that had been identified by them, in August 1993, of $1.5 billion.

Mr. JOHNSTON. I am familiar with that. I was talking about the other chart that has 4 years at $1.7 billion, as if that were a Department of Energy plan by year to spend. I was not aware that is the figures of any Department of Energy report.

Mr. BUMPERS. You are familiar with this, and I will come back to that in just a moment. But on the figures you have asked me about, this thing is going to be finished in 2002. These figures are what the Department of Energy says will be the annual operating costs, the one-half billion a year. These are the figures that DOE will be requiring for 4 consecutive years, $1.7 billion, just to finish it on time, based on our present projection of what it is going to cost.

Mr. JOHNSTON. My question is, Where has DOE said $1.7 billion commencing in 1998?

Mr. BUMPERS. These are based on their figures. I did not just drag those out of the air.

Mr. JOHNSTON. Their figures, where? I have the baseline validation report, I have testimony of the Secretary of Energy, I have a lot of other reports, and nowhere have I ever seen those figures or anything close to them.

Mr. BUMPERS. Let me stand partially corrected. This is the amount of money that we calculate based on $13 billion. Now, if the Senator has a different figure to reach $13 billion, I would be happy to see it.

Mr. JOHNSTON. First of all, we think the $13 billion—and I will be prepared——

Mr. BUMPERS. I am going to come back to that in a moment.

Mr. JOHNSTON. Is absolutely not correct. I am glad the Senator said these are not the Department of Energy figures, these are a graphmakers' figures that have no relationship to DOE plans.

Mr. BUMPERS. My real, honest gut feeling is these figures will be much higher than this.

Mr. JOHNSTON. Why did you not make them?

Mr. BUMPERS. I am trying to be fair to the Senator. We are talking about $13 billion, and I am going to come to that right now.

Mr. JOHNSTON. I did not mean to interrupt.

Mr. BUMPERS. Anybody here who now believes that a project which started off at $4.4 billion in 1987 and today is at $13 billion, a tripling in 6 years, anybody that believes that is the last word on what the collider is going to cost, we have swampland to sell to you. Everybody knows what happens in projects like this. This thing is hardly off the ground, and we are already at triple what the original estimate was.

How do we reach the $13 billion? We did it with the help of Hazel O'Leary, who is the Secretary of Energy and who testified in the Energy Committee. We started off in—actually started off in 1987 with that figure—but the 1991 baseline report on the cost of the collider was $8.44 billion. But DOE not only does not quarrel with it, they discovered that they had left out $1.5 billion of risks. These are not risks, they are costs that are going to be spent and, in their heart of hearts, they will tell you that.

Add $1.5 billion to $8.44 billion and then here we have costs left out that they admit it is going to cost. No debate whatever, even from the Department of Energy, that when they made their first validation, they simply left out $1.2 billion that should have gone in. Add that in. And now the President says he wants to stretch the completion date by 2 to 3 years. Right now, we are 10 years away from finishing this if the President's request is honored, and it most certainly will be.

What does that cost to stretch it out an additional 2 to 3 years? That will cost another $1.6 to $2.4 billion.

So there it is. There it is, Mr. President, $12.7 to $13.5 billion. As I say, nobody believes for an instant that that is the final word on what this is going to cost.

Mr. President, you hear a lot of talk about what the purpose of this is. You are going to hear everything from cancer to corns to eczema all are going to

be cured as soon as we finish the super collider. You will hear claims that magnetic resonance imaging, which is the state-of-the-art kind of x ray of the human body, is going to be improved or is at least as a result of the superconducting super collider.

The truth of the matter is, Mr. President, this is not unanimous even among physicists. The Senator from Louisiana will give you some statements from Nobel Laureates about how important this project is. There is a physicist from the physics department at Boston University named Steven Ahlen. He is a particle physicist. Of the 40,000 physicists in America, virtually of all of whom belong to the American Physical Society, 10 percent, or roughly 4,000 of them, are particle physicists. Most of them are hot for this because this is a particle physicist's dream. The other 36,000 will tell you privately that this does not amount to a hill of beans. A poll was taken of all the scientists in America, and 98 percent of them—listen to them—98 percent of them said the superconducting super collider is not important.

Mr. JOHNSTON. Mr. President, will the Senator yield? Does the Senator have that poll, because that is not the way the question was asked, as I recall.

Mr. BUMPERS. Give me just a minute to find that, will you?

Mr. JOHNSTON. I have it here. As I understand it, some members of the Sigma Xi were asked in the following question:

> * * * please rank your first three choices, with "1" representing your first choice for use of funds, "2" representing your second choice and "3" your third choice. I think that the three best uses of public funds for scientific research, at this point, are—

And they put—

> untargeted individual research awards; AIDS; biosphere/geosphere systems; engineering research centers and science and technology centers; human genome projects; space station; strategic defense initiative; superconducting materials; superconducting super collider; other.

Of those who replied, only 2 percent of those specified SSC. Not surprisingly untargeted research grants was the top since most of the members of Sigma Xi fraternity are in the business of getting untargeted research grants. They certainly were not asked whether this was an important project. You might as well have asked lawyers or doctors whether legal research is important, or whatever. They certainly were not in this field.

In any event, they did not say it was not important. Would the Senator agree with that?

Mr. BUMPERS. Just a moment.

Mr. JOHNSTON. While the Senator is looking——

Mr. BUMPERS. Let me just say, we had a letter from Dr. Rustum Roy, Penn State University. I do not know whether he is head of the department there. He is a physicist at Penn State. He is the one who gave us that figure. I do not have that poll. He goes on to say in a separate letter:

> The basic parts of medicine, biology, Earth science, chemistry, and material science have not, cannot, and will not be affected one iota by whatever comes out of the SSC and its relatives of the last few decades. Amazingly enough, nor will 95 percent of physics.

Mr. JOHNSTON. If the Senator will yield, and I appreciate him yielding on his time—I do not mean to be discourteous, but I have here on the letterhead of Sigma Xi, the Scientific Research Society, a full description of this in which they state that in 1988, which by the way was before construction began on this, a questionnaire was sent to approximately 10,000 selected members, 3,300 replied, and the sheet here from the fraternity says that the data collected—and I am quoting:

> The data collected in the exercise lacks statistical validity. Thus, the data derived from the returned questionnaires cannot be construed to represent the opinions, experiences, or positions of Sigma Xi members, the Society or the research community as a whole. * * * The data reflects only the views and experiences of the 3,300 respondents.

The letter from Linda Fuge Abruzzini, Ph.D., director of membership, points out what the field of these respondents is, and it is physical sciences, 26 percent; biological sciences, 25 percent; engineering sciences, 22 percent; social sciences, agricultural sciences, health sciences, mathematical and computer sciences, et cetera, are 8, 7, 7, and 5 percent.

So the point is that Sigma Xi itself states that it lacks statistical validity and involves—it was a questionnaire sent to people in fields far afield from physics and certainly high energy physics.

If it is appropriate at this time, Mr. President, I ask unanimous consent that the piece just referred to from Sigma Xi and from Dr. Abruzzini be printed in the RECORD.

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

SIGMA XI,
THE SCIENTIFIC RESEARCH SOCIETY,
Research Triangle Park, NC, August 7, 1992.

DEAR MR. BARNETT: The following is a breakdown by field of respondents to the questionnaire sent to approximately 10,000 Sigma Xi members in 1988.

Field:	*Percent of respondents*
Physical Sciences	26
Biological Sciences	25
Engineering Sciences	22
Social Sciences	8
Agricultural Sciences	7
Health Sciences	7
Mathematical and Computer Sciences	5

About 3,300 individuals returned the questionnaire. Given the low response rate, the exercise cannot be considered statistically valid. Hence, the data collected is representative only of those who responded and should not be construed to be representative of the Sigma Xi membership or the research community as a whole.

I hope you find this information helpful. If you have any questions about this information or any other aspect of the data collected in response to the questionnaire, please contact me. I would be happy to work with you and would especially welcome the opportunity to aid in interpretation of the data.

Sincerely,

LINDA FUGE ABRUZZINI, Ph.D.,
Director of Membership.

SIGMA XI, THE SCIENTIFIC RESEARCH SOCIETY

In 1988 a questionnaire was sent to approximately 10,000 nth selected active members of Sigma Xi, The Scientific Research Society. The questionnaire addressed a broad range of topics. Because a low response rate was achieved (only about 3,300 individuals returned the questionnaire), the data collected in the exercise lacks statistical validity. Thus, the data derived from the returned questionnaires cannot be construed to represent the opinions, experiences, or positions of Sigma Xi members, the Society, or the research community as a whole—the data reflects only the views and experiences of the 3,300 respondents. (A summary of data collected from the returned questionnaires is presented in a booklet, "Sketches of the American Scientist," available from Sigma Xi Headquarters.)

The superconducting super collider (SSC) was addressed in the questionnaire in the following question (response data included):

25. (In the following question, please rank your first three choices, with "1" representing your first choice for use of funds, "2" representing your second choice and "3" your third choice.) I think that the three best uses of public funds for scientific research, at this point in time, are: (Please rank up to three choices)

Respondents identifying project as one of their three best choices for public funding

	Percent
Untargeted individual research awards	23
AIDS	16
Biosphere/geosphere systems	19
Engineering Research Centers and Science and Technology Centers	13
Human genome project	4
Space Station	6
Strategic Defense Initiative	4
Superconducting materials	9
Superconducting super collider	2
Other (Specify:)	4

Care should be taken in interpreting the responses to this question. It is important to bear in mind that the purpose of the question was not to determine personal favor or disfavor with any of the projects listed and such information cannot be concluded from the responses. Rather, the question was designed to identify each of the respondent's top three project choices for use of public funds for scientific research among a list of nine plus "other". Respondents were not asked to provide a rank order for all listed projects and a rank order of the respondents' funding preferences cannot be concluded from the data.

We hope you find this information useful. If you have any questions about the 1988 questionnaire data or its interpretation, please contact the Sigma Xi Headquarters at 800-243-6534. Sigma Xi would appreciate the opportunity to work with you regarding this or other issues pertaining to Sigma Xi or the research community.

Mr. BUMPERS. Will the Senator give me an opportunity to respond?

Mr. JOHNSTON. Of course.

Mr. BUMPERS. I alluded a moment ago to Dr. Rustum Roy, and this is his testimony before the Senator's committee in the Senate. And I assume the Senator was presiding at the time Dr. Roy said this.

Summary. There are 3 overriding reasons why the super collider should not be funded now and by the U.S. alone. First, it takes away resources from other sciences relevant to jobs and industry. Secondly, it distracts the Nation and its scientists from urgent national priorities. Third, it is not materially urgent science and it could wait for a decade with no loss to science or the nation for implementation by an international body.

Now, this is particularly relevant because, as I say, this is his testimony before the Senator's and my Energy Committee.

Mr. JOHNSTON. If the Senator will yield, does the Senator recall what year that was? We do not recall him testifying before the committee.

Mr. BUMPERS. What I have here says, "Written Testimony by Professor Rustum Roy, Senate Hearing on the Superconducting Super Collider, August 4, 1993."

Mr. JOHNSTON. I think he must have submitted a written statement for the record. I do not recall him testifying.

Mr. BUMPERS. This does not say whether he testified or whether he submitted it. I do not really know. He has testified before our committee before, I think.

Mr. JOHNSTON. I think he is one of many scientists who submitted questions for the record and also for the record he is a material scientist, not a physicist.

Will the Senator agree with that?

Mr. BUMPERS. He is a material scientist.

Mr. JOHNSTON. I thank the Senator.

Mr. BUMPERS. "He is among the two or three leading material scientists in the United States. He is author of some 600 papers with major contributions to real science from diamond films to glass ceramics to sol-gel technology and nanocomposites. He is senior-most member of the National Academy of Sciences specializing in ceramic materials—one of the hottest fields in real science; he is a foreign member of the Swedish, Japanese, and Indian National Academies. In 1993, he was inducted into the Hall of Fame of U.S. Engineers, an honor shared by only 41 others in 100 years, by the American Society for Engineering Education."

So even though he is a material scientist, obviously, he just did not fall off a turnip truck.

Let me continue with what he said in that submitted testimony. Whether he said it orally or in writing I think is immaterial. He goes on to say:

I speak for the 98 percent of American scientists who in the Sigma Xi survey—

And I assume it is the same survey the Senator is referring to —

refused to give any priority for public funds for the SSC. We represent the real science, the public always believed it is supporting, as distinct from the speculative, abstract science of the SSC.

The Congress has never heard from any scientist from electrical engineering, biology, theoretical chemistry or environmental science supporting the SSC. Yet the witnesses who testify for the super collider should clearly be recognized as a tiny subset, within physics, which represents a very modest fraction of the American scientific community.

Now, Mr. President, I give you these things to say that outside the field of particle physics—if you just ask every physicist in the country it might be a split decision—it is almost unanimous I think among particle physicists. God knows, with the amount of money we are going to be spending, we ought to be able to employ every one of them. But the point I wish to make is there is a whole raft of great people in this country—physicists, material scientists, doctors of medicine—who say simply that in a perfect world this might be highly acceptable. But we are not in a perfect world. We are a member of the "Flat Broke Society." If you are going to spend the money, spend it where it will do some good. That is what they all say.

Now, Mr. President, here is a portion of a letter from Barry M. McCoy, professor of physics, State University of New York at Stonybrook. And I will insert these in the RECORD in just a moment, Mr. President, but let me just read it:

As a theoretical physicist with 26 years of experience and some 110 publications, I want to strongly express to you my intense dismay at the way the effort to fund the SSC is undermining public credibility in the objectivity of scientific research.

He refers to a forum. He said it "lasted from 10 a.m. to 4 p.m. and in those 6 hours there were exactly two sentences devoted to the scientific goals of the SSC."

Here is another part of his letter, and this is very important for everybody who thinks we have a cancer cure coming up.

The low energy protons useful for cancer research are already available at many laboratories. Protons of the much higher energy produced by the SSC will kill you—

Will kill you—

if you come into contact with them.

DR. BARRY MCCOY,
Theoretical Physicist.

Laurence J. Campbell, who is a physicist at the University of California, wrote:

DEAR SENATOR BUMPERS:

I will just read a highlight.

The astonishing fact, in view of how seriously this project has been taken by Congress, is that there will be no benefits from the results of this research to any science or technology outside the very narrow specialty of particle physics itself. The reason for this gloomy assessment originates from the nature of the phenomena to be studied. They occur naturally nowhere—not on Earth, not in the solar system, not in our galaxy.

Twenty billion dollars. And he says the reason for this assessment is the nature of the phenomena to be studied occurs naturally nowhere—not on Earth, not in the solar system, not in our galaxy.

But the U.S. Senate is never deterred by things like that.

Let me digress just a moment, Mr. President, to say I worked feverishly on this for a long time. But this year I went through it and concluded once again that this is the most abysmal, unalterably abysmal waste of the taxpayers' money.

I concluded, as I lobbied my colleagues who said, I have promised so and so that I will vote with him on that; I had promised somebody else; this is really important to me. We have a lot of jobs. I understand that. We all understand that.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. I thought the Senator had said previously during the hearings and on the floor here, first that this was not the most abysmal waste. I thought I heard that about the space station. Second, I thought I heard the Senator say this is good science, and in a perfect world we would like to do it, but we cannot afford to do it at that time.

Has the Senator changed his view?

Mr. BUMPERS. No. Absolutely not. I will answer that question further in a moment. But let me finish the point I was making.

The point I was making is one that I do not like to make. The point is that there are people in the U.S. Senate who have made up their mind whether that they are going to vote for this. No matter what you say; no matter what an abysmal mess this thing is, they are going to vote for it. You cannot say, do, or demonstrate anything. It is the same way with the space station.

That is the reason I say the American people have our number. I used to say, well, people do not really understand. They just do not understand what a tough job this is the way it works. They understand. They know we are not going to kill this program. They know we are not going to kill the space station. They know we have never killed a spending project in the last 20 years.

Why do you think they are hot for a balanced budget amendment, line-item veto, all the rest of that stuff which I have strenuously opposed? And I am not sure I am going to in the future; absolutely unsure that I am going to resist those things in the future. You cannot stop it. It is a jobs program, simply.

You know the only person that has lobbied a single Senator against this project? Me. You know how many contractors, how many Senators, how many special interest groups have rung the phones off the wall of every Senator in the U.S. Senate? Thousands.

Senator SASSER, and Senator WARNER, Senator COHEN, and I, it is a lonely thing as far as I know. I am about the only one who really buttonholed my colleagues and tried to make the case for the fact that we cannot continue doing business. I read them these quotes as I am reading here on the floor. They get a blank look on their face and walk off.

A letter from Theodore H. Geballe, professor emeritus, Stanford University:

DEAR SENATOR BUMPERS: Briefly I believe the SSC will consume more money than is justified considering the many equally worthwhile smaller projects in other fields of science which are underfunded. . . . Discoveries in the other frontier fields are more apt to be relevant to the needs of society than are those of the SSC, and many more frontiers can be explored with the same amount of money than is required by the SSC project. We are more likely to make new discoveries by fishing in many ponds than by fishing in just one. . . . Many of the spinoffs and claims of the economic benefits of the SSC are simply misleading. . . . The SSC has, at most, caused a blip on the market price of superconducting wire. Last year 1,100 superconducting magnets were manufactured and sold, each made with 20 to 40 miles of the same niobium titanium wire now being used by the SSC.

Officers of the American Society for Microbiology released the following statement: "Under the proposed '94 budget, the number of new and competing grants supported by the NIH."

I want my colleagues to listen to this—virtually all the health research in this country is done by the $10 or $11 billion we give NIH every year that they dole out to universities and scientists. I want you to listen to what is happening to NIH because we cannot fund them. The reason we cannot fund them is because this thing slurps up all the money.

Officers of the American Society for Microbiology released the following statement: Under the proposed '94 budget the number of new and competing grants supported by the National Institutes of Health will decline to 5,594, marking a sharp drop of almost 1,200 from the 6,795 new and competing grants that were given just 2 years ago. No inflationary increases are proposed for the cost of research grants. The success rate would fall to 21.6 percent.

Senator, similar comments about underfunding every basic research by the National Science Foundation can also be made.

Professor Bloembergen of Harvard, President of the American Physical Society, two years ago, President of all the 40,000 physicists in America 2 years ago. Here is what he said:

From high temperature superconductivity the growth hormones to the chemical reactions that devour the ozone, the discoveries that are changing our lives are most often made by individual scientists or small groups and their plight is increasingly desperate.

Testimony from Philip Anderson:

I won the Nobel Prize in 1977 for fundamental research in solid state physics. I may be the physicist most often cited by my colleagues.

Just a couple lines:

Most of that substructure is well understood, in the sense that nothing discovered by the SSC will, for the foreseeable future, change the way we work with, or think about the world; it cannot even change nuclear physics.

That is an interesting statement I will put in the RECORD, and I hope a lot of people will read that.

Mr. President, I am not going to take much more time here. I have all of this information, speeches, and so on. I would like to submit en bloc for the RECORD, and ask unanimous consent that it be entered at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BUMPERS. I would be happy to yield.

Mr. JOHNSTON. Mr. President, I ask my colleague if it is not a fact that Dr. Philip W. Anderson, who was just quoted, did he not say that "on the scientific soundness"—that is of the SSC—I agree with almost all of what Steve has said "Steve," Dr. Weinberg, being the Nobel Laureate whose testimony immediately preceded him.

He goes on to say:

On the mismanagement, I am not as closely connected with the inside project, but I know enough to know that it would be very surprising if the accusations on this were really completely true.

Skipping a little bit, he goes onto say:

I well understand that the questions the SSC is designed to answer are deep, fundamental and interesting. . . if the scientists were allowed to carry out their job without interference they would probably do so very efficiently. I do not agree with Steve that it is the only way that the job can be done. I think that represents something of a failure of imagination. The point of my testimony is that of priorities.

Does the Senator recall that testimony, and does that fairly represent the flavor of what Dr. Anderson stated?

Mr. BUMPERS. I just sent his testimony to the desk. So I do not have it in front of me right now. But I can tell you, he is opposed to the super collider for the same reason all the rest of them are. Some of them are more critical than others. I did not read a letter there; I believe it was the last letter in that pack. But it said that Dr. Steven Ahlen—I think he is head of the physics department; he is a professor of physics, and he is a particle physicist at Boston University—He told me himself—and this is not a letter, this is not in testimony—he came into my office; he said, "Senator, every scientist in this country is hurting for research money."

That is exactly what all of these physicists are saying. You are so much more likely to get something beneficial that we can all enjoy the benefits of if you fish in many ponds, instead of looking for one big fish in one big pond.

He went ahead to say, "Do you know what they are looking for?" I said, "Dr. Ahlen, I never even had high school chemistry. I know they are trying to find the origin of mass." He said, "Well, that is correct. What they are looking for is what physicists call the Higgs Boson. The Higgs Boson is a particle that physicists think existed for something like one-millionth or one-thirtieth of one-millionth of a second at some time billions of years ago.

Mr. JOHNSTON. If the Senator will yield at that point, Mr. President, will the Senator not agree with me that scientists believe or theorize that Higgs Boson exists today, and that it is the field through which all energy and particles are propagated, and that it can be found only with the energies of the superconducting super collider? It is not that it existed way back then, it exists today, and they theorize that; will the Senator agree with that?

Mr. BUMPERS. Not totally. The Senator is partially correct. I think Dr. Ahlen—I am reluctant to quote a physicist on a technical matter about which I know very little—but the point I was about to make when the Senator asked me to yield to him is I think Dr. Ahlen thinks the Higgs Boson existed for a second many billions of years ago. But his concluding remark to me was: "I do not believe the Higgs Boson exists."

Let me just make another point. When we started the Manhattan Project, essentially based on a theory of Albert Einstein, to develop a nuclear weapon, every physicist in the country, every physicist in the world knew we had atoms. Everybody knew what an atom was. Einstein had a theory that if we could split that atom, if we could develop the technique for splitting that atom, it was going to make a big noise. And so we undertook the Manhattan Project to split the atom, harness it, put it on an airplane, and unleash it, and we did it. But everybody knew what we were going at.

Now here, there is one physicist in the country that will tell you that he knows that the Higgs Boson exists, and that after we spend probably $20 billion erecting this monstrosity, we are going to find it. If the Senator wants to say that expenditure is just fine, whether we find it or not, that is his prerogative. And I think essentially that is what he is going to be debating. All I am saying is that when you talk about—the Senator wants to challenge the $20 billion figure, I guess.

Mr. JOHNSTON. That is right.

Mr. BUMPERS. Mr. President, we have been through this so many times that I know what the Senator is thinking before he says it.

I simply say that we are not at $20 billion yet. We are not to $13 billion yet, either, but we know we are headed there. Let me just make the point again. If we have gone from $4.4 billion to $13 billion in 6 years, where do you think we are going to go in the next 10 years? You have to be eating and smoking something awfully strong to believe this is the last word. That is all we know right now. So $20 billion to finish the construction of that thing is not out of line at all.

Well, Mr. President, I have taken more time than I really intended to. We will speak further later on, but the Senator from Louisiana certainly is entitled to the floor.

Let me just say before he takes the floor that I think the deficit is the No. 1 problem in this country. The population being out of control is the world's greatest problem, and the deficit is the thing that threatens my children and grandchildren more than any other single thing.

How did we get a $4 trillion deficit? I will tell you exactly how we got it: I promised old so-and-so, and he is up for reelection. I promised so-and-so because he or she called me, and he is a good friend. Well, I do not much like the idea, but I just cannot go against my committee chairman.

See, that is where the people of this country do not understand how this place works. That is the way we got to $4 trillion. If we do not stop it—there is not a soul in this body who believes this country is not in decline politically, educationally, culturally, and economically. We are in decline in every measure. And you are not going to reverse it or make this country more competitive by logrolling gigantic scientific projects, which we know almost to a certainty have no paybacks, no spinoffs.

Mr. WARNER. Will the Senator yield for a quick question?

Mr. BUMPERS. Yes; I am happy to yield.

Mr. WARNER. Mr. President, this body was asked not long ago by the administration to raise taxes, and the American public responded that any increase in taxes should be applied toward reducing the deficit, not additional spending such as you have discussed here today. I think the Senator pointed out in good conscience that we cannot ask the public to accede to our new directive, signed by the President and in formal law, to raise taxes—and, at the same time, increase spending for projects which are not necessary.

My specific question to my good friend is—and I support him 100 percent, as he well knows, on this project—has he had the opportunity to refer to the zero deficit plan program which was carefully drawn up by our two former colleagues?

Mr. BUMPERS. I have not seen that. I have that document on my desk.

Mr. WARNER. Mr. President, I draw the Senator's attention to page 51, where it discusses those programs that we have to stop if there is any hope of dealing with the rising national debt and the ever-present annual deficit. Of course, the first item, which he and I covered before, was the space station.

The next one: Cancel the superconducting super collider.

The SSC is to be the world's largest particle accelerant and would be used to help determine the universe's origin. The SSC is projected to consume 6 percent of all basic research spending over the next 5 years; that is, research on breast cancer and all of the other problems that many of our colleagues have raised here in this session.

Its $8.3 billion price tag is almost double the original $4.4 billion estimate. The scientific value of the SSC is outweighed by its costs.

There is an impartial analysis. I urge the Senator to look at that, because I think if this body and the other body, indeed the Congress as a whole, is ever to begin to grapple with the reduction of the annual deficit and the national debt, we have to follow the objective and fair analysis by persons such as our two former colleagues who have given us this report.

Mr. BUMPERS. I thank my distinguished chief cosponsor, Senator WARNER, for those very cogent, pointed remarks made by himself and quoting former Senators Tsongas and Rudman, both of whom were Members of this body, and we always revered and respected them.

To the distinguished floor manager, let me close by saying once again: I voted for those tax increases; I voted for the budget deficit reduction plan—$250 billion in new taxes, $250 billion in spending cuts. How many times did we hear the cry on this floor: "We have to cut more spending before we raise taxes"? And how many times did I and others on this side respond by saying: "We are going to cut more spending." I really believe it.

I have never heard such fervor in the United States Senate as I heard 45 days ago for more spending cuts. And I applauded that, and I said to all of those who were crying for more spending cuts, "Don't you worry, you are going to get your chance."

Mr. President, since then Senator SASSER and I were able to cut a paltry $400 million out of the SDI budget. It should have been $1.4 billion, but $400 million was all we could cut.

I gave the Senate a chance to kill the National Endowment for Democracy. We lost that 23 to 74. The House killed that sucker overwhelmingly.

Incidentally, Mr. President, do you know what the House did to the super collider? They killed it by 130 votes. They killed it last year. The Senate resurrected it, and it came back to us from the House with everything neat and orderly intact. I am telling you, if we do not kill it today, it will go to conference again despite the fact that the House beat it by 130 votes, and it will come back here with the full $640 million on the bill, I promise you.

But then Senator WARNER, Senator SASSER, Senator COHEN, Senator BRYAN, and I gave you an opportunity to cut the space station, leave $500 million to terminate the project and save $1.6 billion. If we had voted for that, Mr. President, to kill the space station, counting the cost of the space station and interest at 4.5 percent compounded for 35 years, one single vote would have saved the taxpayers of this country $216 billion.

If we kill the super collider, the total cost in today's figures, with no inflation, no increase in cost, do the same thing for it, 35 years, 4.5 percent compounded interest, you can save $39 billion. We are not talking about the $600 million for 1994 or the $2 billion on the space station for 1994. We are talking about the outyears costs $100 billion for the space station and $20 billion for this one. Sure. But over the 35-year period we had an opportunity to cut $255 billion, and we very studiously refused to do it. I take that back. We have not done this one yet.

But, Mr. President, all those cries about, "I am not voting for any tax increases; I am not going to vote for anything but spending cuts." We come to the litmus test where people have an opportunity to put their vote where their mouth is and you cannot get them to say "yes." You cannot get this body to stop its old habits.

I said 45 days ago, if we had offered the super collider and the space station on the floor on the reconciliation bill they would both be dead right now. I said the other day on the floor I have a dog with a longer memory than the U.S. Senate has; 45 days and we have forgotten everything we said.

So, Mr. President, I urge my colleagues——

Mr. WARNER. Mr. President, will the Senator yield for one more question?

Mr. BUMPERS. I am happy to yield.

Mr. WARNER. Mr. President, I say to my good friend, when we stood toe to toe here on the space station, somewhat unexpectedly we suddenly saw letters appear on the desk of our colleagues from the Vice President and from others in the administration. Regrettably the administration came in. Albeit the close affiliation between my good friend from Arkansas and the President, and others, they did not follow the advice that Senator BUMPERS gave them on that.

But I do not see as yet the letters.

My question to the Senator is, does it appear there is an absence of the same strength, conviction, and support from

the present administration as given to the space station as applies to the super collider?

Mr. BUMPERS. I am afraid so. I think the Senator is right.

Mr. WARNER. I see no letters up here from the administration which would indicate to me perhaps the administration is closer to the position taken by the Senator from Arkansas and the Senator from Tennessee and myself.

Mr. BUMPERS. I just want to say I have noted the precise observation the Senator from Virginia has made. Not only did we find a letter from the President and the Vice President on our desk, we got phone calls from the President. I did not. I discussed it with the President earlier, and I just told him there was no need to call me. I am fixed on this and have been for 4 years. But there are no letters here now.

Mr. WARNER. I see none.

Mr. BUMPERS. I do not see any letters on the desk from the President and the Vice President.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. WARNER. Yes, I am happy to yield.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that a letter from the President of the United States to WILLIAM NATCHER, chairman of the Committee on Appropriations in the House, dated June 16, 1993, which states, among other things, "I want you to know of my continuing support for the superconducting super collider," be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, June 16, 1993.

Hon. WILLIAM H. NATCHER,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As your Committee considers the Energy and Water Appropriations Act for Fiscal Year 1994, I want you to know of my continuing support for the Superconducting Super Collider (SSC).

The most important benefits of the increased understanding gained from the SSC may not be known for a generation. We can, however, be certain that important benefits will result simply from making the effort. The SSC project will stimulate technologies in many areas critical for the health of the U.S. economy. The superconductor technologies developed for the project's magnets will stimulate production of a material that will be critical for ensuring the competitiveness of U.S. manufacturers, for improving medical care, and a variety of other purposes. The SSC will also produce critical employment and educational opportunities for thousands of young engineers and scientists around the country.

Abandoning the SSC at this point would signal that the United States is compromising its position of leadership in basic science—a position unquestioned for generations. These are tough economic times, yet our Administration supports this project as a part of its broad investment package in science and technology. Our support requires making sure that the project is well managed and that the Congress is informed of the full costs and anticipated benefits of the program. The SSC previously had an unstable funding profile. The stretched-out funding proposed by our Administration of $640 million in FY 94 will allow better control of project costs. The full cost and scheduling implications of this stretch-out will be complete in the early fall, and will be examined carefully by the Administration at that time.

I ask you to support this important and challenging effort.

Sincerely,

BILL CLINTON.

Mr. BUMPERS. Let me say, Mr. President, that does not sound like a very ringing endorsement to me.

Mr. JOHNSTON. I did read the whole letter. The whole letter is in the RECORD, I think.

Mr. WARNER. Mr. President, I would also observe that was before the President came before the Chamber and asked for an increase in taxes, ostensibly to reduce not only Government spending but to reduce the deficit.

Mr. BUMPERS. I think that letter was in June, was it not?

Mr. WARNER. That is correct. It is June 17.

Mr. JOHNSTON. Mr. President, will the Senator further yield?

Mr. BUMPERS. I am happy to yield.

Mr. JOHNSTON. Also, from the Executive Office of the President, dated September 28, 1993, which is yesterday, a Statement of Administration Policy in part says:

The administration commends the committee's action to restore full funding for the SSC. The SSC will maintain U.S. preeminence in basic scientific research, stimulate development of new technology in areas important to the future health of the economy.

Mr. WARNER. Mr. President, who signed the letter?

Mr. JOHNSTON. That is a statement of administration policy. I just read the letter signed by the President. This is from the Executive Office of the President.

Mr. WARNER. The Executive Office has no signature power. Is there a signature on this?

Mr. JOHNSTON. It is OMB. There is a signature on the other one I just put in the RECORD. How many signatures does the Senator want?

Mr. WARNER. Mr. President, we are bringing an updated piece of solid support of the administration. I hope that someone will be identified as coming forth with that solid support comparable to the Vice President of the United States in the case of the space station.

Mr. BUMPERS. Mr. President, let me say that if that is from OMB, things are really strange. As you know, the former colleague, Leon Panetta, now is head of OMB. He was the most ardent opponent of the super collider when he was in the House of anyone in the House.

Let me just close out. I just simply say the one thing that the people understand is that we are not going to cut spending. They were very suspicious of that. They did not want us to vote on the reconciliation bill until we showed our good faith.

But one of the really strange paradoxes of the whole thing is the people who scream the loudest for spending cuts, they are the same ones who voted for the space station, the National Endowment for Democracy, SDI, and the super collider. They cannot spend enough for them. I yield the floor.

EXHIBIT 1

INSTITUTE FOR THEORETICAL PHYSICS, STATE UNIVERSITY OF NEW YORK AT STONY BROOK,
Stony Brook, NY, May 3, 1993.

Senator DALE BUMPERS,
Dirksen Office Building,
Washington, DC.

DEAR SENATOR BUMPERS: I am writing to you because you are the leader of the forces opposing the Superconducting Supercollider in the Senate.

On Thursday, April 29, an "educational forum" on the SSC, sponsored by the Texas Laboratory Commission, was held at the State University of New York at Stony Brook. This forum was moderated by the television commentator Edwin Newman and featured Dr. Roy Schwitters the director of the SSC. This was announced to be the first of several such forums to be held around the country in the next several months.

As a theoretical physicist with 26 years of experience and some 110 publications I want to strongly express to you my intense dismay at the way the effort to fund the SSC is undermining public credibility in the objectivity of scientific research.

The forum lasted from 10 AM to 4 PM and in those 6 hours there were exactly 2 sentences devoted to the scientific goals of the SSC; namely 1) it will give us information about the origin of mass and 2) there may be unexpected discoveries. I repeatedly asked Dr. Schwitters for more scientific justification and even reminded him of the fact that there have been 30 years of theoretical research that have passed since the Higgs mass mechanism was first proposed and that by now there are many physicists who have concluded that this mechanism is not relevant to nature. Nothing could induce Dr. Schwitters to add even one extra sentence to the justification of SSC. This is the same lack of scientific justification which characterized the debate in the Congress last year. I can only conclude that the director has no further relevant scientific arguments to present to the public to support his request for funds.

I have had an NSF grant for 20 years and can assure you that no grant from NSF is funded if there are only 2 sentences of scientific justification.

However, what was even more distasteful was the exploitation of minorities, the totally misleading claims of curing cancer, and the blatant appeal to pork barrel politics made by the director and other speakers.

One of the lunch time speakers was a black undergraduate from Virginia State University. He has a job that is connected with the SSC and gave a very moving presentation of how this experience was changing his life. It was in fact an eloquent demonstration of the need for minority scholarship programs but it has nothing to do with explaining why $8.6

billion should be spent on constructing the SSC.

Dr. Brenda Buckhold Shank, chairman of the radiation department of Mount Sinai hospital, gave a 20 minute presentation on cancer research at the SSC but blatantly ignored the fact that the protons used in cancer research have energies of some 300 Mev whereas the object of the SSC is to produce protons with energies one hundred thousand times greater. The low energy protons useful for cancer research are already available at many laboratories. Protons of the much higher energy produced by the SSC will kill you if you come into contact with them. The fact that the director would allocate 20 minutes for such a presentation indicates that he is either completely ignorant about how protons are to be used in cancer research or that he is blatantly and deliberately misleading the public.

In addition, the director was quite proud of the fact that contracts have been spread out to 48 states in an attempt to win votes in favor of funding. He seemed a quite oblivious to the fact that this is precisely the practice of pork barrel contracting that wastes so much of the taxpayers money.

Finally it must be pointed out that in the printed material passed out to the audience of the forum the proponents of SSC were attempting to take credit for all sorts of scientific discoveries ranging from penicillin to superconducting magnets to parallel processing computers. The fact is that the high energy physics experiments of the last 50 years have lead to none of these advances.

There are tens of thousands of reputable scientists with the highest standards of objectivity and integrity who are doing outstanding research in this country. Many of them are funded by government programs which are administered with the utmost attention to scientific and ethical standards. It is exceedingly unfair and unjust that instead of seeing the work of these many thousands of researchers the public is subjected to year after year of deceptive appeals by the supporters of the Superconducting Supercollider. I applaud you for your work towards the elimination of this tasteful item in the federal budget.

Sincerely,

BARRY M. MCCOY,
Professor of Physics.

LOS ALAMAS, NM,
June 28, 1993.

Senator DALE BUMPERS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: Because of the Superconducting Super Collider's high cost and poor prospects for strengthening either science or technology I urge you to continue your leadership role in opposing further spending for its construction.

The cost-benefit ratio for this project is highly unfavorable. You are familiar with the costs (which include substantial annual operating costs) so I will review only the benefits.

The astonishing fact, in view of how seriously this project has been taken by Congress, is that there would be no benefits from the results of this research to any science or technology outside the very narrow speciality of particle physics itself. The reason for this gloomy assessment originates from the nature of the phenomena to be studied: they occur naturally nowhere—not on earth, not in the solar system, not in our galaxy, not in the present universe! Moreover, there are no naturally occurring phenomena in the present universe that would even be illuminated by the research of the SSC. No current problems involving existing matter, from nuclear processes to astronomical objects, would be clarified, much less solved.

The energies to be produced by the SSC, 40 teravolts, would have relevance only to the historical physical world during an infinitesimal interval of time near the origin of the universe. Knowing more about this early interval of time will merely raise questions about the preceding intervals, involving ever higher energies—and so on, to absurdity. The brute-force approach to these questions, as exemplified by the SSC, cannot be sustained.

Even though their energies are far closer to the real world than would be the SSC's the present-day high-energy particle accelerators at Fermilab, Illinois, and CERN, Switzerland, already illustrate the esoteric and effectively empty nature of the expected SSC results. For example, the most noteworthy of Fermilab's accomplishments, many would say, has been the discovery of the "upsilon", whose obscurity outside the tiny community of particle physicists is no oversight.

In summary, the SSC is an extravagant luxury whose funding cannot be justified in this time of shrinking budgets and promising alternative research opportunities.

Sincerely,

LAURENCE J. CAMPBELL,
Physicist, Ph.D.
(University of California).

STANFORD UNIVERSITY,
DEPARTMENT OF APPLIED PHYSICS,
Stanford, CA, August 2, 1993.

Hon. DALE BUMPERS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: I have already had an opportunity to give testimony expressing my opposition to continuing the superconducting supercollider (SSC) project in its present form to the House Committee on Science, Space, and Technology and appreciate the opportunity to give some further thoughts to you. Briefly I believe that the SSC will consume more money than is justified considering the many equally worthwhile smaller projects in other fields of science which are underfunded. These small projects which embrace other branches of physics, chemistry, biochemistry, materials science, molecular biology, et cetera, cumulatively produce more new science, more technological spin-offs, and more new jobs than the SSC, and do it for less money.

Realistically the reason why science is given so much support is because of the uses to society of the new knowledge it produces, not because of its cultural value which some have argued is the justification for the SSC. A policy document released this month by the National Academy of Sciences entitled "National Goals for a New Era" which is meant to be a guide for public policy concerned with science and technology in the post cold war era concludes that the United States can no longer expect to excel in all major areas of science. We should strive to maintain a clear leadership in certain selected fields and to remain among the world leaders in all others. The document notes that "funding in one expensive activity can lead to cutbacks in many smaller activities even though these smaller activities generate the bulk of the new scientific knowledge."

All basic research, the R component of R&D, is concerned with explorations of new frontiers where one does not know ahead of time what will happen. There is always the risk the findings might be uninteresting. This is balanced by findings that lead to new developments and occasionally the discovery of completely unexpected new phenomena and behavior. The many and varied new technologies of today, including the $80 billion world electronics market, all have been made possible by basic research discoveries of the previous generation. Here we are concerned with new discoveries to pass on to future generations.

The possibility for unexpected new discoveries coming from the SSC project is certainly as high as for other frontier research efforts. Discoveries in the other frontier fields are more apt to be relevant to the needs of society than are those of the SSC, and many more frontiers can be explored with the same amount of money than is required by the SSC project. We are more likely to make new discoveries by fishing in many ponds than by fishing in just one. I would like to list a few just for purposes of illustration:

High-temperature superconductors which were unexpectedly discovered at the IBM research laboratory in Switzerland seven years ago are actively being studied because we don't understand how electricity is transported in these materials let alone the mechanism which gives rise to the superconductivity. New understanding is likely to lead to more efficient electrical power technologies, to better methods of nondestructive testing, to more sensitive detectors for medical applications and for magnetotelluric studies, to improved communication circuits, and possibly to a new generation of computers.

Another frontier is in polymer science where an understanding is sought of the principles underlying polymerization reactions which can be used to actually design and build new structures. A recent edition of the New York Times features a story on a new polymer superior to ivory for piano keys which "gladdens the hearts of musicians as well as elephants."

Scanning tunneling microscopes and its many derivatives are now being used to move, probe, and study individual atoms and molecules. Lasers have been turned into optical tweezers which can grab onto individual atoms in space. Scanning with near field light microscopes of provides images tens of times better than the best conventional microscopes. Collectively, these instruments all developed in the past few years represent the greatest advances in microscopy and imaging since the time of Galilee and maybe even in recorded history. They are currently being used in exquisite ways to extend the understanding of the physics, chemistry, biochemistry and materials science of molecules, surfaces, interfaces and other structures.

The SCC has economic potential, but it is less cost effective than many other fields because it almost certainly will produce fewer spin-offs per dollar invested than other fields. The net effect of the SSC on the economy could actually be negative if it were to draw enough resources away from other fields a number of which are acutely underfunded.

Many of the spin-offs and claims of the economic benefits of the SSC are misleading. It has been claimed, for example, that the SSC is providing the first large-scale use of superconductors and that the SSC developments have been responsible for a tenfold reduction in the price of superconducting wire. The facts are that there already exists a large market for superconducting magnets.

The SSC has, at most caused a blip on the market price. Last year, 1,100 superconducting magnets were manufactured and sold, each made with 20 to 40 miles of the same niobium titanium wire now being used by the SSC. These magnets operate at hundreds of hospitals and centers throughout the country used for taking whole body scans by magnetic resonance imaging (MRI).

Contrary to a quote from Admiral Watkins in the Washington Post last year, the superconducting wire needed for liquid helium based applications such as maglev trains, ship propulsion, energy storage magnets, power transmission cables, motors, and generators already exists. Some prototype devices were actually built 10 years ago. The reason they are not used is because the market is not ready. The SSC is investing in a helium-based technology which is too expensive for the marketplace.

Proponents of the SSC argue that stopping the SSC will not result in funds being released to other research areas. This is certainly not obvious particularly when Congress notes the acute underfunding in other research areas. Officers of the American Society for Microbiology released the following statement: "Under the proposed '94 budget, the number of new and competing grants supported by the NIH will decline to 5594, marking a sharp drop of almost 1200 from the 6975 new and competing grants that were given just two years ago. No inflationary increases are proposed for the cost of research grants. The success rate would fall to 21.6 percent."

Similar comments about underfunding of basic research by NSF can also be made. Professor Bloembergen of Harvard, as president of the American Physical Society two years ago, said: "From high-temperature superconductivity to growth hormones to the chemical reactions that devour the ozone, the discoveries that are changing our lives are most often made by individual scientists or small groups, and their plight is increasingly desperate."

I believe the US should join together with other European and Asian nations who also aspire to be world leaders in exploring the frontiers of particle physics to build and operate an SSC facility in Texas or somewhere else if necessary. Considering the alternatives it seems worthwhile even at this late date to try to overcome the difficulties in making the needed arrangements.

Sincerely yours,

THEODORE H. GEBALLE.

PRINCETON UNIVERSITY,
Princeton, NJ, August 4, 1993.

TESTIMONY BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT OF THE COMMITTEE ON APPROPRIATIONS OF THE DEPARTMENT OF ENERGY'S SUPERCONDUCTING SUPER COLLIDER PROGRAM

My name is Philip Anderson, Joseph Henry Professor of Physics at Princeton University. I worked for many years at AT&T Bell Labs, ending up with the rank of Director on my retirement, and I was a Professor at Cambridge University for a number of years. I won the Nobel Prize in 1977 for fundamental research in solid state physics. I may be the physicist most often cited by colleagues.

On several occasions over the years I have testified against the SSC and other Big Science projects, and in favor of funding a wider variety of fundamental science on a peer-reviewed basis, through institutions such as the NSF and the NIH which have a good record of responsible distribution of funds.

I want, on this occasion, particularly to emphasize that I do not oppose the SSC because it is scientifically unsound or badly mismanaged. Both of these accusations have been made in Congress and in the press, and I want to disassociate myself absolutely from them. These accusations should appropriately be made about Space Station Freedom, and I think it a scandal that the House has chosen to support the scientifically unsound and technologically uninteresting manned space program rather than the SSC, on the basis of fantastically overblown claims of its useful spinoffs. I well understand that the questions the SSC is designed to answer are deep, fundamental, and interesting; and that if the scientists were allowed to carry out their job without bureaucratic interference, they would do so efficiently.

The point of my testimony is that of priorities. The physics being done by the SSC is a very narrow specialized area, with a very narrow focus: on the very tiny and very energetic sub-sub-substructure of the world in which we live. Most of that substructure is well-understood, in the sense that nothing discovered by the SSC will, for the foreseeable future, change the way we work with or think about the world; it cannot change even nuclear physics. Perhaps a couple of hundred theorists—too many, indeed, thinking about such a restricted subject—and a thousand or so experimentalists work in this particular field of science. That is less than 10% of the research physicists, and a much tinier fraction of the research scientists, in the world. Yet the budget for this operation dwarfs the budget of all the rest of physics: particle physicists are funded, on the average, ten times as liberally as all other physicists. The SSC is not a very efficient jobs program, at least for scientists.

At least two books, and many articles, have been published recently trying to justify this special status for particle physics as somehow more fundamental than all other fundamental science. That so many particle physicists have time to write such books and articles may tell you something about the real interest of the field. There are many other really exciting fundamental questions which science can hope to answer, which people like myself are too busy to write books about:

How did life begin?
Why is biological catalysis so efficient?
What is the origin of the human race?
How does the brain work?
What is the theory of the immune system?
Is there a science of economics?

These are only the most obvious questions for the layman; our field, solid state physics, has many, many fascinating and fundamental unsolved mysteries, which are to my mind no less fundamental as to how matter and energy interact in the world around us than the deep interior of the fundamental particles.

In all of these questions, there is the possibility of serendipity; you may find something useful, or something you weren't looking for. The study of real intelligence is bound to tell you things about artificial intelligence, for instance. The theory of the immune system can tell you things about many awful diseases, not just AIDS. The deep questions of biology lead to bioengineering, the deep questions of solid state physics to materials engineering. This kind of relevance and serendipity is what a large inflexible machine such as the SSC does not have.

Particle physicists, naturally, are deeply concerned about the problems of funding and the health of their field. But so are the rest of us; and we feel that in no sense is particle physics the one special field in which it is essential for the U.S. to "stay ahead". If there is such an essential field, I would argue that it is among those I mentioned above. The playing field should be level, not heavily tilted in favor of one historically powerful group.

[From Science & Government Report, Aug. 1, 1991]

A NOBEL PHYSICIST'S HARSH ASSESSMENT OF THE SUPER COLLIDER

(Excerpts from testimony July 11 by Philip W. Anderson, Nobel laureate Professor of Physics, Princeton University, to the House Budget Committee Task Force on Defense, Foreign Policy, and Space.)

Selling Big Science. "It is impossible to emphasize too much that the big science projects, because they are very expensive, allow you to employ public-relations experts. And the political pressure behind them builds up because, of course, they are employing very important contractors and they are representing a large amount of money spent in one Congressional district or another. The small science project has nobody in its favor except the future."

Destructive Effects of the SSC. "The SSC is also a disaster . . . for the education of young physicists, concentrating enormous numbers of them in giant groups away from the intellectual climate of their universities, doing tiny bits of projects which last three or four graduate student PhD thesis times. Even the theoretical students come out trained in esoteric branch of mathematics with no experience of actually thinking about experimental results. In other words, the people spinoff is getting less and less efficient, just as is the technical spinoff, as the projects get bigger and more narrrowly focused on more and more practically irrelevant phenomena."

The High Energy Bandwagon. "Particle physics is a narrow, inbred field, and it is easy for the particle physicists to create an external appearance of unanimity of goals. I do not believe that the community in its private thoughts necessarily believes that a crash program and a rapid program on the SSC is necessarily the best next step. I certainly can find people who will say they don't think so."

Big Science on Campus. "[T]here is a style of research that is characteristic certainly in physics and big science, and you can tell. [In] big science, you see your colleagues spend half a semester teaching and then they are off in some large institution working away . . . for the rest of the time. In small science, they are right there in the department all the time. You also see the style of these . . . very long projects, projects which make it difficult, for instance, in my own department to assess the value or the quality of young assistant professors in that field, because the assistant-professor time for bucking for tenure is six years, and six years is less than the time necessary for these results to come out."

PREPARED STATEMENT OF PHILIP W. ANDERSON

Let me organize my testimony around a series of questions that you might ask me, and the answers that I would give to them.

(1) Is the SSC doing the most important, or the only, really fundamental research in the physical sciences?

I believe the answer is no.

(2) Will the research done by the SSC have any direct relevance to society or to the ostensible mission of the Department of Energy, namely to conserve and contribute to the nation's energy supply?

The answer is no; even its spinoff effect will be negligible.

(3) Are there worthwhile research institutions and projects which are being neglected and starved for money while the SSC is liberally funded?

The answer is yes, very many.

(4) Is the SSC so urgent that we have to go ahead with it at any cost?

Obviously not.

I will elaborate my answers to these questions.

(1) The standard testimony on behalf of the SSC will tell you that in some sense elementary particle physics is the bellwether of the sciences, the one which is out there leading the pack, the one which in some sense is investigating the "deepest" layers of reality in the world around us and the "most fundamental" laws of physics. As part of my testimony I'd like to append copies of an essay which will shortly appear in the American Institute of Physics' house magazine, Physics Today, which is about the subject or science of "complexity", and explains a little about how there is at least one other kind of frontier in the physical sciences, where a lot of action—I would argue more action—is taking place: the frontier of looking at bigger and more complex aggregates of matter, which often behave in new ways, according to new laws. These do not contradict the laws the elementary particle people discover, but are simply independent of them and are in no way less or more "fundamental".

If you were to ask me where in my own field of theoretical physics—and I have worked at least a little in most parts of this field including elementary particles—the most exciting things are happening right at the moment, I would certainly not put elementary particles at the top of the list: in my opinion, that field has wound itself down for the time being. I can tell because many of the young people are voting with their feet and leaving particle physics. Three areas where really exciting things are happening are first, the remarkable outpouring of new theoretical and fundamental physics sparked by the discovery of high Tc, superconductivity. So many radical exciting new ideas are appearing that, as the old theory of superconductivity proved to be a model on which the present standard theory of elementary particles is based, the new ideas may help stimulate the next revolution in theoretical physics generally, entirely aside from opening up many other areas of materials science which had languished for lack of theoretical understanding.

Second, we are close to understanding some century-old problems in hydrodynamics, particularly in turbulence. I am not an expert but I do sense increasing excitement in this and other fields of the physics of classical systems.

Finally, at many points physics and biology, and physics and organic—and biochemistry, are beginning to impinge in a meaningful way, both in experiment and theory, as physics becomes more capable of dealing with complexity.

Incidentally, all three of these fields are ones where funding is hard to come by, for a variety of reasons which to a great extent amount to the same reason: the American funding system is low on what you might call "risk capital": it is set up in such a way that it goes on funding whatever was funded in the past: Institutional rigidity is the name of the game. If you don't believe in institutional rigidity, ask yourself why it is that the DOE is still funding elementary particle physics, which whatever else you may say about it will never have an impact on the energy which comes out of the plug in your wall.

(2) Does the SSC and elementary particles physics have social relevance? We must concede immediately that the best of the elementary particle people base the whole of their pitch on the intellectual excitement of the search for fundamental laws. But as this message is diluted in the DOE and in the political rhetoric one finds claims that particle physics did everything from MRI and the computer revolution to the television screen and sliced bread. It is worth reiterating, then, that particle physics has not led to many technical breakthroughs; that if you want to solve technical problems the best way to spend your money is on the sciences which are relevant to your technical problem. The technical problem the SSC is setting out to solve is accelerating protons, and if they have any sense they will choose the most conservative possible technical means. That means they will be trying their best to avoid making breakthroughs in technology.

To me the saddest sight of all is to see officials of the department responsible for our energy supply deliberately misleading Congress with these false claims; and to see my particle physics colleagues, many of whom I admire and respect, sitting by and acquiescing in them.

The small sciences, on the other hand, the individual investigator fields such as the sciences of complexity, can and do live in a win-win world in technology. The science can feed on advances in technology and almost automatically feeds back into technology. In recent testimony I used the example of the late John Bardeen, who won one Nobel prize for a great technical breakthrough and a second one for a great fundamental science one.

The SSC is also a disaster for the education of young physicists, concentrating enormous numbers of them in giant groups, away from the intellectual climate of their universities, doing tiny pieces of projects which last three or four graduate student Ph.D. thesis times. Even the theoretical students come out trained in caoteric branches of mathematics and with no experience of actually thinking about experimental results. In other words, the people spinoff is getting less and less efficient, just as is the technical spinoff, as the projects get bigger and more narrowly focused on more and more practically irrelevant phenomena.

(3) Are there things which are being seriously underfunded? You would only have to chat with a few physics postdocs this year to realize how serious the situation really is. One of the worst situations is at the NSF Institute of Theoretical Physics of Santa Barbara, which if anything, should be the nation's most important reservoir of new ideas and future talent. The director has had to make an impossible choice between postdocs and programs. Second, the neutron diffraction facilities of this nation are an open scandal. The world's greatest scientists in this field have been for a couple of years completely devoid of facilities on which to work, facilities which even before that had not been upgraded for two decades. This is one of the most important single instruments for work in fundamental materials science.

A third field where one is seeing laboratory after laboratory drop out of the fundamental scientific race is superconductivity. Both governmental and industrial funding have been concentrated on short-term payoffs and purely technical goals; cook book science, mixing and baking and producing technically useful but scientifically uninteresting thin films and ceramics. The amount of money being spent on the large single crystals, special dopants, and careful measurements necessary to make scientific progress has contracted sharply; I would estimate that the total result of the fervor over high T, has been simply transfer of personnel from other useful fields, and the same people are in general working with less support than they had 5 years ago. Frankly, I think we in this country are saved in this as a scientific field only by the inability of the Japanese and the Germans to develop really innovative, original theoretical scientists; in the technology we are perhaps even worse off. Here the recent moves toward a really hefty materials initiative by the administration are much to be welcomed, but I hope the money will be spent wisely with an eye to the importance of fundamental science as well as technology as e.g., some should go to neutron diffraction.

(4) The fourth question doesn't need much more said by me. Since particle physics is such a narrow, inbred field, it is easy for them to create an external appearance of unanimity of goals. I do not believe that the community in its private thoughts really believes that a crash program on the SSC is necessarily the best next step. Upgrades on both CERN and FERMILAB are in the cards and a relaxed schedule would allow the dollars spent on these less radial steps to pay off in science without seeing ridiculous spectacles such as last year's, of results on Z's from one laboratory obsolete within a few weeks because a second machine came on stream.

Physics prides itself on internationalism; when a field like this one has reached the stage where it can and does bankrupt the scientific budgets of whole countries—as CERN has done to the U.K.—it is clear that rational international cooperation is the only sane response. There are much more sensible ways—or less damaging ones—to assert national chutzpah than to build accelerators in head to head competition with each other, and let the nation's scientific strength languish as a result.

SENATE HEARING ON THE SUPERCONDUCTING SUPER COLLIDER, AUGUST 4, 1993

(Written testimony by Prof. Rustum Roy)

QUALIFICATIONS OF THE WITNESS RUSTUM ROY[1]

Newsweek has accurately described him as "the leading contrarian" among U.S. scientists. The U.S. House of Representatives' Committee on Science, Technology and Research gave him its only standing ovation in 16 years after one of his recent testimonies. He is the only practicing prominent scientist who has studied and written about U.S. science policy from the inside. His criticisms of U.S. policy, regarded as far out a decade ago, are now called "prescient." The September 1992 House Committee Future of Research White paper called his book, Lost at the Frontier (co-author D. Shapley),

[1] Evan Pugh Professor of the Solid State, Professor of Geochemistry, Professor of Science, Technology and Society at The Pennsylvania State University. Address: 102 Materials Research Laboratory, The Pennsylvania State University, University Park, PA 16802. Tel: 814-865-3411.

". . . perhaps the most comprehensive (albeit controversial) statement of an alternative policy . . ."

Rustum Roy is among the two or three leading materials scientists in the U.S. Author of some 600 papers with major contributions to real science from diamond films to glass ceramics to sol-gel technology and noncomposites. He is the senior-most member in the National Academy specializing in ceramic materials—one of the hottest fields in real science; he is a foreign member of the Swedish, Japanese and Indian national Academies. In 1993 he was inducted into the Hall of Fame of U.S. Engineers (an honor shared by only 41 others in 100 years) by the American Society for Engineering Education.

THE SCIENTISTS' CASE AGAINST THE SUPERCOLLIDER

Summary

There are three overriding reasons why the SSC should not be funded now, and by the U.S. alone. First, it takes away resources from other sciences, relevant to jobs and industry. Second, it distracts the nation and its scientists from urgent national priorities. Third, it is not particularly urgent science and it could wait for a decade with no loss to science or the nation, for implementation by an international body.

What is the Congress Funding if it Funds the SSC? Not U.S. Science

I speak for the 98% of American scientists who in the Sigma XI survey refused to give any priority for public funds for the SSC. We represent the real science, the public has always believed it is supporting, as distinct from the speculative, abstract science of the SSC.

The Congress has never heard from any scientist from electrical engineering, biology, theoretical chemistry or environmental science supporting the SSC. Yet the witnesses who testify for the supecollider should clearly be recognized as a tiny subset, within physics, which represents a very modest fraction of the American scientific community.

Separating the Two Kinds of Science

There are two kinds of science:

(a) Real science done by the vest majority of scientists in university, industry and government laboratories with which humans and society are in daily contact, which can be confirmed in 1,000 labs (and used) worldwide. This includes not only the enormous benefits of modern electronics, medicine and agriculture but also the great principles and generalizations of science mostly derived through observations in the world of technology and daily experience. They include a range of topics from the laws of motion, to $E=mc^2$ to quantum mechanics.

(b) Speculative science which cannot be tested by laboratory experiments, and about which speculations can go on forever, without any conceivable impact on humans or society. Modern astronomy and particle physics are the most obvious examples. The SSC is a typical example of a machine to do "speculative science." Is it, therefore, very much in the interests of the latter group to either pretend that their speculations are real, or to try to pass themselves off as real scientists: the Jacob and Esan gambit.

In science policy we judge the importance of a field or discovery by quantifying the impact it has first on neighboring fields of science. By this "Weinberg Criterion," named after Alvin Weinberg, founding Director of Oak Ridge, the SSC even if successful would rank very, very low.

Nothing the speculative science the SSC can discover can ever have any impact on chemistry, biology, engineering science, materials, agriculture. Indeed it is becoming obvious that our real sciences are the truly basic sciences because such science impacts particle physics very directly.

Fooling the Public

For the last forty years, partly unconsciously and recently more purposively, parts of the scientific community have worked very hard to blur the distinction between these two very very different kinds of "science." For good reason.

While the USA was the wealthiest country in the world with a growing economy no one really cared about the different ways in which we wasted our money. As that situation has changed dramatically and everyone is searching for ways to trim spending, those who do "speculative" science have realized that their forty years of wine and roses are coming to an end. Put in political terms these "welfare queens in white coats" are trying every trick in the book to hang on to their entitlements.

Vast Majority of Scientists Oppose the Supercollider

The facts, well shielded from the public till now, are that a huge majority of scientists including prominent Nobel prize winners in physics (and, of course, in other equally important fields) oppose the supercollider. Sigma Xi, the Research Society of America, made the only known survey ever of the priorities which a representative sample of American scientists would give to various major areas. The SSC came in last with less than three percent, yes, only about two percent supporting it. Large numbers of scientists from a wide variety of disciplines oppose the SSC and all Big Science projects. But the most telling are the many criticisms by leading physicists themselves, recounted below, together with the views of influential Congresspersons.

The Department of Energy regularly publishes the most exaggerated claims regarding the possible spinoffs from the SSC, from improving health to science education. This rebuttal of such claims by A. Penzias, Vice President of Bell Laboratories, a physics Nobel prize winner, was made years ago:

"I think there has been a fallacious connection made between the present state of particle physics and quantum mechanics. People will say, in the 1930s, who knew that quantum mechanics was going to be good for anything?

"The difference is that in the 1930s, as it was even in the days of the caveman, quantum mechanics applied to everyday experience. You have to do nothing more than urinate into a fire to cause a quantum mechanical effect. There are transitions in salt whose energy-level-difference laws are set by quantum mechanics which say that excited salt atoms are yellow . . . That's quantum mechanics, but it deals with a world which is accessible to us in our everyday experience.

"Therefore, let us not pretend that what we experiment [with in particle physics] is, in fact, going to illuminate what happens in that part of he arena of our knowledge and experience that's useful for us."

Recently, these claims have become so ridiculous that the highest-level members of the physics community and the Congress have both strongly objected to the exaggerations.

Quotations in the scientific press give the flavor of the controversy which is still kept as tightly controlled as possible:

"The dispute, which flared behind the sciences and in congressional testimony, began with DOE claims such as: 'Already, high-energy physics related to the SSC has had industrial applications in MRI and other technologies.' Nicholaas Bloembergen, a Nobel Prize-winning pioneer in the development of MRI, said, 'I can assure you that these are spinoffs of small-scale science and not of the SSC.'

"Later . . . Bloembergen re-entered the fray. In a fiery letter he said, 'MRI would be live and well today, even if Fermilab had never existed,' thundered Bloembergen.

"Congressman D. Eckart ridiculed the DOE's claims in laypersons' language:

"We have heard proponents tell us that the Superconducting SuperCollider will cure everything except the heartbreak of psoriasis. (A derisive reference to an obviously exaggerated television commercial.) The fact of the matter is that the [SSC] will not make one person well in this country."

Then Professor Philip Anderson of Princeton University, another Nobel Prize physicist, opened his testimony to Congress last July with a very clear definitive statement on the key questions thus:

(1) Is the SSC doing the most important, or the only, really fundamental research in the physical sciences?

I believe the answer is no.

(2) Will the research done by the SSC have any direct relevance to society or to the ostensible mission of the Department of Energy, namely to conserve and contribute to the nation's energy supply?

The answer is no; even its spinoff effect will be negligible.

(3) Are there worthwhile research institutions and projects which are being neglected and starved for money while the SSC is liberally funded?

The answer is yes, very many.

(4) Is the SSC so urgent that we have to go ahead with it at any cost?

Obviously not.

Damage to Important U.S. R/D

Coming on the heels of the analysis by Congress' own Office of Technology Assessment which shows how seriously small science would be hurt with only modest budget increases, this would appear to doom the SSC in the next year or two. Given the continuing decline in the U.S. economy, the possibility of large increases for all of science certainly appears remote. Given the budget agreement, there can be no illusions but that the rest of U.S. science, including that which is done in industry, will be seriously adversely affected by funding the SSC. The fate of the SSC seems to be running parallel to the ill-fated Clinch River Breeder Reactor, finally killed off by Congress after years and years of uncertainty and a waste of hundreds of millions of dollars.

Damage to Relations With Japan and the International Option

Can anyone seriously doubt in 1993 that ALL Big Science will in the future be done internationally. Why should the U.S. in its weakened economic posture commit itself against this unstoppable historical trend?

If by any incredible means this administration were to force the Japanese government by political pressure to provide $1B+ for the SSC against the strong (unanimous) deliberated consensus of Japanese scientists and engineers, we will have made enemies for all the rest of the U.S. R/D community. Every U.S. R/D policy maker should ask herself or himself that: How would U.S. engineers and scientists feel, if after all our committees had voted against, foreign politicians saddled us with it.

The rest of the world stands ready to cooperate and fund joint R/D in a dozen Big Science fields. The U.S. should cancel the SSC and move to lead this internationalization of Big Science.

AMHERST, MA,
June 4, 1993.

Representative SHERWOOD BOEHLERT,
Longworth House Office Building, Washington, DC.

DEAR SHERWOOD: After several years of intermittent correspondence I hope that you don't mind the first name. Though now pretty well established in western Massachusetts it's not exactly retirement; I'm active at the University of Massachusetts and keep some tabs on goings on in Washington on matters of science policy, among them the SSC. So have heard part of the news about the House S&T Committee hearings last week. The show goes on, and I for one am glad to see that you are keeping up the pressure. For a change, the committee heard testimony from other than hand picked proponents of the SSC. Schrieffer and Geballe are as good as they come, and I'm sure that they gave you a straight story (wish I'd been there). Anyhow the reports I read led me to do one more retrospective of SSC key points as they seem to me at this writing:

(1) The objective of the SSC remains, to address a pure science issue in particle physics, but there is no guarantee of success even if the machine is built. Nor will it give a "final theory" that will modify much of the rest of science. There are many other scientific frontiers, at least as or more important in the larger scheme of things. There is no argument about the fact that scientifically, if successful, it would be a remarkable achievement.

(2) One cannot hide the facts that the promoters of the SSC made claims for technological and societal benefits which were entirely unjustified, and that when real contributions credited to physics were cited they did not derive from particle physics but were the work of others (not credited). The public and Congress has been consistently manipulated. Professor Geballe and an associate, Dr. John Rowell, have documented the history at length in a letter to Science, vol. 259, 1237 (1993). Congress is told by its advocates that the SSC has wide support among physicists, but that simply isn't so; how can such a group of trained lawyers accept such hearsay?

(3) The most important reason the present SSC project should be reconsidered is that we can't afford it. Almost as important a point, not unrelated, is that a project of this magnitude should be a joint international one. In my opinion it is still not too late to develop a new plan in that vein, and to make joint funding the litmus test for continuing on any version.

(4) I have another concern, about the incorrect impressions that have apparently developed among the stronger proponents of the SSC among Congress. Take George Brown, for example. He seems to believe that wartime work in nuclear physics and particle physics spun off the science base from which electronics, computers, medical diagnostics, and most of today's high tech industries were born; that view is simply not well informed. If anything, it was the small science research at the MIT Radiation Laboratory, on radar, that set the stage for today's high tech industry. And it remains that small science is the true source of most societal benefits from physics.

It was good to hear that in your presentation to the committee you stressed this fact; it can bear repeating whenever the occasion arises.

What is even stranger to me is how, again taking George Brown as an example, some of your colleagues are arguing for societal or policy relevant science on the one hand, and at the very same time argue to place the major funding for physics in a project like the SSC, with the least possible societal or technological benefits to be expected. There are many facets of these questions, but consistency does not seem to be one of them.

I seem to have run on at some length; the topic has that effect. In rereading what is written above, there is a real sense of deja vu about the whole thing. Indeed, just for kicks I enclose a copy of my first letter to Congress on this topic, to Congressman Roe, Feb. 20, 1987, and my Testimony April 7, 1987. So what's new?

Anyhow, I encourage you to continue as you can in your crusade. It is in the country's best interests if it can lead to a better balance in the investment in science.

Sincerely yours,

JAMES R. KRUMHANSL.

JULY 28, 1992.

Hon. DALE BUMPERS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: I am writing to express my opinion regarding the continuance of the present Supercollider project. I emphasize that I am not speaking for any organization. However, since I have been involved in many aspects of physics and other sciences in my career (Biography enclosed) and have given considerable thought to this issue, I have been urged to provide you at this time with some material which I have already sent to Congressman Boehlert, as well as others.

It is my position that work on the present Supercollider project, as well as the detectors which are being built in anticipation of this (yet uncertain) machine, should be brought to a halt. If this is done, it is reasonable in due course to consider a joint, international proposal involving the European, Japanese, and U.S. scientists from the outset, afresh. There is simply no present reason, either scientifically or for any other national priority to make this either an urgent or purely domestic project. I suggest that several points are relevant in support of my position; these are not entirely what Congress and the public hear, generally speaking. The appended documentation provides further background. Similar opinions are held by many.

U.S. leadership in "science" simply does not depend on the SSC, or even on particle physics. Whether a successful accelerator to detect the Higgs particle is made here or elsewhere, or twenty years from now, it will have little effect on science in the large. (Indeed, particle physics has made no significant contribution to the understanding of Superconductivity; it is only a "user".)

The SSC can make only insignificant contributions to technology or economic superiority, at best.

It is claimed that the SSC has the wide support of the physics community. This is far from true. In the first place the subfield of particle physics constitutes only about 10% of the activity in physics (enclosed is a bar graph profile by subfields). The advocates are largely in that subfield. Secondly, the SSC is certainly not the highest priority in physics overall; this is clear from an official statement by the Council of the American Physical Society. January 20, 1991 (enclosed).

It is remarkable, in my view, that a body of congressional members, some trained in investigative law, do not seem to have taken even simple steps to check some of the assertions which have been made, such as independent sample polling of the membership of the Physics societies, or other scientific, engineering, or technological/industrial groups. Instead the witnesses (for the most part) have been carefully selected, particularly in the Senate, to be largely among the promoters of the SSC.

The societal and technological claims for the SSC have been grossly exaggerated or misrepresented; the public is being seriously misled. The recent statements by Professors Geballe, and Schrieffer to the House Science Committee, as well as the recent letter by Geballe, and Dr. John Rowell to Science Magazine (enclosed), should certainly be brought into the Senate discussions.

These and a number of other factors lead me ever more strongly as time goes on to believe that a halt should be called. I want to emphasize that I agree that the scientific objectives in particle physics are important, but in the larger scheme of physics and science the answers will be far from providing a "final theory" except in a narrow subfield. Collectively, our other endeavors certainly have higher priority, on any basis.

Finally, I suggest that there would be much value to a fresh start, with a clean slate. There would be time to understand how a proposed $4 B project has already climbed to $11 (+??, construction only). There would be time to give a fair review to the questions now being asked about the SSC management structure, and to develop a less ad hoc procedure for future large projects. There would be time to sort out for the public what the real (honest!) expectations of benefits are. And, not the least, by broadening the base of scientific expertise to the international level, to consider a new program, there would be a more critical, extensive, and less partial review of the scientific and technological design issues and uncertainties which are currently known. I am sure that the research and design experience so far, both at the SSC and CERN, will be of some use in a future program, and not really lost.

I hope that these comments will be of use to you. It is not easy for me to oppose a project deemed so important by friends of many years. However, I have come to the conclusion that physics, science, as well as the public interest, in general, will be best served by terminating the present SSC project. When the time comes, a truly international project in this one subfield, widely reviewed, and whose societal role is clearly understood and realistically represented, would be far better for all.

I will be on extended travel beginning this Friday, July 30, until September 13. Please feel free to use this letter and any of the appended material as you see fit.

Sincerely yours,

JAMES A. KRUMHANSL,
Adjunct Professor, University of Massachusetts; Horace M. White Professor of Physics, Emeritus, Cornell University; Past President, American Physical Society; Jimmy Carter Appointee, National Science Foundation 1977–79.

THE SUPERCONDUCTING SUPER COLLIDER—ONE PERSPECTIVE, MAY 1991

(By James A. Krumhansl)

The SSC is to be a machine for doing basic research in elementary particle physics.

What is elementary particle physics? It is one subfield of abut 20 in physics, comprising

about 12% of physics research activity measured by numbers of participants. It concerns itself scientifically with whether there are unifying laws of the forces of nature at the extreme subatomic scale.

What is particular about the SSC? It is a machine designed to accelerate particles to collide with 40 trillion electron volts of Energy, about ten times that of current accelerators. It is to be noted that this energy is about 100 trillion times removed from any chemical, biological, electronic, or engineering application. It is for experiments in the pure science of elementary particle physics.

What would be the benefits from the SSC? If successful it would allow the U.S. to remain at the forefront of the particle physics subfield of physics, and bring prestige to American science in that respect. It might answer questions about the unifying laws; other machines might also.

What would not benefit from the SSC? The effect of the SSC on U.S. technology or economic competitiveness would be insignificant, in spite of persistent claims to that effect [e.g. W. Henson Moore to Senate Energy Research and Development Subcommittee, April 16, 1991]. These claims are either gross exaggerations or quote accomplishments from other subfields of physics without attribution. Because of the very high energy of the phenomena to be studied, the results would benefit only a few other areas of science, e.g. astrophysics. To repeat for emphasis, this project is scientifically important, as pure research simply. That should be clearly understood.

What priority does the SSC have in physics overall? In January 1991 the American Physical Society (APS) made a formal statement on this question, which is appended. There, the support of the individual investigator has the clear priority; the SSC should be built in timely fashion . . . but not at the expense of broadly based research in physics. Therefore the matter of available total funding for physics becomes of the essence, a decision beyond the purview of the scientific community. Events since the original proposal in 1987 show that there is a high degree of uncertainty in what the SSC program will cost in total, accelerator plus detectors and auxiliary equipment; this complicates the funding decision further. Experience shows that in nearly all large projects, not just the SSC, projected costs are underestimates. Substantial international fiscal participation is very unlikely. Realism is called for.

A personal view in summary: Congress has not been well informed on Physics overall; the committee hearing process, with testimony from diverse agencies or protagonists, has come to be an episodal series of pleadings for particular interests and projects, and many other opportunities are not heard of. This simply does not lead to the perspective that is needed for priority decisions. But an overall perspective of physics can be obtained (perhaps only) from the American Physical Society's Planning Committee and its Panel on Public Affairs. The President's Science Advisor might well provide one overview, but it is not clear that the priorities in the President's budget are agreed upon in the science community. Nevertheless, in my opinion a reasonable survey of the whole of physics can be obtained rather expeditiously. It is of the utmost importance that Congress be aware of the important scientific and technological opportunities in all the subfields. A realistic understanding of the needed funding may then be achieved, related to priority choices.

Within the APS there have been numerous discussions of these matters. To build the SSC, and to fund the rest of physics so that it may achieve the scientific, educational, and application goals which are called for, will surely require doubling the total support of physics research, from about $1.3B today to $2.5B in the near future (current dollars). A large fraction of the increase is to build the SSC. I firmly believe that proceeding with the SSC, short of sufficient total, balanced funding in physics would do serious damage, even to related sciences and technology, and the SSC would fall short of its goals. The alternative is to readdress the directions for particle physics without the SSC, especially on a joint international basis; that deserves prompt, serious consideration.

JAMES A. KRUMHANSL, BIOGRAPHICAL INFORMATION

James A. Krumhansl was born in Cleveland, Ohio in 1919. He received degrees in electrical engineering at Dayton (B.S. 1939), physics and electrical communications at Case (M.S. 1940), and theoretical physics at Cornell (Ph.D. 1943). He has a D.Sc (Hon.) from Case-Western Reserve. During World War II he worked at Cornell and Stromberg Carlson on microwave systems and communication theory. In 1946 he was appointed jointly to physics and applied mathematics at Brown University. In 1948 he returned to Cornell; he has served in the development and as Director of the Laboratory of Atomic and Solid State Physics and in 1980 he became Horace M. White Professor of Physics. His research topics have included communication systems, applied mathematics, condensed matter physics theory, materials science, nonlinear science, nondestructive evaluation, composite materials, and molecular biophysics. He retired academically at Cornell in 1990, and continues research there as well as at the University of Massachusetts, Amherst where he is Adjunct Professor.

He has had industrial experience at Stromberg-Carlson (1943–45), as associate director of research of National Carbon Co., Union Carbide Corporation (1954–59), as consultant or visiting scientist to many industries, and as a Director of Allied Corporation (1980–1987).

He served under Jimmy Carter as presidential appointee to the National Science Foundation (1977–79) there as Assistant Director of Physical Sciences, Engineering, and Mathematics; also other government advisory committees, the Solid State Sciences Panel, and in the formation of and as chairman of the Materials Research Council of DARPA.

He has served the American Physical Society in many capacities, as President in 1989, as well as the American Institute of Physics on the Governing Board, and in several other roles.

He has been editor of Journal of Applied Physics and Physical Review Letters, associate editor of Reviews of Modern Physics, Solid State Communications, and Oxford Monographs in Physics.

He is a Fellow of the American Physical Society, of the American Association for Advancement of Science, and a Consulting Fellow of Los Alamos National Laboratory. He has been a Guggenheim Fellow, National Science Foundation Sr. Postdoctoral Fellow, Fulbright Lecturer, a visiting fellow of University College and of All Souls College, Oxford, of Gonville and Caius College, Cambridge, and a Royal Society of London visiting fellow.

His present research deals with the use of concepts in nonlinear science to discuss structural and dynamical phenomena in materials science, biomolecular physics, and astrophysics, in regard particularly to how localized structural conformations determine significant large scale behavior. He maintains an interest in science policy.

He resides with his wife Marilyn in Amherst, Massachusetts, where he continues his interests in extended family, science, winter sports, and cooking.

[From Science, Feb. 26, 1993]

FUNDING THE SSC

The discussion during 1992 about whether or not to continue funding the Superconducting Super Collider (SSC) was hardly an example of scientific clarity and accuracy. At least five arguments that were made for proceeding with the SSC deserve more careful scrutiny.

First, the argument was made that it is necessary for the United States to fund the SSC for the sake of national pride. This attitude now seems quaintly anachronistic. In 1992 both Corning and AT&T signed agreements with groups in Russia to carry out collaborative research in optoelectronics, while IBM, Toshiba, and Siemens signed an agreement to mutually develop the next generation of silicon memory chips. These high-technology fields are more relevant to national competitiveness than owning the highest energy accelerator. These corporations have faced the reality of a global economy and have realized that products requiring billion-dollar research investments can no longer be created alone, just for the sake of corporate or national pride. Perhaps it is time for the high-energy research community in the United States to join a global research community in the work that will be possible on CERN's (the European Organization for Nuclear Research's) new accelerator. Once the limits of that machine are exhausted, the community could then more sensibly argue for another that would represent an advance in global rather than national capability.

Second, arguments were made to imply that the high-energy experiments of the SSC are uniquely important. The SSC is indeed a worthy experiment that should be justified on the basis of its scientific merit because extending the frontiers of knowledge is a worthy challenge. However, this challenge is real for all fields of science and is not exclusive to high-energy physics. It is not possible to judge the intrinsic worthiness of important experiments in different fields of science. It is fruitless, for example, to compare the importance of finding out more about the origin of the universe with that of finding out more about the origin of life. The most important experiments in particle physics deserve support because they are likely to provide new understanding of the structure of the universe, but they are not necessarily the most important experiments in physics, chemistry, or biology.

Third, it has been said that, "[i]n the SSC we will gain experience with the first large-scale use of superconductivity. The SSC will transform superconductivity from a craft to an industrial capability" (1). The requirement for a large number of superconducting magnets for the SSC will be an anomalous market demand of relatively short duration. The superconducting industry has been built around today's products, such as magnets for magnetic resonance imaging (MRI) machines. In 1992, approximately 1100 such MRI systems were sold, each containing 20 to 40 miles of superconducting wire and representing a total revenue of $1.6 to $1.8 billion. The

scientific discoveries that made such magnets possible were made during benchtop experiments in 1911 and the late 1950s and early 1960s.

The applications that will result from the SSC, quoted by Watkins (1)—maglev trains, ship propulsion, energy storage magnets, power transmission cables, motors, and generators—could be built quite adequately with today's technology. Some were built as prototypes a decade ago. The lack of widespread use of such products is not a result of unavailable technology but of inadequate market demand. The SSC will not suddenly create such a civilian market demand. The SSC will do nothing to enhance the nation's capability to make use of the new superconducting materials that were discovered in 1986. These would allow commercial systems to operate at higher temperatures (possibly cooled with liquid nitrogen rather than helium), which is a factor that would likely change their acceptance in the marketplace.

Fourth, the impression has been created that support from the scientific community for the SSC was "overwhelming." Despite the roughly 2000 signatures collected in support of the SSC, there was strong opposition to it across some parts of that community, particularly among the condensed matter scientists who make up the largest division of the American Physical Society.

Fifth, the impact of SSC expenditures (about $10 billion to construct and $1 billion a year for interest and operation) on other high-energy experiments and on other fields of science should have more carefully evaluated. The budget in the United States for the operation of high-energy experiments is about $630 million a year. Even allowing for the possibility of a 50% increase in funding for high-energy physics over the next decade, operation of the SSC would seem to consume all of the extrapolated annual budgets for high-energy research at universities ($100 million), Brookhaven National Laboratory ($90 million), Fermilab ($225 million), and the Stanford Linear Accelerator Center ($140 million). The net economic effect of funding the SSC is quite likely to be negative, in that money might be reduced in fields other than high-energy physics that have more consistently produced new and valuable spin-off technologies.

T.H. GEBALLE,
Department of Applied Physics, Stanford University,
J.M. ROWELL,
Conductus, Inc., Sunnyvale, CA.

REFERENCES

1. J. Watkins, Washington Post, 21 July 1992, p. A19.

[From Physics Today, July 1993]

SSC: OF FINANCES AND FUNDAMENTALITY

Five hundred years after Copernicus directed our view away from the Earth and toward the larger universe, it seems that certain physicists still feel that they are the center of the universe. The letter to members of Congress urging the approval of funds for the Superconducting Super Collider (see Physics Today, August 1992, page 59) is hardly a testimony to the broad-mindedness of physicists.

The authors of that letter wrote, "The approval of the SSC project in 1990 was widely acclaimed as our nation's firm commitment to be a leader in this scientific age." As a physicist working in a biological science environment, I can assure you that not every scientist, nor for that matter every other citizen, believes that spending tens of billions of dollars on this project is the sine qua non of American scientific commitment. In essence, every man, woman and child in the US is being asked to donate $30 (for construction alone) to the SSC. I hope that every physicist supporting the SSC is equally generous with his or her own money when environmental, religious or lobbying organizations come to the door asking for donations.

Although what I have to say has been said before, I would like to indicate a few reasons why I, and perhaps others, have trouble supporting the SSC given the financial situation of the country, even though I find the physics exciting and fascinating:

Other than scientists working on the space station, every scientist can look at the SSC and ask, "Why do they deserve so much money?" As a researcher in radiation physics, I see the NIH budget supporting research in radiation oncology (medicine and physics together) at $16 million in 1990, and I marvel at the hundreds of millions being spent for the SSC detectors alone.

The SSC is not being supported for the right reasons. The physicists in the project fully appreciate why the SSC should be built, but society at large does not. The arguments in Congress in support of it included incredible claims of "a cure for cancer" and so on. As numerous reports have noted, many in Congress view it solely as a gigantic public works project. Aren't there other areas in society that could benefit from an enormous public works project?

The costs are delusionary. Even if it is built at or near cost, the operating costs will eat up public spending (and maybe general scientific budgets as well) for decades. DOE continually fights to find money to operate machines that it had no trouble building. I have seen two accelerators closed at Lawrence Berkeley Laboratory because of financial expediency. Both were used for medical research, and I can provide hundreds of cases of people cured of potentially fatal conditions who would not have been treated without such Federally funded accelerators. Why does the SSC deserve its money and not those accelerators?

Any such huge project inevitably wastes money. Even if there is perfect administration and accountability, large sums of money will go to very, very indirect purposes. During the design stage of the SSC at LBL, it was necessary to hire a full-time travel agent to make travel plans for the participants. What researcher can't imagine a more direct use of that salary, not to mention airfare?

The letter states that the SSC has "galvanized many foreign countries to follow us and collaborate." It seems to me that this is just untrue. Besides India, what other country has so far felt it worthwhile to participate in the SSC as a full partner?

Without my livelihood at stake, I am not likely to organize a large protest against the SSC. I merely wish to inform those who do support it that there are many people who are pro-science who, for a wide range of good reasons, do not believe that now is the time to fund such a project. Perhaps in five or ten years, the time will be ripe for a truly international collaboration on what is surely the single most expensive scientific enterprise in history.

MARK PHILLIPS,
University of Washington Medical Center.

I write in response to the many news stories in Physics Today and other periodicals concerning the fate of the Superconducting Super Collider. Although the US government might feel that limiting funds for research and reallocating the money to domestic affairs will relieve economic hardships, this path will only bring temporary gratification instead of scientific and technological breakthroughs that bring long-term benefits to humankind.

Throughout the 20th century, during both booms and busts in the economic cycle, science and technology never came to a standstill. In the midst of the Great Depression, Ernest Lawrence devised the cyclotron. At the same time, in economically afflicted Great Britain, James Chadwick was researching the neutron. Continual scientific research should also be the practice in the 1990s. Though the House of Representatives did designate $517 million in the 1993 fiscal year to the SSC, that amount of money is substandard, given the importance of the project to the future of high-energy physics.

The US government should be proud that the SSC is located in the United States, providing both new jobs and international prestige. As the APS executive board said in its statement of 26 June 1992 (see Physics Today, August 1992, page 58), "cancellation of such a highly visible project would send a message to the world that the United States is relinquishing its long-standing commitment to fundamental scientific research" I believe that the same logic applies to the full funding of the project. The government should not let such a significant enterprise dwindle in either construction or operation. The world harbors such a multitude of mysteries that delaying scientific progress because of lack of governmental funding disgraces mankind's quest to solve those mysteries.

LISA K. RAMOND
Duke University.

I find Physics Today's reporting on the funding of the Superconducting Super Collider disingenuous to say the least. In at least a half-dozen places, the news story in the August 1992 issue (page 58) equates or quotes various bodies equating the "commitment to fundamental scientific research" with commitment to funding the SSC.

Let us analyze this equation. It is on the face of it incorrect, since, first, fundamental scientific research is much, much broader, and one may well be committed to that goal and yet ignore or neglect the SSC. Next, can someone provide the criteria by which we decide which science is more fundamental than another? If particle physicists do not wish to abandon the English language, they must show how TeV particle physics provides the fundament—the base—for other fields. Applying the Alvin Weinberg criterion—what impact does the field have on neighboring fields?—puts TeV particle physics at the very bottom of the class among fundamental sciences. The basic parts of medicine, biology, Earth science, chemistry and materials science have not, cannot and will not be affected one iota by whatever comes out of the SSC and its relatives of the last few decades. Amazingly enough, nor will 95% of physics. How can we test this? Easy. Use the Institute for Scientific Information computers to list the papers coming from those sources (on Higgs bosons, various quarks and so on) and how often they are cited in any of the above fields. Even the most esoteric theoretical corner of condensed matter physics rarely encounters the particle physicist's TeV realm. Indeed, it is clear that chemistry, materials science and civil engineering will contribute enormously to TeV particle

physics, since the machine essential to that corner of physics needs the spin-in from many other sciences to even get started.

The claim of special fundamentalness is also, of course, preposterous hubris. I submit that any objective analysis would reveal research areas in a dozen different disciplines that could much better serve as the test for a nation's "commitment to fundamental scientific research." Funding the SSC could result in abandoning fundamental scientific research in many fields and will certainly assure American decline in both science and technology in a dozen different fields of chemistry, biology and materials science. Indeed, it is obvious that funding the SSC is merely funding a public works project. There is absolutely no doubt that the SSC has survived only on its pork-barrel merit, and the scientists who use that route to advance their own tiny corner of science will no doubt rue the day, as the national technological capacity and wealth will slowly wither in their ability to support basic research at all. Only rich countries can afford esoteric research with no purpose connected to the public good.

The smaller, equally fundamental sciences are also quantifiably more meritorious in their value to society. The astonishing fact is that so few among the scientists in those fields have the intellectual fortitude to make their own case for being at least as fundamental as particle physics.

RUSTUM ROY,
Pennsylvania State University.

THE AMERICAN PHYSICAL SOCIETY,
New York, NY, May 21, 1991.

Dr. RICHARD A. CARRIGAN, Jr.,
Head, ORTA
Batavia, IL.

DEAR DR. CARRIGAN: Bob Park sent me a copy of your letter to him dated May 6, 1991, taking him to task in referring to testimony by DOE Deputy Secretary Hanson Moore as ill-advised. Mr. Moore stated "Magnetic Resonance Imaging is a spin-off from the activities of accelerator research done at Fermilab and SSC. When I testified subsequently at the same hearing, I inserted in my oral presentation the following. "As an expert in magnetic resonance I wish to correct a statement in the testimony of the Honorable Mr. Moore. I can state categorically that MRI is not a spin-off from SSC related activities".

For your information I may add that Leon Lederman was seated on my left, as he testified at the same hearing. Leon respected my testimony, as I did his.

From the facts stated in the main body of your letter, the following statement could be derived: "The superconducting wire technology in the U.S. has greatly benefited from the work done by and for Fermilab and SSC. This in turn has improved the equipment used in MRI". The extrapolation of this factually correct statement to the testimony by Mr. Moore that "MRI is a spin-off of Fermilab and SSC" is unwarranted, and indeed ill-advised. It completely ignores the essential contributions by a very large number of physicists who have brought MRI to fruition. MRI would be alive and well today, even if Fermilab had never existed. Superconducting magnets, manufactured, for example, by Oxford Cryogenics, are entirely adequate and used in many MRI installations in Europe and elsewhere.

In the interest of the unity of physics which we all wish to promote, excessive claims by a particular subfield should be avoided. I hope that in the future the technical information that is permitted to filter to the top administrative echelons of DOE is more carefully worded. I ask for your cooperation in this respect.

Sincerely yours,

N. BLOERBERGEN.

SMALL SCIENCE SQUEEZE

If practitioners of "small science" are looking for confirmation of their fear that "big science" is threatening their livelihood, they will find it in a staff memorandum prepared by the Congressional Budget Office (CBO). CBO points out that the three biggest civilian science and technology projects—the space station, the Earth Observing System, and the Superconducting Super Collider—account for two-thirds of the Administration's proposed fiscal year 1993 increase in the budget category known as Function 250, which includes the National Science Foundation, much of the National Aeronautics and Space Administration, and the general science programs of the Department of Energy. What's worse for small science devotees is that this year's proposal may be only the thin end of the wedge. CBO projects that the annual budgetary needs of the three mammoth projects will double between 1992 and 1997—yet the Administration's budget assumes that flat funding for Function 250 beyond 1993. If those projections turn out to be correct—a big if—the result isn't hard to figure: Small science gets squeezed (see chart). Some relief would come from allowing Function 250 to grow. But, as CBO points out, there will be increasing pressure to cut total government spending to hold down the ballooning federal deficit, with the result that "by 1995, the cumulative cuts will be so large that Function 250 is unlikely to escape without any reduction."

VOTE NO FOR THE SSC

(Steven P. Ahlen, Professor of Physics, Boston University, September 24, 1993)

I am an experimental particle physicist and astrophysicist who spent several years working on the SSC. I was a co-leader of groups that designed two of the four baseline detector systems for one of the two approved SSC experiments. I think the physics goals of the SSC are very interesting. But I believe it is unlikely that the SSC will work as advertised. I have seen up close and from a distance too many poorly made and selfishly motivated decisions to have any confidence that the project will come to a successful conclusion under current management, and I am pessimistic that the management can be improved sufficiently in the time remaining. I see no point in continuing to waste half a billion dollars per year. As such, I think that funding for the SSC should be terminated.

Some of my reasons for reaching this conclusion are based on technical details: detectors will probably be more expensive than now thought and will not work nearly as well as planned; calculations used in the design of experiments have been overly optimsitic; the probability of having 10,000 extremely large superconducting magnets working reliably is small; etc.; etc. Some of my reasons are based on my observations of the behavior of those involved with the SSC. I have been ashamed of the dishonesty I have seen in the presentation of the SSC case to the public and to Congress. I think it is a terrible thing that high energy physicists now seem to spend more time attending meetings, and planning political strategies than cultivating the creative process. I have even come to believe that large projects like the SSC may be detrimental to the advancement of science and technology and to the training of young minds (probably the most valuable benefit to be derived from scientific research).

But one does not have to be a physicist who has worked on the supercollider project to appreciate the difficult future facing the SSC. Consider for example, the following exhibits which illustrate the points made above:

Exhibit 1: In 1982, the High Energy Physics Advisory Panel recommended to the Department of Energy that construction of the Colliding Beam Accelerator at Brookhaven National Laboratory be stopped so that the major effort of the United States high energy physics research program could focus on the construction of SSC. The estimated cost of the SSC was placed at $2 billion at the time. Since then the cost has increased steadily at the rate of about $1 billion per year to over $10 billion, with no end in sight, and with the SSC completion date now assumed to be no sooner than 10 years from now. Simple extrapolation suggests a final cost of perhaps $20 billion or more.

Exhibit 2: It was recognized by the SSC management in 1990 that the design of the SSC magnets was inadequate, and that reduction of the beam energy from 20 trillion electron volts (20 TeV) to below 15 TeV would be required unless the cost of the SSC were increased by a few billion dollars. It was claimed that the physics goals could not be achieved at the lower energy. So the cost was increased dramatically to maintain the energy. Yet, in 1992, three detailed and credible proposals were submitted for experiments at Europe's Large Hadron Collider (LHB), to pursue the same goals as the SSC, at an energy of only 8 TeV per beam.

Exhibit 3: Since the SSC was approved by President Reagan in 1987, Congress has been repeatedly assured that ⅓ of the cost of the SSC would come from non-federal funds, mainly from foreign collaborators. As of this late date no foreign contributions have been committed. Yet, in 1991, Roy Schwitters, the Director of the SSC Lab, rejected the L* ("L-Star") experiment in spite of its approval by the Program Advisory Committee of the SSC, and in spite of its having strong backing from large scientific groups from Switzerland, Germany, Italy, Russia and China. Subsequently, the SSC Lab management orchestrated the replacement of L* by the GEM experiment, with the same design as L*, but without $300 million of foreign contributions that were expected for L*, and without the more experienced and competent leadership of the L* group.

Exhibit 4: Quoting from statements made by Senator J. Bennett Johnston on August 3, 1992 during debate in the Senate on the SSC: ". . . information that will come from the superconducting super collider on particles and forces . . . is essential to the understanding of astrophysics . . . 80% of matter out there in space which the scientists call dark matter cannot be understood without an understanding of the elementary particles and forces that make up nature . . ." Yet it was reported quite recently (see the article in the New York Times on September 21, 1993) by two independent groups of astronomers that significant amounts of dark matter have been identified and found to consist of stars too small (about 1/10 the mass of our sun) to emit light, not the sort of thing to be discovered at the SSC.

Exhibit 5: The question of using the newly discovered high temperature (high-T_c) superconductors for the magnets of the SSC was considered briefly in 1987. Such devices would be much less expensive to operate

than conventional superconducting magnets, since the former would require temperature no lower than could be provided with liquid nitrogen, which is much easier to use and much less expensive than the liquid helium required for normal superconductors. This option was rejected because it was felt that it would take 20 to 25 years for large magnet applicants to be developed for the high-T_c materials. Yet, just six years after that, it has been reported (as I learned in a Physics Department Colloquium at Boston University on September 22, 1993) that the key problem standing in the way of the use of the high-T_c materials has been solved, possibly enabling the construction of high-T_c magnets to produce large magnetic fields.

I think the discoveries of the last two exhibits are particularly instructive. A strong case can be made that, if they stand up to the close scrutiny they will get over the next few months, each is of at least as much importance as the kind of physics that would emerge from the SSC. Yet each was carried out with relatively little fanfare, and at very small cost compared to the SSC. It is ironic to note that the technological achievement of exhibit 5 would have been a marvelous example of the kind of useful spin-offs that would derive from the SSC program (such as are often touted by SSC proponents), if its pursuit had not in fact been rejected by those seeking funding for the SSC.

Neither science nor particle physics will suffer a sudden death if the SSC is terminated. There are many other equally important things that could be done by American particle physicists at much less cost: discover the "top quark" at Fermilab; continue to search for the Higgs boson at the LEP collider at CERN; collaborate on the LHC collider in Europe; attempt to answer the question why the universe seems to have more matter than antimatter with the proposed "B Factories;" and so on. I like to think that if the SSC were terminated, a truly international collaboration would evolve to carry out a similar project somewhere in the future, at the right time, with the right technologies, and with the right spirit.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator has taken the better part of an hour, for which I do not begrudge him, but I wonder if we are ready now to talk about a unanimous-consent request.

If the Senator would be willing to allow, say, 3 hours and 10 minutes—give us 1 hour and 40 minutes, and the Senator from Arkansas an hour and 30 minutes, and that way the vote would occur at 7:30—I really believe we could get this matter out the way.

Mr. BUMPERS. Mr. President, I say to the Senator, if you do not mind withholding that, we have eight Senators on our list, all of whom are asking for at least 10 minutes. So if you do not mind, let us withhold that until we get rid of two or three of these. Could we do that? I think we can vote by 7:30.

Mr. JOHNSTON. Hopefully, if we are going to go late in the night, we could have a little window so we have time for a sandwich, at least.

Mr. BUMPERS. They do not need a window. They get paid well here. They need to sit on the floor and listen to the debate.

Mr. JOHNSTON. Mr. President, first of all, I would like to address the narrow question of whether the scientific community supports this project.

Mr. President, let me say, with all the conviction that I have—and I would stake my reputation, such as it is, on this statement—the scientific community supports this project.

The Senator made statements yesterday in the caucus and again here on the floor as if the vast majority of the scientific community does not support the project, and read from Sigma Xi, a scientific research society, as saying only 2 percent support this project. Not so, Mr. President. I read from what Sigma Xi said and what its significance was. And they did not say that at all.

As Sigma Xi itself stated, it is not statistically valid. The data collected is representative of only those who responded. Those who responded are in other fields. And the question was not whether the SSC is important, but what do you think is the most important. And, not surprisingly, they answered that their field was the most important. And that is all it meant.

They go on to say that the data cannot be construed to represent the opinions, experience, or position of Sigma Xi members. The data reflects only the views and experience of the 3,300 respondents. That is what they said, and that is in the RECORD. And I invite Senators to see that.

Mr. President, before the committee, we did not want to have, you know, a war of who could produce the most experts, because we could have been there for months.

But the Senator from Arkansas requested and received his top expert, Dr. Philip Anderson, who came and testified.

Mr. President, the top scientist, produced on behalf of the Senator from Arkansas, said, among other things, and I am quoting—and this is testimony before the joint hearing held on August 4, 1993. He stated as follows: "On the scientific soundness, I agree with almost all of what Steve"—that is Dr. Steve Weinberg, Nobel Laureate—"has said."

He agrees with everything he says, or almost all of what he says on the science.

I well understand that the questions that the SSC is designed to answer are deep, fundamental, and interesting, and also that if the scientists were allowed to carry out their job without interference they would probably do so efficiently.

He goes on to say:

The point of my testimony is that of priorities.

He is a solid-state physicist. He put higher priorities elsewhere.

But, Mr. President, that is hardly the same as saying that the scientific community does not support this project.

There is, in fact, an association that represents all of the physicists in America. It is called the American Physical Society. I have a letter here, dated September 28, 1993, from Donald L. Langenberg, President of the American Physical Society. Here is what he says:

DEAR SENATOR: As you consider your vote on the Superconducting Supercollider, I wanted you to be aware of the position of the Executive Board of the American Physical Society (enclosed). The American Physical Society is the principal membership organization of physicists with over 42,000 members in academia, industry, and government.

That statement reads as follows. This was adopted September 11, 1993:

The Executive Board of the APS is deeply concerned by the prospect of termination of the Superconducting Supercollider.

The Supercollider is a project of great scientific merit that has met each of its technical milestones. It was undertaken only after approval at every level of government.

A decision to discontinue the Supercollider in midstream would underscore the lack of the coherent national research policy that is needed to sustain American leadership in science.

The APS Executive Board reaffirms its support of the supercollider in the context of a balanced effort for all of science.

As I say, that was adopted September 11, 1993.

In last year's debate, we put a similar letter of support by the American Physical Society in the RECORD.

Mr. President, if this were a mathematics problem, I would write the letters "QED," which means proven; settled.

The issue of scientific support for this project is not an issue. It is not that there are not dissenting voices. Look, you can find dissenting voices on everything from the income tax to Social Security to you name it. You are going to find dissent being voiced around this country.

But I am telling you, the scientific community, the American Physical Society, representing 42,000—42,000—scientists in academia, in Government, in research, they support it, and strongly support it. And they continue to support it and they continue to say that to discontinue it would be a tragedy.

Mr. President, last year, we put into the RECORD a letter signed by 1,600 Nobel laureates and other distinguished scientists. Today, I would like to simply put into the RECORD a letter signed by Jerome Friedman, Leon Lederman, and Steven Weinberg, each of whom won the Nobel Prize in the years 1990, 1988, and 1979, respectively in physics, very strongly supporting this project, and also a letter containing the names of 21 of the most distinguished Nobel laureates and Medal of Science winners in the country.

Mr. President, I will not take the time here to read all these names. Suffice it to say, Mr. President, here is Sidney Altman, Nobel Prize in chemistry, Yale University; Hans A. Bethe,

Cornell University, Nobel Prize in physics; Paul Chu, University of Houston, National Medal of Science; Leon N. Cooper, Brown University, Nobel Prize in physics; et cetera, et cetera.

Mr. President, I ask unanimous consent that the letters that I referred to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN PHYSICAL SOCIETY,
Washington, DC, September 28, 1993.

DEAR SENATOR: As you consider your vote on the Superconducting Supercollider, I wanted you to be aware of the position of the Executive Board of the American Physical Society (enclosed). The American Physical Society is the principal membership organization of physicists with over 42,000 members in academia, industry, and government.

Sincerely,

DONALD N. LANGENBERG,
President, American Physical Society.

STATEMENT OF THE EXECUTIVE BOARD OF THE AMERICAN PHYSICAL SOCIETY ON TERMINATION OF THE SUPERCONDUCTING SUPERCOLLIDER, SEPTEMBER 11, 1993

The Executive Board of the APS is deeply concerned by the prospect of termination of the Superconducting Supercollider.

The Supercollider is a project of great scientific merit that has met each of its technical milestones. It was undertaken only after approval at every level of government.

A decision to discontinue the Supercollider in midstream would underscore the lack of the coherent national research policy that is needed to sustain American leadership in science.

The APS Executive Board reaffirms its support of the supercollider in the context of a balanced effort for all of science.

SEPTEMBER 29, 1993.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSTON: It has come to our attention that support of the Superconducting Super Collider by the scientific community has been questioned recently. We would like to take this opportunity to reaffirm to you and your colleagues the vital importance of the SSC.

The SSC became the top priority of high energy physicists in the early 1980s because it was deemed necessary to assure the next major step in understanding the nature of the world around us. Subsequent reviews by panels of high energy physicists (and physicists in other subfields) have sustained that priority. In recent years the scientific importance has grown and it is abundantly clear that the next meaningful step in understanding the nature of the world we live in depends upon results that can only be obtained at the SSC.

Over 2,000 scientists at universities and laboratories across the world are working on the massive detectors that will measure and analyze the particle collisions at the SSC. On September 11th of this year, the American Physical Society's Executive Board, representing its 40,000 members, issued a statement that expressed its deep concern with the prospects of termination of the SSC and reaffirmed its support. Last year, when the scientific support of the Super Collider was questioned, we, along with 40 of our colleagues, including 21 Nobel laureates, sent a letter stating the importance of the project. We are enclosing a copy of that letter to remind you and other senators that the scientific community stands firmly behind the Superconducting Super Collider.

Sincerely,

JEROME FRIEDMAN,
Nobel Prize 1990,
Massachusetts Institute of Technology.
LEON LEDERMAN,
Nobel Prize 1988,
Illinois Institute of Technology.
STEVEN WEINBERG,
Nobel Prize 1979,
University of Texas at Austin.

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,
New York, NY, July 13, 1992.

Hon. J. BENNETT JOHNSTON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR JOHNSTON: We the undersigned members of the scientific community are shocked and dismayed by the House rejection of funding for the Superconducting Super Collider. We are deeply alarmed by its immediate destructive effect on the entire U.S. scientific enterprise and even more concerned about the serious long-term damaging consequences of this action.

The approval of the SSC project in 1990 was widely acclaimed as our nation's firm commitment to be a leader in this scientific age. It has galvanized many foreign countries to follow us and collaborate on this unique common effort. It has also inspired our younger generation to be optimistic about their future in science and technology.

The construction of the SSC is at the cutting edge of advanced technology and industrial capability. It will generate a large number of jobs and will greatly enrich the nation's technological strength through training, research and manufacture.

At present, the scientific goals of the SSC are even more relevant and compelling than a few years ago. Furthermore, the SSC project has already made important scientific and technological progress in the design and development of the accelerator and detectors. At many international conferences, the initial achievements of the SSC project have been recognized as the symbol of our great strides forward in science and technology. This sudden rejection stuns and confuses. To kill an undertaking that is so splendidly fulfilling its expectations and its mission raises fundamental questions about our national commitment and our ability to carry out long-term scientific projects. Such an action is clearly damaging to future international collaboration on our scientific ventures.

We are painfully aware of the need to bring the budget deficit under control. However, in this world of very rapid change where confidence in any country can be quickly eroded, it is essential for our nation to steadfastly preserve and expand its scientific and technological strength.

The SSC is an investment for the future in science, technology and people. We therefore respectfully urge you to restore its funding.

Sincerely,

(The signatures of the following are on file.)

Sidney Altman, Yale University. (Nobel Prize in Chemistry, 1989.)

Hans A. Bethe, Cornell University. (Nobel Prize in Physics, 1967.)

Paul Chu, University of Houston. (National Medal of Science, 1988.)

Leon N. Cooper, Brown University. (Nobel Prize in Physics, 1972).

Alan M. Cormack, Tufts University. (Nobel Prize in Medicine, 1979.)

James W. Cronin, University of Chicago. (Nobel Prize in Physics, 1980.)

Hans G. Dehmelt, University of Washington. (Nobel Prize in Physics, 1989.)

Sidney D. Drell, Stanford Linear Accelerator Center. (Deputy Director, SLAC.)

Herman Feshback, Massachusetts Institute of Technology. (National Medal of Science, 1986.)

Val L. Fitch, Princeton University. (Nobel Prize in Physics, 1980.)

Herbert Friedman, Naval Research Laboratory. (National Medal of Science, 1967; Wolf Prize, 1987.)

Jerome I. Friedman, Massachusetts Institute of Technology. (Nobel Prize in Physics, 1990.)

Murray Gell-Mann, California Institute of Technology. (Nobel Prize in Physics, 1969.)

Donald A. Glaser, University of California, Berkeley. (Nobel Prize in Physics, 1960).

Sheldon L. Glashow, Harvard University. (Nobel Prize in Physics, 1979).

Marvin L. Goldberger, University of California, Los Angeles. (President Emeritus, California Institute of Technology).

Maurice Goldhaber, Brookhaven National Laboratory. (Director Emeritus, BNL; Wolf Prize, 1991).

Ernest M. Henley, University of Washington. (President, American Physical Society).

Dudley R. Herschbash, Harvard University. (Nobel Prize in Chemistry, 1986).

Henry W. Kendall, Massachusetts Institute of Technology. (Nobel Prize in Physics, 1990).

T.D. Lee, Columbia University. (Nobel Prize in Physics, 1957).

Leon M. Lederman, University of Chicago. (Nobel Prize in Physics, 1988).

Boyce D. McDaniel, Cornell University. (Director Emeritus, Laboratory of Nuclear Studies).

Joseph E. Murray, Harvard University. (Nobel Prize in Medicine, 1990).

George E. Pake, Institute for Research on Learning, Palo Alto. (National Medal of Science, 1987).

W.K.H. Panofsky, Stanford Linear Accelerator Center. (Director Emeritus, SLAC; National Medal of Science, 1969).

John Peoples, Fermi National Accelerator Laboratory. (Director, Fermilab).

Norman F. Ramsey, Harvard University. (Nobel Prize in Physics, 1989).

Burton Richter, Stanford Linear Accelerator Center. (Director, SLAC; Nobel Prize in Physics, 1976).

Abdus Salam, International Centre for Theoretical Physics, Trieste. (Nobel Prize in Physics, 1979).

Nicholas P. Samios, Brookhaven National Laboratory. (Director, BNL).

Frederick Seitz, Rockefeller University. (President Emeritus, Rockefeller University; National Medal of Science, 1973).

Joseph H. Taylor, Princeton University. (Wolf Prize, 1992).

Samuel C. C. Ting, Massachusetts Institute of Technology. (Nobel Prize in Physics, 1976).

Alvin Trivelpiece, Oak Ridge National Laboratory. (Director, ORNL).

James A. Van Allen, University of Iowa. (National Medal of Science, 1987).

Simon Van der Meer, CERN Laboratory, Geneva. (Nobel Prize in Physics, 1984).

Steven Weinberg, University of Texas, Austin. (Nobel Prize in Physics, 1979).

Victor Weisskopf, Massachusetts Institute of Technology. (Director Emeritus, CERN; National Medal of Science, 1979; Wolf Prize, 1981).

Robert R. Wilson, Cornell University. (Director Emeritus, FNAL: National Medal of Science, 1973).

(This is the same letter sent on June 25th, but with more signatures.)

Mr. JOHNSTON. Mr. President, the scientific support of the meeting of the scientific milestones of this project is not at issue.

I repeat, Mr. President, if what I have said is not true, I would vote against this project. It simply is a fact. It is a fact, and you cannot argue against it by quoting that one person says that he thinks something else is a higher priority.

Sure, Philip Anderson says that his field is a higher priority. You cannot fault him for that.

But the organization of which he is a member and which speaks for the 42,000 American physicists strongly supports this project.

Almost 10 years and $2 billion and three Presidential endorsements ago, a group of the most distinguished scientists in America got together and proposed a superconducting super collider. The group was composed of Nobel laureates and the most distinguished physicists in America.

Their plan to build a superconducting super collider was endorsed by the U.S. Congress, by, as I say, three different Presidents, and after beginning that project, endorsed at every level of Government, endorsed by the State of Texas which came up with $1 billion in bonding authority. We now have, since that initial endorsement 10 years ago, 2,000 scientists at work who have devoted their lives to this project, 10,000 employees, we have farmers who have been displaced from their land, we have buildings going up, we have a ring that is a tunnel ring which is being constructed of which there are 15 miles completed. This chart shows the tunnel ring, which is 54 miles of tunnel, 44 miles are under contract, 15 miles have been completed. We have completed over 20 percent of this project; 20 percent of the work is completed, and 20 percent of the funds are spent.

We are not just beginning this project. This debate is not whether we should begin the superconducting super collider, whether it is important to the United States of America to do this science. We decided that 10 years ago. We decided that $2 billion ago. We decided that before we took the land of these farmers and started building 54 miles of tunnel and completed 15 miles of tunnel.

Last year we had the second debate here on the floor of the Senate. In the same debate last year I put in the statement on the American Physical Society. This year, a year later, I put in an update of that statement. It is a replay of the same question. Last year, by 62 to 32 this Senate continued and reendorsed the superconducting super collider and did that endorsement with another $517 million, which has been spent.

At some point a democracy, a great country, has to make a decision and act on that decision. A great country has in many ways the characteristics of an individual. Some countries are cowardly. Some are brave. Some have integrity. Some have not. You cannot count on them. There are all kinds of personal qualities that a country has.

I think when it comes to the superconducting super collider, this country needs to have a little character and a little integrity. A great country does not begin a project of this kind and say to 2,000 of its most outstanding physicists, 10,000 employees, say to the State of Texas, say to the world: We are going to do this project, stake your lives upon it, your professional lives upon it; and then 10 years later change its mind, there being nothing which intervenes against this project. Nothing has intervened. They have met every scientific milestone.

As the opposing scientist, Dr. Philip Anderson, stated, but for the interference he has no doubt we would be able to do this project successfully.

There is no reason for a change of mind save a change in political attitude. I believe that decision has been made.

There has been a huge amount of sound and fury about the cost of this project. My friend from Arkansas uses various figures. He throws around $20 billion sometimes based on what I do not know. There was another chart he had over there a moment ago which I think he admitted was not based on anything except what some chart drawer had given him. It was not based on anything. I would like to talk about his chart over here at $11.6 and $13 billion, because the Secretary of Energy set the cost of this project, in 1991, at $8.249 billion. That cost is still valid according to the Secretary of Energy.

There are two caveats to what she has had to say. I put in here a letter from the Secretary of Energy dated September 20, 1993, which says, "In January 1991 the department established a project cost of $8.25 billion in 'as spent' dollars." That amounts to $7.31 billion in fiscal year 1993 dollars. "I am confident that the SSC can be built for the $8.25 billion subject to two qualifications."

She goes on to state those two qualifications, which are, first, the fulfillment of the management initiatives, which she has identified and undertaken. We adopted the Brown amendment earlier here today. The Brown amendment says 90 days after the start of the fiscal year, unless she certifies that she has taken that action which is referred to in paragraph 2, the management initiatives, the funding stops.

So we not only have her assurance she was going to do that, we put it in the law now. It has been adopted as an amendment. Unless she does it, funding stops.

The second qualification was the stretchout. The $8.25 billion previously identified, and which she still adheres to, is still a valid figure. But it is based on the original schedule.

If the President and the Congress in our collective wisdom see fit to stretch this out, and that is the decision to stretch out the project by 3 years in order to reduce the annual funding requirements, then that obviously is going to cost additional money. Indeed, a project can cost an infinite amount if carried on for an infinite number of years. The 3-year stretchout will cost—we do not know what. The Secretary of Energy says they are assessing that cost. There are some 40,000 work packages involved. It is going to take some time to come up with a precise figure. It could be $1.5 billion additional but spread out over many years between now and the year 2003.

That is not a cost overrun. That is a decision of the President and the Congress as to the speed at which we want to build the project and the annual amount we want to spend. What the President has decided and which we concur with is let us spend a little bit less each year and stretch the project out. That is not a cost overrun.

There have also been identified potentials, which are referred to in paragraph two of the Secretary's testimony, of potential cost overruns. The Secretary has testified before our committee. The amendment of the Senator from Colorado locks in her testimony to the effect of the management initiatives she is confident will avoid those potential cost overruns. These are not what the Senator calls expected cost overruns. These are potential. Any big project which builds a brand new thing is subject to a potential cost overrun. But the testimony before our committee from not only the Secretary of Energy, from the managers of the project, from other Nobel laureates who built like projects, was that they are confident these potential cost overruns can be avoided.

When you pick a figure of $11.6 billion it is an absolute worst case spending profile which, all of which, the $1.5, can be avoided.

Now, there is another $500,000 in there for experiments on other machines before this ever opens that are not part of the construction costs of SSC, never have been, never will be and that should be taken out.

So, Mr. President, the $8.25 billion, according to the Secretary of Energy, is a valid cost and is valid today, was valid as of September 20, 1993, subject to the stretchout and subject to her doing the management initiatives which she is now required under the Brown amendment to do.

Can we be absolutely certain that this $8.25 billion, subject to stretchout, will not be exceeded by one red, copper cent? Of course not. But I believe, Mr. President, that the record on this project and the record on other like projects support this.

We are told by the opponents that, "Oh, we have the GAO report that predicts, in effect, cost overruns." I have read that GAO report and have had testimony about that GAO report. Indeed, we put it in the RECORD. They have come up with some good work in it.

The problem with the GAO report is that the projections of costs were based upon data secured prior to August 1992 when the construction part of this project was in its very embryonic stage. Their methodology, which I guess is appropriate methodology—I am not an accountant—was to take those few contracts which had been begun, compare them to a baseline cost, and to the extent that they exceeded the baseline cost, to then extrapolate that figure and project it out of all future contracts to be let.

In the case of the construction contract, they projected a $43 million cost overrun, and based upon that small amount which had been let at that time, projected that that trend over the whole contract would cause a $630 million cost overrun.

The trouble with that—there is no trouble with that. It was, I guess, valid to the best of their knowledge back in August of 1992. We now have virtually all of those or the big majority of that construction contract under contract. When you take all of that now and plug it into the same formula, the same methodology, it shows not a $630 million cost overrun but a $40 million cost underrun.

Mr. President, it is not that the GAO report was wrong that they misadded the figures, but that they were dealing with the information such as it was prior to August 1992.

At that time, we did not have—we now have most of the tunnel under contract, as you can see here. The red is that which is complete and the yellow is that which is contracted for. Only a small amount is not contracted for, and we now know what the cost will be on that. The baseline cost estimate on the contracts made to date were $239 million, and the total cost of the actual tunnel contracts to date are $165 million, or $74 million total savings in tunneling costs to date. In other words, now that we know this information, now that it is under contract, now that it is a contractual right of the United States, we are saving $74 million on the roughly three-quarters, a little more than three-quarters, of the tunneling, 54 miles of tunneling that is complete.

Mr. President, I repeat, the point is not that this project, as any other big science project, is free of all risk whatsoever. But the United States can prudently go into this project confident that, as the Secretary of Energy has said, the initial project cost was correct.

What of the figures that Senator BUMPERS had over there where he says back in X years prior to 1990—I forget what years—that costs have increased since then? There has been one real set of cost increases which are not cost overruns but were redesign costs. There was a preliminary design and a preliminary estimate in the cost of this project.

The scientists, after the preliminary design, made some changes in design, what we call the aperture of the magnet which, in effect, focuses or provides what is called the luminosity of the proton screen. That change, together with some changes in the injectors—those are, in effect, the accelerators that put the initial beam of protons into the ring, plus some reestimates of inflation costs, that collection of cost increases was $1.7 billion. Not cost overruns.

Before we ever began construction of this project, that amount of cost was added to the project. Not mismanagement. It was redesign of the magnets, right out there in front of everybody, and that was the figure that gave us the $8.25 billion in as-spent costs which amounts to $7.31 billion in today's cost.

Mr. President, this is not, in spite of the efforts of some to portray it as a project beset with cost overruns. Not so. There has been no cost overrun on this project. Before the project was begun, there was a redesign which caused some additional escalation in the projected cost prior to the time we began it.

Since that time, Mr. President, there have been various adjustments, some below where we saved money, some above. But to suffice it to say that the Secretary of Energy, Dr. Steve Weinberg, who testified about this project, the project director, Dr. Roy Schwitters, and all others have testified that this project is on budget and on time. The Secretary of Energy has stated she is in the process of adopting management initiatives which will reduce the potential for any cost overruns in the future.

Let me just state that any project of this kind involves some risk of cost overruns. It simply does. That is why inside of this $8.25 billion projected cost there is about $1 billion in contingency funds. Only some 7 percent, if I recall correctly, has been spent. So that 93 percent of roughly $1 billion in contingency funds is there to cover any upward adjustments in costs.

Mr. President, I think it is important to also consider what happens if we cancel the project. The Department of Energy has estimated the termination cost of this project at $1.96 billion. So if you terminate this project, in addition to losing the science, losing what you have invested, then count on at least another $1.96 billion in termination costs that you are going to have to come up with, and that does not include what Texas would ask to be paid. I do not know whether we pay Texas back if we terminated this project or not, but I can tell you they would certainly have a heck of a good case in asking for that.

Let me say a word about the science of this project. It is awfully difficult to talk about the science because it is in this esoteric area that is hard for people to understand. We have talked here about the Higgs Boson. Just the very words, "the Higgs Boson"—people do not have any idea what a boson is or what the Higgs Boson is or, indeed, it is not a certainty of whether it exists or not.

What we do know is this: That there is a mechanism for what we call mass. Why does this pen have mass or weight, as we call it in common parlance?

Why does it? Why does the Sun attract the Earth and the Earth attract the Moon and all the planets in the cosmos attract one another? It is because of mass and gravity which in turn we believe is transmitted by what we call a graviton, which is a particle and also acts as a wave sometimes.

How does that work? Well, we believe that the Higgs Boson, again a particle and sometimes a wave—and do not ask me to explain how something can simultaneously act as a particle and a wave. Light does it. All matter does that. We do not know why or how except we have been able experimentally to demonstrate it.

But this Higgs Boson we think is the measure by which in effect the universe is tied together, by which gravity works, by which the four fundamental forces of nature—the strong and weak nuclear force, electromagnetism, and gravity—are all transmitted, because of what we believe is the Higgs Boson. No one has ever discovered the Higgs particle.

Quoting actually from Dr. Weinberg's book "Dreams of a Final Theory," he states that:

> A Higgs particle could not have been seen in any experiment so far if its mass were greater than about 50 times the proton's mass, which it might well be. We need to experiment to tell us whether there actually is a Higgs particle or perhaps several Higgs particles and to supply us with their masses.

Mr. President, he goes on to say that while we do not know whether there is the Higgs particle or the Higgs field, with the superconducting super collider we will discover what the mechanism is by which mass and forces are transmitted. We will open the door to this empty room where the answer lies. The theory is that it is the Higgs particle, but if it is something else, that is knowledge which will be at least as valuable as the Higgs particle, perhaps more so, because that would then destroy all the theories upon which we operate now, because the scientific community now—most of them—operates on the theory that there is something like a Higgs particle, the mass of which we do not now understand.

Mr. President, it is so fundamental. As Dr. Philip Anderson, who testified on behalf of Senator BUMPERS in our committee, said, this is fundamental knowledge. The way I like to explain it is like a tapestry. A tapestry is involved with a fundamental fabric, usually wool, with a stitch and with that same wool and same stitch you can do incredibly complex, difficult, amazing tapestries that can paint any picture you want.

We believe, Mr. President, that matter and energy are composed of fundamental particles called quarks and leptons and those in turn are held together in what we call a Higgs field or the Higgs Boson, and that that fundamental pattern or stitch makes everything. It makes us. It makes the cosmos. It makes everything. And we cannot know that without dealing with these energies that the superconducting super collider requires. It is fundamental, Mr. President.

We know that 90 percent of the cosmos is what we call dark matter. We do not know what it is. We can demonstrate mathematically and by our observations that 90 percent of the cosmos, of what is in the Milky Way, what is in the other galaxies, is dark matter. We do not know what it is. It does not emit radioactivity. It does not emit protons or light. It is just there to be demonstrated mathematically.

We will understand—at least we theorize—what that dark matter is made of. Perhaps some super symmetric particle that we do not yet understand the nature of, which in turn will give us answers about the cosmos. Cosmologists tell me it will tell us whether the cosmos will continue to expand, and it is expanding now, Mr. President—everyone agrees on that—or whether it will then turn around and begin to collapse upon itself; indeed, beyond the lifetime of any of us here. Not to worry.

Nevertheless, Mr. President, it is fundamental knowledge. I mean we are sending up a space station. We are sending up the Hubble telescope because we want to know.

Mr. President, a great scholar, Paul Freund, stated that the thing that unites us as a civilized society is the three most profound questions of the universe: Whither and why and whence. Where do we come from? Why are we here? And where are we going?

Mr. President, these questions lie astride the common boundary between theology and science, and I do not intend to get into the theological questions posed by that, although it is very interesting to deal with some of these Nobel laureates when they talk about what it means one for the other. Suffice it to say that many scientists see in the patterns, the complexities, the symmetries, and yet the simplicity of matter and quarks and leptons and the way they are put together, the hand of God. And to the extent that I am given a peek at what they have to say, I agree with that.

What we do know, Mr. President, is that those three fundamental questions, whither and why and whence—at least the whither, or certainly the how, how was it done, how are we put together, what are we made of, where is the universe going, how are these forces transmitted. And I might add also we will be able to understand what one force and what particle, in terms of another—we will be able to translate electromagnetism into gravity by mathematical formula just as we translate kilometers into miles today by mathematical formula. We will be able to understand quarks and leptons and gravitons and all the rest mathematically. As we can do now at the atomic level, we will be able to do that at the subatomic level and at the cosmos level.

Mr. President, that is fundamental. It is fundamental. And this is not a new endeavor. We did not begin this search for that knowledge with the SSC. We have been doing this for many, many years.

I do not know whether my colleagues are able to see this through the television, but we go back here to about the year 1900 with the first of these atomic accelerators—they used to call them atom smashers—the cathode ray tube, and we have increased the size and the energies of them as we have gone along, each time looking for fundamental knowledge, each time not looking for an x-ray tube, but that is what we found with the cathode ray tube. We discovered electrons, and from it has come TV and computer monitors and the basis for all electronics.

We did not know what we were going to find. I say "we" did not. Whoever the scientist was. I do not remember whether it was Faraday, or whoever it was, who discovered that.

Electrostatic generators were sort of next. Out of that, out of that search for fundamental knowledge came semiconductor manufacturing, used in all modern computers and electronics. Then we went to cyclotrons.

The first cyclotrons, Mr. President, were small enough to put in the hand. But they developed proton beam therapy to treat cancer. And, by the way, we have proton beam therapy which will come from the superconducting super collider because one of the beam lines will be for medical treatment. To be sure, it is an ancillary purpose, but it is nevertheless a purpose. And I would like to, sometime when we have time, go into what that proton beam therapy is, because it is fascinating the way they can shoot a beam of protons inside the body and in effect destroy the cancerous cell without destroying the tissue around it and rid the body of that cancer. We have been doing it for some years, and we will be doing it at the SSC.

But we went from cyclotrons to electron accelerators at Stanford [SLAC] and Cornell. We had radar technology, x-ray exploration of viruses and proteins, x-ray treatment of cancer, the microchips, industrial nondestructive testing, and sterilization of medical equipment.

Then we got to the proton accelerators, which this is, at Lawrence Berkeley Lab and Brookhaven, at FermiLab in Chicago. We have all of the superconducting technologies, enhanced proton and neutron beam therapy, MRI, advancements.

Mr. President, we do not know what the SSC is going to bring us. Dr. Jerry Friedman stated that, in his view, the SSC could and probably will produce breakthroughs of profound importance to humanity. We do not know what it will be. But we know that it has to have enhanced superconducting technology because that is required in the superconducting super collider. There will be a million events a second detected by these detectors, and the supercomputers have to differentiate between that which is interesting and that which is not. We know that is coming. There have already been breakthroughs at FermiLab—ultra fast electronics and superconducting magnets.

(Mr. WELLSTONE assumed the chair.)

Mr. JOHNSTON. Mr. President, the technologies that we have already developed in the manufacturing process is absolutely amazing. What they are able to do is start out with a niobium titanium wire. This is just a cross section of a wire. That is about 2 inches across. Picture, if you will, a long wire that is coated on the outside, I think it is, by niobium, and on the inside by titanium, or visa versa. They are able somehow to squeeze this wire down until it is less than a human hair—less than a human hair. And it does not have a sausage effect. It is squeezed down in long strands like that. That, in turn—my colleagues probably cannot see this, but each one of these little hairs is then woven together and put into a small wire. These wires, in turn, are woven together and put into a bigger wire like a battery cable. And these, in turn, are wrapped around and around these superconducting magnets so that this wire this size will carry tens of thousands of times the amount of current that your battery cable will carry. That is vital, that is essential, is basic to a superconducting magnet because when a superconducting magnet is used, it depends upon the amount of current that is in it in order to work.

Does that matter? Mr. President, superconducting magnets are used in everything from magnetic resonance imaging to magnetic energy storage—we are working on that—to maglev

trains, to a whole host of applications to which this has already paid off in terms of manufacturing breakthrough. I do not know what comes next, Mr. President. But it is clear that a scientific enterprise of this size and complexity with as much talent as we have put together will have fundamental breakthroughs.

Mr. President, I want to close this part of the argument simply by saying that this Nation, which has been the leader of the world in science, the undisputed leader in the world in high energy physics, the undisputed leader of the world in virtually all forms of physics cannot afford now to abandon this project.

Yes, Mr. President, we are concerned about taxes. We are concerned about the deficit. We are concerned about the economy. Of course, we are. We are not in exactly desperate straits. If you look at the economic figures, the economic size of the economy now is larger than it has ever been. The growth rate is not what we would like, but we are growing. The figures just came out today, 1.9 percent on an annual basis for the last quarter; not nearly the robust growth we would like, but hardly desperate straits for a country.

Mr. President, I tell you to the extent the country is in desperate straits, to the extent that we have economic troubles, the last thing we ought to abandon is science.

Mr. President, if this country is going to make it in the next century, indeed in this decade, it is not going to be because our workers are willing to work for less wages than they are in Mexico or in Vietnam or in China with 1.2 billion people. That is not why we are going to make it, Mr. President. We are going to make it and continue to be great based upon the quality of our technology and the excellence of our science. That is going to be the story of this country. And if we are wise enough and careful stewards enough to be able to resist that momentary political thrill of being able to say, "Well, I cut 43/1000 of 1 percent of the budget" —which is what this represents—because of trying to make that symbol, if we are going to set in a chain reaction to start tearing apart our scientific community, Mr. President, I say shame on us. Historians will write about this decade, and it is not too much to say that if we take apart this science, this big science, we are taking apart the future of all big science.

How could we ever get into another big project if this successful project, which has met every single scientific milestone, which even the critics say is good science, even the expert called by Senator BUMPERS in opposition says it is fundamental, it is interesting, it is important, even the critics say that; if we take apart this project, $2 billion and 10 years into the project, which has met every scientific milestone, how can we ever do anything else? How can we ever go into nuclear fusion? How can we ever go into—I will not name all of the projects. I could because many of them come in front of our committee. But we just cannot. We have to see this through as a great country, Mr. President. We have to keep leadership in science. We have to do it even though we have to resist the momentary desire to cut 43/1000 of 1 percent of the budget—43/1000 of 1 percent of the budget. You stop this project and 22 others like it, and you cut 1 percent off the budget of the United States. It might give you a temporary 1-day article in the newspapers, some of which will approve, many others of which will strongly disapprove. But whatever good it does you, it is a 1-day article. But the harm you have done to science, the harm you have done to technology, the harm you have done to the future of this country will be permanent, enduring, and pernicious.

Mr. President, I submit we cannot afford to do that. We have to see this project, 10 years in the making, $2 billion invested, 10,000 employees, 2,000 scientists, all investing their lives on this project, every scientific milestone having been met, we cannot afford to turn our back on this project at this time.

Mr. GRAMM. Mr. President, I thank our dear colleague. Few here would be brave enough to try to go through and talk about the science embodied in this project. And I am not going to be equally brave.

I want to talk about America and what we have gotten out of science, and I want to talk about how the decision was made to move ahead with this project by Ronald Reagan. I want to talk about how we chose the site. I want to talk about the investment we have made. I want to talk about the deficit, and about how this amendment has nothing to do with the deficit and will not reduce the deficit, because it does not cut spending.

I will try to do all that in such a way as to deviate from my background as a school teacher, and be brief so that others can speak.

Let me begin by talking about why science is important. It seems to me that there are two things that have been critical to the growth and prosperity of America and to the riches and happiness of our people. One has been that we have been able to create an economic system that has allowed ordinary people like us to have more opportunity and more freedom than any other people who ever lived in history. And with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things.

I am fearful every day that we do things in Congress that lessen the degree of freedom that people have, that reduce the opportunity for ordinary people to have extraordinary opportunities. I worry about that when we expand regulations, when we raise taxes, when we crush incentives. But that system, the American free enterprise system, where people have an opportunity to use their God-given talents, that system that draws the best from each of us, is part of America's secret.

But I think another part of America's secret is science. No nation in history has ever benefited as much from science and technology as the United States of America. We have led the world in science for almost all of this century. Certainly, in the area we are talking about here, high energy physics, we have dominated the world in the 20th century.

One of the things that I think is too bad about this debate is that when people write about high-energy physics in the newspaper, they talk about the birth of the universe and the cosmos, things that people basically may not know much about and, quite frankly, may not care anything about.

Let me say something about high energy physics that people do care about: 20 percent of the gross national product of America, 20 cents out of every $1 of goods and services produced in America today, have come from high energy research conducted in America in the last 75 years. Everything from computers to television came from science that Americans were pioneers in. And because we developed that science, because we generated it for our use and the world's use, we are richer, freer, happier, more powerful today, and we exert a much greater control over our lives and future and the destiny of the world than we would exert had that science and technology not existed.

Science is not like a faucet that you turn on and it comes streaming out. The problem with the debate about science is that you cannot guarantee the future, you cannot guarantee the results. But you can talk about the past. It is like a company that claims it can make money, claims it can be successful; all it can really do is show its record.

Look at America's record in science and technology. Look at what it has meant to our living standards. Look at what it has meant to the real wages of our workers. I think we have to ask ourselves this: Do we want to be the leaders of the world in science and technology, or do we want that mantle to pass to somebody else? In large part, that is what this debate is about.

The reason this debate is so important is that if you listen to the debate of the critics, they say they want to cut this program because they want to do something about the deficit. But it is very revealing to me that 25 years ago, science and technology, as a percentage of the budget, comprised 5.2 cents out of every $1 spent in the Federal budget; 25 years ago, nondefense

science and technology investment in the future, investment in future generations, investment in new science for new tools, for new growth, comprised 5.2 cents out of every $1 in the Federal budget.

Today, science and technology accounts for 1.8 cents out of every $1 in the Federal budget. In 25 years, we have seen the percentage of the Federal budget invested in science and technology decline by over 50 percent. But what has happened to spending in the last 25 years? It has exploded. It has exploded because we have invested in the next election and not the next generation. We have eaten our seed corn as a country by cutting science and cutting technology to invest in programs with big constituencies that mobilize people in the next election, but not programs that create science, technology and productivity for the next generation.

So this is not a debate born today. For the last 25 years, this debate has been going on, and science and technology have been losing. While I am on the subject, let me make note of the fact that all the Bumpers amendment does is cut funding for the superconducting super collider. It would reduce science as a percentage of the budget dramatically below the 1.8 percent that exists in this budget. But nowhere in the Bumpers amendment does it reduce total Federal spending.

As my colleagues are aware, and perhaps the people at home are aware, we have set out in law how much money we are going to spend this year in our budget in a bill we call "reconciliation." So it is the law of the land that says how much money we can spend. Nowhere in this amendment is that amount of money reduced by the amount that the superconducting super collider is cut.

So I say to my colleagues that what this amendment does is simply cuts the SSC, but leaves the money available to spend somewhere else. Does anyone here doubt that the money will be spent somewhere else?

Let me say to my colleagues that if Senator BUMPERS offered an amendment to cut the total level of spending by a comparable amount, and then left it up to us to fight it out where those cuts were made, I would cosponsor that amendment and vote for it.

The debate here is not about the deficit. The amendment does not affect the deficit. The debate here is about science, and it is about a choice between investing in the next generation and investing in the next election.

Where did this project come from? This project came from the fact that in the mid-1980's, the Reagan administration decided that the time had come to move forward into an area of science that was critically important to the future of the country and to our competitiveness on the world market, and they made a decision to go forward with building the SSC. Much has been made out of the fact that this site location is in Texas. But I want to remind my colleagues that most States in the Union submitted applications to have their States considered.

There was a very real concern that politics might play a role here. So the Department of Energy, during the Reagan administration, commissioned the National Academy of Science and the National Academy of Engineering to set up a procedure to look at each and every site and to make a decision based on what was good for science and what was good for the taxpayer.

Based on that review by the National Academy of Science and the National Academy of Engineering, a site in Ellis County, TX, was chosen, and it was chosen for two reasons.

First, it was chosen because the area has a rock formation called Austin chalk. It is a rock that is very easy to drill in but yet it is very hard. It meant that the construction costs and the stability of the collider once it was built would be superior to that of any other site looked at in the country.

Second, and I think of equal importance, while a lot of other States talked about helping build the project, Texas did something that no other State in the Union did. Texas actually put $1 billion on the table and said, "If you choose the Texas site, we will pay for one-eighth of the project."

Because of a site selection by the National Academy of Science and the National Academy of Engineering and because Texas was willing to put $1 billion on the table, this site was located in Texas.

Let me say, Mr. President, that we are basically down to a choice here, and the choice is this: This amendment does not change the total level of spending in the Federal budget. I will say that our colleague, Senator BUMPERS, offered an amendment to the space station that did make that change. But this amendment does not make that change.

So the issue here is about priorities, and I would simply like my colleagues to look at this priority and basically answer the following question: Does it make sense to kill the Nation's premier science project when we have already invested $2 billion in that project, when we have already paid for a quarter of the project, when a State has put up one-eighth of the money, and clearly the Federal taxpayer is going to be asked to compensate the State if we kill the project? Is it worth it to kill that project now that we have made this investment rather than completing the project and reaping the science and the technology and the benefits that will flow from it?

It seems to me that that is the question. It is a question of whether or not in a $1.5 trillion budget that we can afford to spend 1.8 percent on science and technology, remembering that 25 years ago we were spending 5.2 percent.

Finally, I cannot let the point pass, and I do not like to do it, but I think it is important to note that all spending and all spending cuts are priorities. Our last vote that we took yesterday was a vote about freezing funding for public television. I remind my colleagues that when we started public broadcasting there were 3 commercial networks. Today most Americans through cable have access to at least 50 channels. An amendment was made yesterday that said do not cut funding for public television. Let us just freeze the level of funding where we spend the same amount we spent last year plus inflation. That was the McCain amendment.

Yet those who are standing up today saying, "Here is your chance to cut deficits. Here is your chance to do something about the deficit." When the roll was called yesterday on the McCain amendment these are the same people who said, "No, I cannot freeze spending for public television, but today I can eliminate the world's premier science project."

Again, I remind my colleagues that we had in committee and on the floor 79 amendments to cut Federal spending, to mandate that these total amounts we spend be reduced and that we have to make hard choices. I voted for 79 of them.

Yet we are hearing, Let us kill this science project, when we could not freeze spending on public television yesterday.

We have already cut funding for science by over one-half in the last 25 years. We have already invested $2 billion in this project. I believe that America will be richer and freer and happier if we finish this project, if we reap the benefits in science and technology that come from this project. I believe that we will be more competitive and our children will have better jobs, that we will have a higher standard of living and that in science and productivity we will be better off.

So I urge my colleagues to stay with the project that we have been working on now. This is our 10th year. We have invested $2 billion in it. We have proven that the science works. It is hard to build a big project, but we have proven that the science of the magnets work; the project is well underway. You saw the chart that the Senator from Louisiana showed you where we have dug the tunnels; we built the magnets.

We are on the verge of completing a project that is vitally important to the future. Let us not kill off this project today so that the funds that we were investing in the next generation can be diverted to a social program that will yield returns in the next election but will not fundamentally change our country.

That is what this debate is about, and I thank my colleagues for their time listening.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I rise today in support of the amendment offered by the distinguished senior Senator from Arkansas to eliminate further funding for the superconducting super collider.

Mr. President, it was less than 2 weeks ago that my distinguished colleague from Louisiana, the Senate's leading expert on energy policy, one of our ablest legislators, Senator JOHNSTON, made a thoroughly insightful speech in support of our successful attempt to reduce funding for the SDI program for $400 million. It is a battle that we fought together for many years. It is always reassuring to have his quick mind on my side in these debates.

But on the issue of the super collider I have to say that I must respectfully disagree with the sentiments of my friend, the senior Senator from Louisiana.

Mr. President, reasons abound for not building the super collider, and I submit that the most compelling is that we simply cannot afford it. The demand for deficit reduction that has gripped this body since 1990 has meant that there has been only enough discretionary money to pay for existing programs and little else. No new initiatives; no new starts. And the belt will only get tighter.

A short time ago, a new Senator came into the body, the distinguished junior Senator from Texas, Mrs. HUTCHISON, and in her maiden speech here on the floor of the U.S. Senate she brought her colleagues a message, a message that emanated from her election in the State of Texas. And this is what she said on June 23, 1993:

> This time the American people are giving us a message. I bring that message from Texas and from all America. Cut spending first.

Mr. President, we have an opportunity here before us today to once again substantially cut spending and to substantially reduce the Federal deficit.

I heard from the other side of the aisle only a moment ago the rather lame statement that, "Well, it does not do any good to reduce funding for the super collider because, by doing that, you are not really cutting spending. The money is still going to be there and can be used for other things."

That same argument was used, Mr. President, when we were debating saving some more than $100 billion over the lifetime of the space station. We listened to that argument and Senator BUMPERS and I amended our initiative to cut the space station to state specifically that the reductions in spending that would evolve from eliminating the space station would go directly to deficit reduction, and could not be spent for anything else. We reduced the caps in our amendment on discretionary spending to ensure that that would happen.

Now the same voices that we hear today complaining that this does not reduce overall spending were the same voices that we heard from then—yet, none of these Senators voted for our amendment which would have lowered the caps and directed that all of the savings from the space station go to deficit reduction.

These Senators rejected the opportunity to reduce the deficit by some $9 billion over the next few years. A complete turnaround, Mr. President.

It reminds me of an admonition a professor gave me in law school years and years ago. He said, "Young men and women, the dinosaur is extinct because it could not turn around fast enough."

Well, that is not going to happen, obviously, for some of our friends who are saying now we cannot support this amendment to cut the super collider because it does not go directly to deficit reduction; the same ones who were saying, we could not support the amendment to eliminate funds for the space station because it does not go directly to reducing the deficit and then still opposed the amendment when we ensured that all the savings would go to deficit reduction.

So, Mr. President, I just must say to my colleagues here today that these statements, "Well, if this went to deficit reduction, I would be the first to support it; I would be a cosponsor," are hollow statements, indeed.

My colleagues know that the deficit reduction bill that we passed not even 2 months ago will cut the $538 billion in domestic discretionary spending available this year by 12.5 percent by 1998. And I am not talking about a reduction of 12.5 percent from an escalating baseline. I am saying that spending is going to be flat at $538 billion from now until 1998 and there is going to be a real reduction of 12.5 percent during that period of time in the purchasing power of those domestic discretionary dollars.

As our purchasing power is going down by 12.5 percent, President Clinton's vision for change has laid out, I think quite correctly, an ambitious plan to remake Government—to remake Government from the national service to welfare reform, all worthy pursuits, even with our very limited resources. But to make way for the effort to reinvent Government, to make way for programs like national service to give young people a chance, to make way for welfare reform to get people off the welfare roles, we are simply going to have to do away with some very expensive and imprudent projects, such as the superconducting super collider. It is simply going to have to go.

Mr. President, supporters of the superconducting super collider say that, even in these tight budget times, we simply cannot cut off our noses to spite our faces. We have to make investments that will pay off in terms of scientific and economic advances down the road, say the supporters of the superconducting super collider.

These same individuals, many of them, a few months ago, when President Clinton was talking about investments in his stimulus package, were decrying investments as just another name for spending. How well I remember those denunciations of President Clinton's investment program as simply being just another name for spending. Somehow, they do not make the parallel here, that investments in the superconducting super collider might be just another name for spending.

But let us say it will pay off in terms of scientific economic advances down the road. I doubt that very seriously, and the most responsible and the largest body of scientific doctrine would agree with that. The collider has flaws that disqualify it for a share of the funding that we devote to science.

We have heard the problem of the escalating costs discussed here earlier today, from $5 billion, originally in 1988, to $13 billion today.

I must say to my colleagues, as chairman of the Senate Budget Committee, I have long been concerned about the super collider's history of escalating cost. When it comes to the issue of cost, the only thing super about the collider is the cost itself.

Mr. President, I was asked to write an editorial, which I did, which appeared yesterday in the USA Today newspaper. I characterized the superconducting super collider as a bottomless money pit, and I said we ought to seal it. I think that is the case, because I think we are simply seeing the tip of the iceberg here and, as this project continues, I guarantee that these costs are going to escalate and go up, up, up, up.

What we see here in this project is the classic Washington approach to getting something off the ground. First, they come at you with a very lowball estimate, greatly underestimating the actual costs. Then they try to distribute the work out around in certain areas, so that a number of Senators and Congressmen have a vested interest in seeing the project continue because it creates jobs in their States and their congressional districts, and they are understandably interested in seeing those jobs continue.

Then the project gets started and then the costs start going through the roof. But then the classic answer is, "We have so much invested now and it holds so much promise for the future that we simply cannot turn back now."

How many times have I heard that in my 17 years here in the U.S. Senate?

How many projects, particularly scientific projects, have we moved on down the line following that flawed rationale?

The past cost history of the super collider is something that we might review just very briefly for those of my colleagues who did not hear the very excellent discussion by the Senator from Arkansas. This was a program that began under President Reagan. The Department of Energy promised to keep the total cost of the collider under $5 billion.

Last year on this floor, I warned that if history is any judge, the latest cost estimate for the superconducting super collider, $8.3 billion, would not last for long. And that is true.

I have a chart here which indicates much of what has already been discussed here today. The cost from 1992, when I spoke on the floor, was $8.25 billion. It is now projected to be $13.5 billion. To start, $2 million of the cost increase is due to the costs associated with the President's decision to delay completion of the project by 3 years. Why are we stretching it out?

Mr. JOHNSTON. Will the Senator yield?

Mr. SASSER. Because we cannot afford to fund it at its true cost. So we are going to stretch out the cost and increase the overall cost, as we stretch it out.

Mr. JOHNSTON. Will the Senator yield on that point?

Mr. SASSER. I will be pleased to yield.

Mr. JOHNSTON. The Senator has seen Secretary O'Leary's letter of September 20 in which she states the $8.25 billion figure is still valid, subject to, one, the stretchout, and, two, the management initiatives which she is undertaking now and which now the Brown amendment require her to do.

The Senator is not saying there has been any cost overrun at this point?

Mr. SASSER. What I am saying is the cost estimates are now up from the $8.25 billion at the end in 1992, in mid-1992, to $13.35 billion now.

Mr. JOHNSTON. That is not the Department of Energy, that is the cost estimates of my colleague from Tennessee and Senator BUMPERS.

Mr. SASSER. If the Senator will allow me to explain where these are coming from? The Senator will not deny there has been a $2 billion increase in the cost of the superconducting super collider as a result of the stretchout that is occurring?

Mr. JOHNSTON. I state again, the Secretary stated, there will be additional costs which have not yet been calculated but $2 billion is a reasonable figure. But that is not an overrun.

Mr. SASSER. Let me say to my friend from Louisiana, it does not make any difference how we explain it. When you get to the bottom line, and we are talking about how much the national debt is going to be increased, it is going to be increased by the time this project is completed by approximately $2 billion. That comes from the stretchout.

And the stretchout comes because we are in such dire financial circumstances in this country, the Federal Treasury, that we cannot go ahead and complete this project in an expeditious way. We are building it on the long term, on the lay-away plan, I might say to my friend from Louisiana.

Mr. JOHNSTON. I understand the stretchout cost. I guess the point I would ask my friend about is this. Those figures do not show either cost overruns or mismanagement or any failure in the science, but a desire to extend the amount of time, for $2 billion, and the additional costs are potential costs which the Secretary has indicated she can avoid.

Mr. SASSER. Well, but it also includes $1.2 billion for expenses the General Accounting Office says, and the DOE has acknowledged, that were never included in the prior cost estimates for the superconducting super collider. That is precisely the problem. The orthodox Washington approach to getting a project off the ground, lowballing the initial estimates, selling the public and the Congress and those who are involved in going forward with the project, and now we find there was a $1.2 billion accounting error in the original cost, according to both the General Accounting Office and the Department of Energy.

Mr. JOHNSTON. If the Senator will yield, those amounts—some of those are operating costs. I believe $1.2 billion was for the detectors, for which we expect foreign contributions. Indeed, those have not yet been forthcoming but they are foreign contributions at Fermilab, they are contributions at CERN, and for detectors that is the usual thing.

But the Secretary has testified that we will build to cost. We will use only the $500 million which is budgeted for detectors—which is budgeted for detectors—so the additional amount, if it fails to come, is not a U.S. cost that is going to be spent. It would be a foreign contribution.

In other words, if the foreign contribution comes, it will be $1.2. Otherwise it is $500 million. So that figure is not correct.

Mr. SASSER. I disagree very strongly with my friend, the chairman. With regard to foreign contributions, when we embarked on this project we were supposed to receive $1.7 billion in foreign contributions, including a $1 billion contribution from the Japanese.

The Japanese have washed their hands of it and are saying due to the demands of other scientific research in Japan, they cannot afford to offer any assistance for the superconducting super collider. In essence, they are telling us, even though they spend more of their gross national product on research and science than we do here in the United States, they have other science in Japan that is more promising than the superconducting super collider. So they do not want to be a partner.

And let me just say this to my friend from Louisiana. With regard to foreign contributions, so far, it is my understanding all we have gotten is some surplus copper wire from Albania, and perhaps a pledge of about $20 million from India.

Given that scenario, it is clear we are not getting much support from other foreign governments.

Mr. JOHNSTON. Mr. President, I know this is correct; the $8.25 billion which the Secretary of Energy says is still valid subject to the two qualifications does not include any foreign contributions not yet received. The foreign contributions which the Senator referred to from Japan did not include those detectors. The detectors were not included in that. They were included in a separate account which, indeed, was not part of the $8.25 billion. And if money is not forthcoming for the detectors, it will not be built to that cost.

In other words, our cost for the detectors is $500 million, which is included in the $8.25 billion. That is a fact.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. SASSER. I have the floor. I will be pleased to yield to the Senator from Arkansas.

Mr. BUMPERS. Let me say to the Senator from Louisiana, to make sure we are both talking about the same thing, we are talking about the cost the Department of Energy has consistently left out.

If I understand what the Senator from Louisiana is saying, the $1.2 billion that was left out in both 1989 and 1991 is this $1.2 billion; is that not correct? Those are costs that are going to be incurred? Does the Senator not agree with that?

Mr. JOHNSTON. Not all of those, no. What I am trying to tell my colleague is the cost of the detectors—I think the cost of the detectors was in the neighborhood of $1 billion.

Mr. BUMPERS. That is right. They are a half billion dollars each. There are two of them.

Mr. JOHNSTON. If foreign contributions are not as expected, forthcoming, we will spend $500 million on the detectors. That has been testified to. That is what they call a build-to-cost theory.

The Secretary of Energy testified to that before our committee. We have had that consistently said.

So if they identified that as being left out of the baseline, in the first place, that is the way all these projects are built. There is nothing new about

that. There is no underestimation. That is the way they do it.

Mr. BUMPERS. Assistant Secretary Hunter resigned because of these cost overruns. He said, "I do not want to be a part of it."

If I may continue—

Mr. JOHNSTON. I say to my friend, there has not been a single cost overrun. Tell me now what it is.

Mr. SASSER. I do not want to be rude to my colleagues, but I want to reclaim my right to the floor.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BUMPERS. Will the Senator from Tennessee allow me to make a final point? It will take a minute.

Mr. SASSER. I yield to the Senator from Arkansas.

Mr. BUMPERS. There is a Washington Post article dated September 6, 1993. That is just about 22 days ago. Here is what happened:

The magnitude of the collider's design error infuriated department officials. Hunter quit as energy research director after Watkins rejected his proposal for tightening controls over URA.

Who are the project managers—

Hunter said he foresaw "massive cost overruns" that "I just didn't want to be associated with."

Deputy Secretary Moore proclaimed: "We simply can't go back to the Congress 6 months after promising it would be one amount and tell them it's going to be something else."

Yet in January 1991, convinced he had no other option, that is precisely what Moore did. He spelled out the new estimate of $8.25 billion * * * an increase of more than $2.3 billion over the original 1989 figure—in an 83-page green book complete with a glossary.

But the new figure again omitted the $1.2 billion for the second detector and other expenses, although Moore's book clearly noted them as "related costs."

Then he goes on here:

Now, just 2 years later, DOE is back to the drawing board again.

Now listen to this, and I will leave and let Senator SASSER proceed:

The delay—

To the year 2002, which the President seeks—

The delay will add about $2 billion in inflation, overhead and other "stretch-out" costs, according to DOE. If construction continues at that slower rate after 1997, "costs may increase indefinitely and the project may never be completed," a GAO official recently testified.

Then there's the problem of $1.5 billion in potential cost overruns identified in a DOE review committee report released last week. O'Leary says she hopes to avoid these new expenses by restricting—

University Research Associates. As a matter of fact, she said she is going to fire them but has not done so yet. Then she says:

* * * she hopes to avoid these new expenses by restricting URA to scientific issues and hiring a new prime contractor. But adding a contractor will cost money, too.

How much? Senator WALLOP * * * asked—

He asked: Can you tell us, do you have an estimate? She said:

"Yes, indeed * * *" O'Leary began in a confident voice, "I will tell you in my view, it's de minimis against the project and should not amount to any more than [pause] and I don't want to be held to this, but let me just try [pause] maybe [pause] I don't know, I don't know, I don't know. * * *"

She promised to get back to him.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. JOHNSTON. Will the Senator allow me to reply to that?

Mr. SASSER. I will be pleased.

Mr. JOHNSTON. I was at the hearing. It is a very acute newspaper article. We get a lot of science from the newspaper. I know something about some of those things. For example, Secretary Hunter and his problems. I do not think it is necessarily appropriate at this point to go into the question of why Secretary Hunter quit. He was involved in a lot of things, including fusion, which is a very big question involved in what he did.

There is no question, Mr. President, I say to my friend, that there are stretch-out costs. Nobody has denied that. What the Secretary did testify to and what is a fact is that we are going to build the cost as far as the protectors are concerned and build that which is in the baseline and not build that which is not in the baseline. There has been no cost overrun. There is a potential. That is what the baseline validation committee recommendations are about. But there is a potential which will be avoided and must be avoided, according to the Brown amendment. There has not been a cost overrun, just has not been, and if there is, identify where it is.

Mr. SASSER. Mr. President, I think this debate between the distinguished chairman and the able Senator from Arkansas illustrates what this controversy is all about. The question that we need to resolve here is not whether there are cost overruns—and I think there are—or whether the actual costs of the superconducting super collider have been low-balled initially—which I think they have—we are going to see this project continue to escalate in cost, whether it escalates as a result of stretchout, of mismanagement, of scientific redesign or past low-ball cost estimates. I think we are just seeing the tip of the iceberg here.

The Department of Energy says that of this $13 billion figure, $1.7 billion is what they call "potential cost risks," as cited in their August baseline report. I realize that the distinguished chairman and others are telling us that the Department of Energy hopes to manage away most of these potential cost increases. What they are saying is we are going to do such a good job of managing and run such a tight ship that even though there is a potential for $1.7 billion in increased costs, we are going to see that that does not happen.

Mr. President, I just cannot put much faith in the Department of Energy's ability to do that. The Department of Energy inspector general report audited $508 million in contracts dealing with the superconducting super collider between 1989 and 1992. The Department of Energy's own inspector general found that 40 percent, or $216 million of the $508 million spent represented unnecessary or excessive costs. And included in that audit were excessive contractor and subcontractor charges, such as: $35,000 for a holiday party at a Dallas hotel; $39,000 for subcontractors' daily coffee and beverage service.

I bring that up simply to say that I do not think a leopard can change its spots overnight, and I do not think the Department of Energy is going to be able to manage away this almost $2 billion of likely cost increases.

It is of interest to note that the Department of Energy's own report also documents a $219 million increase in contingency expenses. Now, normally the purpose behind the contingency fund is to provide for, in advance, funds needed to offset unanticipated costs. It is not surprising to me that the super collider has now had a cost overrun of over $200 million for the contingency fund itself.

We discussed earlier the lack of foreign participation in this project. The project began with great hope and great optimism. The Japanese and others were going to be very solid partners in it. Everybody was going to have access to the operation of it. Many of our economic partners were going to participate. That simply has not happened. As I said earlier, the Department of Energy expected to secure a $1 billion pledge from Japan, but the Japanese just simply backed out entirely.

My colleagues might recall President Bush's ill-fated trip to Japan in December 1991. One of the reasons for that trip was to bring home the bacon with regard to the superconducting super collider. Yet, all the President brought home was a stomach virus and some bad news. They were not interested in investing in the superconducting super collider.

The fact that Japan, which spends more on basic scientific research relative to their gross domestic product than we do here in the United States, will not make a contribution to the super collider, raises additional concerns regarding the worthiness of this project.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mrs. HUTCHISON. I was going to ask if the Senator will yield.

Mr. SASSER. I will yield for a question, yes.

Mrs. HUTCHISON. The Senator has talked about the Japanese not investing in the super collider and other foreign investors that all of us hoped would contribute to the super collider. I just wonder if the Senator has ever had occasion to have an individual come in and ask the Senator to make an investment and you say, "Well, you know, that really looks like a good project and I just wonder what are you putting up?" The individual responds, "Well, I want your money up front, but my money is going to be based on a year-to-year assessment of whether we really want to finish this project," would the Senator make an investment with that individual?

Mr. SASSER. Frankly, to answer the distinguished Senator from Texas, it appears to me the Japanese looked at this project, looked at it long and hard and decided they do not want any part of it, and even went to the point of telling the President of the United States, when he went to Japan to try to enforce what we thought was a commitment, they stated that they were not interested.

So I believe the decision was made on the part of the Japanese on the basis of whether or not they viewed this as a cost-efficient expenditure of their research dollar. And apparently they answered in the negative.

Mrs. HUTCHISON. Will the Senator continue to yield?

Mr. SASSER. I am pleased to yield.

Mrs. HUTCHISON. I would just like to ask the Senator if he would not have a hesitancy to look at a project seriously if it did not have the commitment of the person asking for the money. And I submit that if Congress would show that we are willing to make a commitment and keep it, then maybe our foreign investors would come through because they do not challenge the scientific merit of the super collider.

Everybody that has testified, with a few exceptions, has said it really is a worthy project. And I think we all want foreign investment. But I do think we are going to have to act like responsible partners in order to procure that investment.

Mr. SASSER. In response to the Senator's question, I simply say that I know of no more ironclad commitment the United States can make than the statement by the President of the United States that we intend to build the superconducting super collider, and to journey to Japan personally to discuss it with the Prime Minister of Japan to try to enforce the commitment that we thought the Japanese had made.

It is virtually unprecedented, certainly unprecedented in modern times, for a President of the United States to go to another country, to Japan particularly, hat in hand and seek to enforce what we thought was a commitment from the Japanese and being told "No soap." In essence, that is what has happened. The Japanese just do not feel, obviously, that this is a cost-efficient expenditure of their dollars for scientific research. Many acclaimed scientists have raised concern about the super collider on this very point.

Now, I am not saying that there is not any merit at all to the superconducting super collider. If our Treasury was full, if this country was enjoying good fiscal health, then I would say full speed ahead with the superconducting super collider.

But the problem is that this Government is fresh out of cash and we have increased our national debt by some 300 percent over the past 12 years. We have to be very careful where we put our very limited dollars for scientific research.

Here is what Prof. Philip Anderson, a Nobel laureate at Princeton University, has said:

> Are there worthwhile research institutions and projects which are being neglected or starved for money while the super collider is relatively liberally funded? Yes, there are very many. Is the superconducting super collider so urgent that we have to go ahead with it at any cost? Obviously not.

Supporters of the super collider claim that by eliminating it the United States is going to surrender its leadership role in science research to Japan and Europe. Yet, the exact opposite I would submit is true. Allowing this very expensive and very exotic scientific project, the super collider, to suck up billions and billions of research dollars that might have otherwise gone to countless smaller scale projects I believe may be the greatest threat to our leadership role in basic scientific research.

As I said earlier, I do not dispute the assertion that the super collider might lead to some fascinating discovery about the origin of the universe as stated here by the distinguished chairman of the committee, for whom I have the highest regard and respect. I will say that the chairman of the Energy Committee has a far better knowledge than I of this whole subject. As I said earlier, it is an endeavor that I would consider supporting if our budget was not under such duress.

But I think we need to face some facts. Many supporters of the super collider have attempted to portray it as a vital technological undertaking that is going to yield tremendous tangible benefits to mankind.

I must say to you that I believe that assertion is open to considerable doubt. Even Dr. Leon Lederman, the distinguished Nobel laureate, and himself a leading supporter of the superconducting super collider, has stated:

> Spinoffs would be a crazy reason for building the superconducting super collider. We do not build it for the spinoffs.

So says Dr. Lederman.

Now, I am confident that we can improve this Nation's technological base in computing, in medicine, in transportation, and in energy to a much greater extent by shifting the country's scientific focus away from this gold-plated atom smasher.

Mr. President, granted even if that statement of my friend from Louisiana was true and the super collider still cost $8.3 billion, which I submit is way off the mark now, and even if the Department of Energy was successful in obtaining $1.7 billion in foreign contributions, which we know it will not be, even if the super collider was not draining funds away from important scientific research, which I frankly believe it is, and even if the superconducting super collider had the potential to yield significant economic and technological benefits, which I frankly believe will be minimal, we simply, in the final analysis, cannot afford to continue funding the superconducting super collider.

So for those reasons, Mr. President, I want to support the amendment offered by the distinguished Senator from Arkansas. I urge my colleagues to vote in favor of the amendment. The meter is running on the national debt every day. The meter is running on the super collider. We cannot pull the plug on the debt but we can pull it on the super collider. I urge my colleagues to do that. I yield the floor.

Mr. JOHNSTON. Mr. President, I wonder if the Senator from Arkansas is ready for a time agreement at this point?

Mr. BUMPERS. Mr. President, it is 10 after 6. I tell you what. What do you think about hour and a half, 45 minutes to the side? How does that sound?

Mr. JOHNSTON. That would give us a vote at 7:40. I think that is good.

Mr. President, with Senator HATFIELD's concurrence, and if the floor staff tells me it is suitable, which I believe it is, I think they would want to move to a vote.

I will be prepared to propound a unanimous consent, to provide for an hour and a half equally divided which would give us a vote at quarter to 8 on or in relation to, and I would move to table at that point.

Mr. BUMPERS. I do not want to enter into a time agreement if there is a motion to table the amendment. The Senator can do that any time he wants. I hope the Senator will not move to table.

Mr. JOHNSTON. I will move to table. I am sorry. That is nothing unusual. If the Senator cannot give a time agreement—I do not want to precipitantly ask to table before the Senator tells me he is ready. I am prepared to stay here as long as necessary or vote tomorrow, whatever. I am trying to work it for other Senators so they can plan their evenings. But I would want to table, which I submit is not unusual.

Mr. BUMPERS. Let us go a little while longer. I was hoping the Senator would not insist on tabling the amendment.

Let me check with my people. The Senator from Texas is the next speaker.

Mr. JOHNSTON. How long does the Senator from Texas wish?

Mrs. HUTCHISON. About 20 minutes. If there is an agreement, I will be happy to shorten my statement.

Mr. JOHNSTON. I thank the Senator.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, on the floor of the Senate a few weeks ago we saw some pretty outrageous art, some of it pornographic. The issue then was Federal funding of the artists. But I thought to myself, it is really more than that. The issue is, what are we leaving as the symbol of America during the times in which we are living? What will our era contribute to the world that will depict our lives and our values? We can debate what our art legacy will be for a long time.

Mr. President, today we will determine what our legacy will be in science and technology. I hope we decide to leave as our legacy the most important scientific project of our decade—the superconducting super collider. It promises to resolve the profound mysteries of what the world is made of and how it is put together. Discovering these answers will be one of the crowning achievements of our civilization.

In their letter to me three young students in Mrs. Fender's class in Red Oak High School, Jordan Jolly, Laura Lassiter and Oralia Diaz put it in perspective:

> In the times of Isaac Newton, modern technology was unimaginable. Things as common as a toaster or a walkman radio would have sent him screaming into the night. Things to be in the 23rd century will leave us spellbound and awed. The SSC could be the stepping stone for the future way of life.

When Faraday did his crucial experiments in electricity and magnetism in the early 1800's these phenomena were considered laboratory curiosities. But his work led to the development of motors, generators, electric lighting, radio, television, and many other devices upon which our society so heavily depends.

We cannot predict all of the applications of the basic research from the SSC anymore than Newton or Faraday could predict the great revolution in technology that would result from their work.

But what about today? We are talking about a lot of taxpayer dollars. These dollars are allocated for the SSC. But Senator BUMPERS wants to reroute that money to other projects.

So why is the SSC a better priority than something else? It is because the dollars are spent today and built on tomorrow rather than being spent today and gone tomorrow. That is the difference that the SSC will make.

The SSC project is already advancing various technologies and transferring them to industry even before we get the final bill on the project. This results from the unique technological challenges of the industries that are building its components. Look at this wire. It is flat, it is thin. Before superconducting research, this wire was a cable one foot in diameter. Because of SSC research, electricity to light an entire office building can now be conducted through this narrow line.

The potential future savings in dollars and energy from this dramatic improvement in superconducting wire could revolutionize how we get electricity.

The manufacturer of 11,000 magnets for the SSC will require 585,000 miles of this wire. As a result of the improvements in design and the quantities involved, the cost of superconducting cable has been reduced from $50 a foot to less than $5 a foot.

The lower cost of the wire is resulting in turn in lower costs of diagnostic equipment which uses superconducting—wire such as MRI machines. Superconducting wire is the largest single component in the cost of MRI machines, and we all know what a great diagnostic machine that is. And if MRIs are cheaper, they will be more available in the small towns of our country and it will bring down the cost of health care, something all of us are working to do.

We have never been able to store energy before SSC research. The magnets that are now being built for the SSC for the first time can store energy in enormous quantities. This means we will be able to avoid building entire powerplants in the future for peak load use.

Think of the savings on utility bills of every American household because we can store energy. In addition the extra benefit is the magnets do not have an adverse impact on our environment. They are safer than powerplants and protect the environment as well. All of this is available today because of the research to build the SSC.

To use the SSC as a scapegoat for our budget problems is to ignore the energy efficiencies that will be created, as well as the return on the investment that will be generated through commercial applications of superconductivity.

According to a recent industry survey of United States, European, and Japanese companies, the market for superconductor products, now $1.5 billion worldwide, is projected to be $90 billion annually by the year 2010. This market will be $200 billion by the year 2020. Let me repeat that. Within the next 30 years, the market for superconductor products is projected to be $200 billion annually—all for an $8.2 billion investment. The cost may even be lower than that if we can get foreign investment.

Mr. President, I think we can get foreign investment if America will show its commitment by the actions of the U.S. Senate tonight. If we will show that we will be a good business partner, we will have a lot of interest from Europe and Japan, and that will bring our costs down, and it will make it a world project.

Let us talk about the impact of the SSC on education. Over 2,000 scientists and graduate students at 120 universities all across America are participating in SSC research. Every year, more than 20,000 young students in our high schools and junior high schools participate in SSC education programs designed to improve math and science skills. A project such as the SSC, much like the space station, sparks the curiosity of young people, and it attracts them to careers in science and engineering. This will assure our Nation's status as a leader in science and technology—leadership which is essential for our economic well-being in an increasingly competitive world.

One of the highlights of my service in the U.S. Senate was the week I took Dr. Jerry Friedman with me to meet my Senate colleagues one-on-one. Dr. Friedman is a Nobel laureate, and he is a professor at MIT. He is a genius that can speak in plain English to all of us nongeniuses in this august body.

Mr. President, it was a thrill for me to see this distinguished scientist's eyes light up over the limitless possibilities that the SSC gives to his students. The tragedy is, however, that many of Dr. Friedman's students, and other brilliant young people like them, will be forced to leave their field or do their work in other countries if the United States walks away from the SSC.

If SSC construction is stopped, we lose the knowledge to be gained by building and using this unique research facility.

Listen to the words of some of the scientists brought together to work on the SSC:

Dave Coupal, a physicist from Menlo, CA, said:

> The super collider is the flagship lab for the field of particle physics. If it goes down, the whole field could go. I would have to consider a career change after 9 years of college and 10 years of research.

Scientists from the former Soviet Union working on the project warned that similar cutbacks by their government forced Russian researchers to abandon whole fields of study, including computer research.

Julian Budagov, a Russian physicist, said:

> Genetics and cybernetics were murdered in the Soviet Union when the government stopped financial support because there was no immediate benefit to society. We lost billions of dollars. And because of that, we now have in Russia a terrible lack of computers.

We cannot afford to let this field of physics be abandoned, or we will lose those opportunities in the future. The SSC will be a training ground for thousands of our most talented students. These scientists and engineers will go into industry to make the research into marketable products. That is how the new jobs will be created in our country. It is how our country's economy will continue to grow and expand and accommodate the growing number of workers we will have in the 21st century.

Will America make a commitment? Or will it build 20 percent of this project, invest $1.5 billion in taxpayer dollars and walk away? Will we do that? Will we walk away when the merits have not changed? In fact, it is being proven more so every day that the merits are there because of the early benefits that we have found during the building of the SSC.

Eleven-year-old Jonathan Siegrist, who has seen his parents agonize over the possible death of the super collider said that it may dissuade his generation from choosing careers in science. He said that "they are trying to get kids into science at the same time they are trying to kill this project. It is just not going to happen."

The vote tonight will determine what America is made of, literally and figuratively. The SSC is going to determine the basic element of our Earth, but our vote today will determine if our generation will live only for today, or will we reach for a better future for generations to come.

Mr. President, we must vote against Senator BUMPERS' amendment so that we can keep faith with our future generations, so that we can keep our technological edge, and so that we will make sure that we have the jobs that will allow our country to grow and expand and accommodate the students that are now working on the SSC.

I yield the floor.

Mr. BUMPERS. Before the Senator from Texas leaves the floor, I would like to say that I listened to her helpful speech. But, by the same token, those Texas Senators are awful hard to please. I saw where the senior Senator from Texas complained during the space station debate that the money would not go for deficit reduction. So we put a provision in there that it would reduce the discretionary spending caps so that it would definitely go for deficit reduction, and neither Texas Senator voted for us.

We thought if they are not going to vote for us for deficit reduction, we will not bother to put it in. I heard the Senator, a moment ago, say this money cannot be used for deficit reduction; it can be used for other things.

So let me just ask the Senator this: I was thinking about offering a second-degree amendment. Can I count on her support if I offer a second-degree amendment to make sure that it goes for deficit reduction?

Mrs. HUTCHISON. I am sure the Senator from Arkansas realizes that what we need to do in this country is prioritize our spending. I wonder if the Senator from Arkansas voted for the $16 billion stimulus package.

Mr. BUMPERS. I am sorry?

Mrs. HUTCHISON. Did you vote for the $16 billion spending package?

Mr. BUMPERS. Yes. I would do it again, because that would have gone to all of the people in the country to stimulate the economy. Here we have—I heard the Senator from Tennessee quote the Senator from Texas a moment ago in her speech on the budget resolution, saying, "There is a clear message being sent by the people of Texas, and it is cut spending." I saw all those buttons, particularly on that side of the aisle, that said, "It is cut spending, stupid."

And so, here we are, and this as the third or fourth amendment I have offered in the last 2 weeks to cut billions of dollars. Most of it goes to Texas. I wonder if in her speech she meant cut spending in all of the other 49 States, not Texas.

Mrs. HUTCHISON. I am really pleased that the Senator from Arkansas is now getting down to the brass tacks because he voted for $16 billion to build swimming pools and warming huts, and I think——

Mr. BUMPERS. Wait a minute. Let me say to the Senator from Texas, I listened to that talk until I was blue in the face, and there was no swimming pool, or warming hut, or anything else in that stimulus package. That was in a book that the mayors of this country can buy and had nothing to do with that stimulus package. I do not know how in the world the press let people get by with that. There was no swimming pools or golf courses in that bill.

Mrs. HUTCHISON. Mr. President, I know the Senator from Arkansas realizes that all of the spending stimulus was going to come from the list that was provided, and that was the list. I would love to have seen the list be more specific, but that is what it was going to go for.

So let us talk about spending priorities. If the Senator wanted to cut the deficit so badly, why did he not cut the $16 billion? Why would he take $640 million that is going to provide future industries and future jobs, that will create scientific technology that will be our future, versus something that would be spent one time and one time only? It is a matter of priorities.

I am sure the Senator from Arkansas makes a budget in his own household. I am sure he prioritizes what are the most important expenditures, and I am sure that part of his expenditures would be investments for his future retirement.

Mr. President, it is the same principle. We have a chance not to spend $16 billion for swimming pools or golf courses or whatever would be chosen, but we have a chance to spend $640 million that will be an investment in our future.

I am very, very clear in my intent, and that is to put our money where it will be a nugget for the future. And not to do that, I think, is really not looking out for the future generations that will benefit by this very bold step that we will take tonight.

Mr. BUMPERS. Mr. President, I make two observations. On the collider, if we were only talking about $500 million and that was it, I would vote for it. I give the Senator my word. I would vote for it right now. We have already spent $2 billion on it, headed for $13 billion, or $20 billion compounded. But you are going to have to borrow every penny of it, and if you spend that over the next 35 years, we are not talking about $500 million; we are talking about $39 billion.

The stimulus package I voted for was $16 billion, not $15 billion, and it went to 250 million people. It created a lot of jobs in this country on highway construction, at $16,000 a job. This super collider costs $100,000 for every job it creates.

So if it were just a question of the $500 million, the Senator would have my vote in a New York minute.

Mr. JOHNSTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield?

Mrs. HUTCHISON. He was talking to me. If I could respond to the Senator.

The PRESIDING OFFICER. The Senator from Arkansas has the floor and can yield for a question.

Mr. BUMPERS. I yield for a question to the Senator.

Mrs. HUTCHISON. I thank the Senator.

I think it is important that he mentioned that the $16 billion would have gone all over America and, of course, the SSC's figures are not $39 billion; it is $8.2 billion. And that is being spread all over America, as well, because we are looking at 120 universities in 35 States that will benefit from this research, whose students are learning, and they are going to fan out all over this country. There are 48 States receiving contracts and most States are benefiting from the SSC much more than the people of Texas.

As the Senator knows, the people of Texas have put $400 million into this project, and they have contracts that are worth $290 million. They are committed to this project because they see a great future. They are not asking for that return, because they know that this is bigger than Texas.

Texas competed, as the Senator knows, on a scientific basis. We did not win this on politics. We won it mostly because of the soil and the conditions and other scientific bases.

This is an American project, and it is going to provide jobs and futures for people from all over this country. It is an $8.2 billion project. It is not $16 billion; it is not $39 billion.

Mr. BUMPERS. Mr. President, let me just make one observation to the Senator from Texas.

If I knew that $39 billion was ultimately the cost of this; if I knew they were going to find the Higgs Boson and that that was going to lead to the grand unification theory—you are light years away from that, even if you find the Higgs Boson. I would not vote for it even if I knew they are going to find it, because I do not think there are any spinoffs. Even if there are some, we do not know what they are.

But the main point is you are embarking on a $39 billion expenditure without even knowing that there is going to be anything at the end of the tunnel.

So, no; I would not vote for it.

Mrs. HUTCHISON. Mr. President, let me just answer that one point. We have already spinoffs that will give us a $200 billion industry by the year 2020 just from the research that is done to build the SSC. So the payback is already there.

Mr. BUMPERS. I ask where the Senator got that figure.

Mrs. HUTCHISON. Yes. From the Washington report of the superconducting industry. It comes from the Council on Superconductivity for American Competitiveness.

Mr. BUMPERS. The industry. They would put $400 billion on it, if nobody argued with them.

Mr. JOHNSTON. Mr. President, will the Senator yield on the subject of a time agreement?

Mr. BUMPERS. I yield.

Mr. JOHNSTON. Mr. President, I think the leadership is circulating or wants to know about a time agreement which would go like this:

That between 9 a.m. and 10 a.m., we take up the Foreign Ops bill and vote at 10 o'clock on a voice vote; at 10 o'clock, we would return to this amendment.

Tonight, we will have as much time as anybody wants to speak.

At 10 a.m., we return to this amendment and have a vote on or in relation to the Bumpers amendment at 10:30 a.m.

At the conclusion of the Bumpers amendment, we move to the John Kerry amendment on IFR, with a 4-hour time limit equally divided, after which would occur a vote on or in relation to the Kerry amendment.

I am not propounding that request.

Mr. BUMPERS. Mr. President, I want to talk to the majority leader, and I am agreeable to that. If I understand it, we will vote on the Bumpers amendment at 10:30, and go directly to the Kerry amendment—is that on or in relation to—which I expect to be a motion to table?

As I say, we will have a vote on a motion to table or an up-or-down vote at 10:30.

Mr. JOHNSTON. That is right.

Mr. BUMPERS. After which we go to the Kerry amendment for 4 hours.

Mr. JOHNSTON. After disposal of the amendment.

Mr. BUMPERS. There will be unlimited debate this evening?

Mr. JOHNSTON. Unlimited debate this evening.

Mr. BUMPERS. I have no objection if the Senator wants to propound that request.

Mr. JOHNSTON. I have not propounded it at this time.

Mr. HATFIELD. Mr. President, we have to clear it on this side.

Mr. JOHNSTON. Does anybody know of objection? We will not propound it until it is cleared.

The PRESIDING OFFICER. The Senator from Arkansas still has the floor.

Mr. BUMPERS. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, this evening I stand in opposition to the amendment of the Senator from Arkansas to cut the funding for the superconducting super collider.

There is one thing I found most interesting this late afternoon when the Senator from Arkansas was speaking so eloquently about the fact that this Senate just cannot cut spending, and he is right. There are a lot of us who have tried over the last good number of years to reduce the overall rate of increase in spending in this Government; yet, we have seen our debt and our deficit continue to grow relatively unchecked while many Senators have come to the floor speaking most eloquently about a variety of approaches toward cutting.

What the Senator from Arkansas did not say tonight was: But we can shift spending. No, he is right. He cannot get a good vote on a cut. The reason he cannot is because the money stays in the budget and moves to mandatory spending, away from discretionary spending.

What am I talking about?

In my 13 years in the Congress of the United States, I have watched a very important and I think most significant shift go on in the budget prioritizing that this Congress has done, a shift that has a direct impact upon this Nation to invest in its future in the kind of way that we so effectively did through the decades of the fifties, the sixties, and the seventies.

Today we are caught up in funding, if you will, mandatory programs—we can call them people programs, or whatever—that speak to the immediate needs, but do not address our future. I will not deny that some of the immediate needs are important and necessary.

But I think the Senator from Texas and the Senator from Louisiana speak very eloquently about our future needs, about pushing the envelope of science in a way that constantly sets this country ahead of any other country in the world and provides an abundance of jobs in fields yet undiscovered for future generations.

Last weekend, I was at Mountain Home Air Force Base in our State of Idaho watching an air show, looking at the F-15's, the F-16's and B-1B's, and looking at all of the exciting new weaponry hanging beneath those marvelous aircraft, a product of investment, a product of a commitment on the part of this country in science and technology superior to any other country in the world—a kind of an investment that just a few years ago set our fighting men and women apart from any other country, in such a way that we could win a war at a very slight cost in human life to our country in the extension of our foreign policy through science and technology applied to weaponry.

Now what does it have to do with the superconducting super collider? It has a lot to do with it. Because the science I saw hanging beneath those marvelous aircraft at Mountain Home Air Force Base was a product of a science that was launched in the late fifties when I was in high school.

Mr. President, I remember very well, as a science student at Midvale High School, a small rural high school in Idaho, clipping from Popular Science and other magazines stories about the space program, about a commitment that this country was going to make to science to put man into space for a variety of reasons, and that from that just might come a few benefits.

And you and I and the rest of the world now know the rest of the story. The benefits were phenomenal.

The weaponry hanging beneath the aircraft at Mountain Home Air Force Base last weekend was a product of the space program, a product of the technology, a product of the guidance, a product of the material, a product of the mettle, a product of the human mind that had been pushed to the limits of science.

And, doggone it, this Senate should not opt just for tomorrow. That is what the Senator from Arkansas is doing. He is saying, "Let us not invest in our future. Let us only invest in tomorrow." Therefore, his amendment shifts money from these kinds of futuristic investment programs to tomorrow's needs, not the needs of the future.

The deficit will not go down. The debt will not go down. He already voted for a tax increase. He has not been willing to work with us to put true spending controls into place that forces the tough priorities that we ought to be forced to make.

If we were doing this in the context of a balanced budget or if we were

doing this in the context of spending caps, then I would say that this debate is legitimate. Because it would suggest that it is this priority versus another.

And yet the Senator from Arkansas is not allowing that to happen. He is caught up in the business that all of us have been caught up in for the last decade—shifting money from one program to another in the name of cutting spending, only to see the debt break $4 trillion and to see our deficit hover in the $300 billion mark, nearly out of control. Those are the issues. Those are the tough choices.

I serve on a committee that says it is important for our country to invest in the future. This is an investment in that future. It is not an investment in the immediacy of tomorrow.

Will there be spinoffs? Oh, my goodness, let the mind begin to imagine—in medicine, electronics, computing, superconductivity; the idea that once again we could return to a rail service, a high-speed system, traveling from city to city in this country, avoiding the traffic gridlocks that now tie up the corridors along the east and west coasts and in our major metropolitan areas. The ability of the human mind applied to this science to expand our capabilities into the future is but yet phenomenal.

And what is exciting to me is that, as Senators nearly three decades ago told me when I was a young student at Midvale High School, "We are going to invest in your future by spending money in a space program that may give you or your peers an opportunity," I want to say the same thing to the young people of America today that are interested in high-energy physics, that are interested in the kinds of things that are offered in this marvelous program: "We offer you a future that only the mind can imagine, because we are willing to invest in not just tomorrow, but way out there into trying to find out what the world is all about."

Mr. President, just one other story. The weekend before last, I was out in St. Louis to visit with the Monsanto people about some amazing new science that is going on for the environment.

I am from the State of Idaho and most people know we do one thing very well out there, we produce potatoes. Some Senators would have to suggest that potatoes and the superconducting super collider do not have any relationship at all.

But I will tell you that the technology that came out of the space program, the technology that begins to find out what the world is all about, that allows us to look inside the atom, did something unique for the potato. It allowed us to go into the makeup, the structure, of that system and design it in such a way that potato beetles no longer like the taste of its foliage, so that we do not have to use the pesticides that some citizens worry might pollute our environment. The science that began to be the spinoff of some of these marvelous programs has now produced a potato that can be grown in Idaho and across the Nation that will provide food for the Nation and for the world and do it in a much cleaner environment, the result of science, the result of an investment 30 years ago by this Senate that we now begin to reap the benefit of today.

Let us not shift our spending. If we are going to get our budget under control, let us do it in a responsible way, instead of making arguments on the floor that this is some kind of a budget-cutter. Because all of us know it is not. It is merely taking money out of one program and putting it in another.

After we vote on this—if we were to vote the Bumpers amendment into final passage—the deficit would not be one dime different, nor would the debt. That is a fact, and we all know it.

Let us invest in our future. Let us defeat the Bumpers amendment and assure the kind of investing in the supreconducting super collider that we demand of ourselves, as we have in the past.

I yield back the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2295

Mr. MITCHELL. Mr. President, I ask unanimous consent that, when the Senate considers the conference report on H.R. 2295, the Foreign Operations appropriations conference report, it be considered under the following time limitation: 30 minutes for debate, equally divided between Senators LEAHY and MCCONNELL, or their designees; 30 minutes under the control of Senator HELMS, with the last 5 minutes under Senator LEAHY's control; and that, at the conclusion or yielding back of time, the conference report be agreed to and the motion to reconsider be laid upon the table.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that, at 9 a.m. tomorrow, the Senate proceed to the consideration of the conference report to accompany H.R. 2295, the Foreign Operations conference report, to be considered under the terms of the previously agreed-to unanimous-consent agreement; that, at 10 a.m. tomorrow, the Senate resume consideration of the Energy-Water appropriations bill, H.R. 2445, and the pending amendment numbered 983 by Senator BUMPERS; that there be 30 minutes remaining for debate on his amendment, equally divided in the usual form; that a vote on or in relation to the Bumpers amendment occur at 10:30 a.m. tomorrow; that, upon the disposition of the Bumpers amendment, Senator KERRY of Massachusetts be recognized to offer his amendment relative to the liquid metal reactor; and that no second-degree amendments be in order to the Bumpers amendment.

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

Mr. MITCHELL. Mr. President, I now ask unanimous consent——

Mr. JOHNSTON. Mr. President, if the Senator will yield, did the Senator set a time limit on the Kerry amendment?

Mr. MITCHELL. I am advised that there has been objection to a time limit. We have been advised that there is objection by a Republican Senator to a time agreement on the Kerry amendment, and maybe we can get one tomorrow, once we get into it.

Why do I not proceed with the remainder of this and we can come back and do it, once it is cleared on the Republican side.

CONTINUING APPROPRIATIONS, 1994

Mr. MITCHELL. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of House Joint Resolution 267, the continuing appropriations resolution, that it be read a third time and passed, and the motion to reconsider laid upon the table.

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

The joint resolution (H.J. Res 267) was ordered to a third reading, was read the third time, and passed.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. However, Senators are advised that debate will continue on the Bumpers amendment so long as Senators wish to debate that matter this evening.

There will be 30 minutes only remaining for debate on that amendment tomorrow between 10 and 10:30 a.m. We are going to have a vote on that at 10:30. So if any Senator wants to address the subject he or she has full and ample opportunity to do so this evening.

Then, after the disposition of the Bumpers amendment, the Senate will proceed to consideration of the amendment by Senator KERRY of Massachusetts, and we will attempt between now and then, either late this evening or tomorrow morning, to get a time agreement on that amendment.

I thank the managers for their cooperation. I thank Senator BUMPERS for his cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter now before the body?

ENERGY AND WATER APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 983

The PRESIDING OFFICER. The pending business is amendment No. 983, offered by the Senator from Arkansas [Mr. BUMPERS].

Mr. REID. Mr. President, we all know this is the information age. For the past 150 years, since Samuel Morse designed his telegraphic code, the explosion of knowledge has eclipsed all other forms of human endeavor. And born from this explosion has been one continuing truism: Knowledge is power.

In the 1860's, that power was manifested in the ability to move troops on railways and direct them by telegraph.

In the early years of this century, advancing knowledge gave birth to the Wright Brothers' airplane, Simon Lake's submarine, the caterpillar tractor, and Hiram Maxim's machinegun.

Those inventions were the foundation for the horrific war fought in Europe among its collapsing empires.

In the middle of this century, the inescapable fact of life for the entire world was the release of the atomic genie, made possible by America's Manhattan project in World War II.

What all those events have in common is that they were the results of American scientific genius, and that all were eventually applied by imperialistic or totalitarian governments to threaten our shores.

Now we have come to another brink of American scientific research. The superconducting super collider involves pure research, but it means much more. Knowledge truly is power. The only question is whether America is going to possess and use that power, or whether America is going to give it away with results yet unknown.

Nevada was an original competitor for the superconducting super collider. My State would have benefited significantly, both from an economic standpoint and from a standpoint of prestige.

Though Nevada did not get the project, it will still benefit, because the country will benefit. The superconducting super collider is good for America.

As the junior Senator from Maryland has said on a number of occasions, there are certain things that come before this body that I think, as she phrased it, are "giggle words." The superconducting super collider perhaps falls in that line. Because of the name itself, it is easy to point to. It may fall in that category. If that is the case, that is too bad.

Our Nation's future rests on keeping and/or regaining our scientific and technological edge. Report after report tells a sad story of American children who are falling further and further behind in science and math competency.

I wish each Member of the Senate could have listened to public radio a week ago last Saturday, where a group of scientists talked about the superconducting super collider. These people are interested in pure science, in trying to figure out why things are the way they are. When we stop, when our scientific community stops trying to figure out why things are the way they are, we are all in trouble. They, as indicated in that public radio broadcast, believe that they need the superconducting super collider to get them into areas not yet known.

Lester Thurow, the Nobel laureate, writes about how America is becoming less able to compete with other industrialized countries in a book called, "Head to Head." He writes:

> America did not become rich because it worked harder or saved more than its neighbors. It had a small population in a very large, resource-rich environment. Natural resources were combined with the first compulsory public K through 12 education system and the first system of mass higher education in the world. Together they gave America an economic edge. While Americans may not have worked harder, they were better skilled and worked smarter.

He goes on to say:

> The skills of the labor force are going to be the key competitive weapon in the 21st century.

This will take a solid knowledge of science and technology on the part of our young people and, of course, our scientific community.

When young people come to my office and I ask them what are you going to do, and when some of these bright young men and women say to me they are going to go to school to study math or science, I feel so good. And I tell them that. I say I am glad that you are going to be a scientist. We need more scientists. We need more people interested in math and science and technological fields.

These young people who come to my office, your office and everyone's office, whom we represent through the U.S. Senate—every one of these young people who is going into math and science and other forms of technology—is our gift to the future.

In order to succeed, however, these young people need the proper implements. I believe, as does a large segment of the scientific community, that without the superconducting super collider America's preeminence in science and technology will shift overseas. And that is where children will go to be trained, those bright math and science students, and that is where the rest of the world will go to be trained in pure physics. What a tragedy this would be, the great superpower not able to maintain what it needs to do in the scientific world.

I have read some of the reports where some scientists have said I would rather spend my money in my own field. And I can well understand that, because we are stifling scientific research in all areas in this country. So I can understand why they would rather have scientific research in their fields, rather than in this field. There have to be choices made. But, if we shifted the center of scientific knowledge, we would suffer as a country, our universities would suffer, our competitiveness would suffer, and of course, our economy would falter and suffer.

This investment may hold the key to the makeup of our universe. What more need be said about its value? This instrument, this superconducting super collider, may hold the key to the makeup of this universe that we do not understand. But for those who must see immediately what is in it for them, particle accelerator research has already improved cancer treatment, medical diagnostics, supercomputing and transportation.

It is unclear exactly what advances the superconducting super collider will bring. If we knew all the advances it would bring, we would not need it. But I do know this project will keep our Nation at the cutting edge of scientific research and technology.

Mr. President, it would be easy for me to vote against the superconducting super collider. Politically, it would be not a bad thing for me to do representing the State of Nevada. It is well known that Nevadans are at odds with the chairman of the Energy and Water Appropriations Subcommittee, the manager of this bill, over the waste repository at Yucca Mountain. That alone would be enough reason for me to vote against this project, to vote for the Bumpers amendment.

But though Nevada will get none of the money of this project, it is not, in my opinion, wasteful spending. We will all benefit—people from the State of Pennsylvania, people from the State of Louisiana, people from the State of Idaho, people from the State of Nevada—from this superconducting super collider.

I, Mr. President, vote against waste when I see it, and I guess we tend to look at waste with different eyeglasses. Among other things, I voted against forgiving Egypt its $7 billion debt. I thought that was wrong. I voted against the space station within the past week in this body. I voted against the B-2 bomber. I voted against the tea board that had been, I thought, wasteful spending for almost a hundred years.

I have great respect for the author of this amendment. We are together a lot more than we are apart, but I hope that those people who are concerned about this project because it costs too much money will understand that there are a lot of other things that cost a lot of money that should not cost a lot of money. I hope that everyone who is concerned about how much money we are spending will look at some legislation that I have sponsored to change

the immigration laws in this country, S. 1351. If you want to talk about waste, if you want to talk about how we could have more money for education, let us talk about how we handle immigration, or do not handle immigration in this country.

I hope that everyone who supports the Bumpers amendment will support reform of the immigration laws. My colleagues should understand that the State of California is building a new school every day to take care of immigrants moving into California. My colleagues should understand that last year in Los Angeles County, in the county hospitals, almost 70 percent of the babies born were born to illegal immigrants.

MediCal, California's version of Medicaid, estimates that Californians pay over $700 million annually to provide health care for illegal immigrants. Children of the illegal immigrants count for more than 65 percent of births in the hospitals, almost 70 percent of the births in the hospitals. The people we have in prison, almost 25 percent of them are illegal immigrants.

So I hope—I am not going to go into a lot more detail about my legislation—but I hope that everyone who is here today talking about wasteful spending will understand some real waste, with the inordinate costs we have in education, our criminal justice system, welfare costs because of legal immigration into this country and we have to put a stop to that. There is some real money there to be saved. We can spend money on a lot of scientific things. We could do a lot toward retiring our debt if we would get that problem under control.

I mentioned earlier that I can understand why scientists—and I heard the manager of this bill talk with great elucidation about how scientists—sure, a number of scientists oppose this project because they do not have money for their own scientific research. And that, in fact, is factual. This Nation used to spend 5.2 percent of its budget on science. Now we spend less than 2 percent. We are not giving the scientists the tools to do real science. We need to do more.

Mr. President, in 1844, a man came to Washington—I am sure he was standing out here, down at the House, wherever Congress met on the House side in those days—and he had an idea. The idea that he had in 1844 is that if Congress and the President would appropriate enough money to build a telegraph line between Baltimore, MD, and Washington, DC, he would show this new technology—the telegraph—to the American people. He said it would revolutionize the communications industry in the world. Congress and the President accepted that and they appropriated $40,000 to build a telegraph line between Baltimore, MD, and Washington, DC. And sure enough, it did just that: It revolutionized the communications industry not only in the United States but in the world. We have to be involved in the scientific community. We have not done it enough.

Today, I believe, Mr. President, that we need to vote for America's future by voting to approve the superconducting super collider. There are people—and this is on the desks—who have said we should terminate funding for the superconducting super collider: Council for Citizens Against Government Waste, National Taxpayers Union, and others. I hope that these well-meaning, good people would take a look at what immigration, legal and illegal, is doing to our country and there we would find some real waste.

I hope they will get behind Senate bill 1351 and make that the law of this land.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I am rising to express my opposition to the continuation of funding for this program. I would like to say at the beginning that there is obviously some merit to the SSC. Any of us who are standing on the floor to urge the adoption of the Bumpers amendment must concede initially that this is a program that has some merit. But it has to be weighed against the value of all the scientific research that we will have to forgo in order to pay for it. And so it has merit, but as compared to what?

The National Academy of Sciences recently issued a report on Federal support for scientific research. The purpose of the report was to ensure that the Federal Government was spending its money on a balanced program of research and development. The academy panel examined some 20 fields of science. According to that panel's chairman, it "found four or five that were overfunded" and others that were underfunded. One of the areas found to be overfunded, not surprisingly, was in the field of high-energy physics. One panel member, the Nobel laureate economist Robert Solow said:

> Nobody looking at the field of high-energy physics from the outside could possibly think that we need to spend more money.

The Congressional Budget Office has affirmed this view in a report that was issued this year that stated that "the super collider is consuming a disproportionate share of U.S. science resources."

Given the budget realities, the only way we can increase funding for the fields of science that the Academy found to be underfunded or to be wanting is to shift resources from those areas that are, in fact, overfunded.

No one should mistakenly conclude that the adoption of this amendment will leave the field of high-energy physics in this country to wither from a lack of funding. The bill before the Senate would provide some $619 million for high-energy physics research other than the super collider. And none of that money will be touched by this amendment. Even if the amendment were adopted, we would still be providing the full funding for the construction of a new facility at the Fermi National Laboratory's Tevatron, which is already the most powerful accelerator in the world. We would still be providing funding for the construction of the relativistic heavy ion collider at Brookhaven National Laboratory. That is still fully funded. We are still providing full funding for construction of the continuous electron beam accelerator. We would still fund the Stanford linear collider and also the Bevalac Accelerator at the Lawrence Berkeley Laboratory.

So we are still providing significant funding in this field.

The next issue, is, are we going to be left out? Is somebody else going to beat us, not into space, to the Moon, to Mars, but to the discoveries that are the objective of this superconducting super collider?

Well, I am told that much of the research that is intended to be conducted through this program can be accomplished by other high-energy particle accelerators. As I understand it, the primary purpose of the SSC is to find a theorized particle known as the Higgs boson. I am not a scientist. I am not familiar with the details. I would yield certainly to the Senator from Louisiana in this field.

But the American Institute of Physics publication Physics Today reports that there is very high probability this can be done by another accelerator, the large Hadron collider that is going to be built in Europe. And while the large Hadron collider will be less powerful than the super collider, Physics Today reports as much as a 95 percent probability that it will be powerful enough to find the Higgs boson.

So given this fact, if we accept it is fact, then the advocates for the super collider are left to argue that we have to appeal to national pride. There is a lot to be said for national pride. But do we have to be the first in everything? If this one objective can be accomplished by another means, and if we have full funding of a number of other very successful high-energy projects underway, can we not at least make some concession here that somebody else can take the lead on this particular type of program?

Now, we have heard a lot of figures bandied about. I cannot see the charts that are at the opposite end of the room, but let me just review what I think to be the correct estimates.

As I understand it, the current estimate for the total cost of this program now stands at roughly $12 billion,

which is about one-third more than DOE estimated last year. Secretary O'Leary continues to state she is confident that the cost of this collider can be contained to about $8.25 billion. But it is interesting that the Department of Energy's own independent cost estimate group put the cost at $11.8 billion, and this estimate was made before the Clinton administration decided to stretch the program out some 3 years and serious mismanagement problems came to light, which obviously are going to increase the costs significantly.

So I think there is every reason to believe that the costs are going to continue to climb.

The DOE project manager for the SSC recently wrote a memorandum in which he warned that "cost and schedule trends are worsening at an alarming rate."

How about international participation? The international contributions were expected to be some $1.7 billion. Well, they are, I will not say zero, but not far from it. The Department of Energy's assurances that Japan would contribute anywhere from $500 million to $1 billion are now acknowledged to be little more than wishful thinking.

In fact, in January, then-Secretary Watkins admitted that foreign contributions would amount to $400 million at most, and even this seems to be extremely optimistic. Even if this most recent wish were to be fulfilled, foreign contributions would amount to about 3 percent of the total project cost, rather than the 20 percent promised by the Department of Energy just 2 years ago.

So far, we have received only $63 million, and the Congressional Budget Office reported earlier this year that most of the foreign 'contributions' to date have been in the form of cost savings that DOE obtained by fabricating the magnets and other components of the SSC in low-wage countries like Russia and China."

This, it seems to me, hardly supports the arguments of the collider's proponents that its construction is going to be a major boon to the U.S. economy. Indeed, I think the Energy and Water conference report of a few years ago warned that "foreign participation in the superconducting super collider may negatively impact the development of high technology in this country and foster further development outside the United States."

MANAGEMENT PROBLEMS HAVE BEEN SWEPT UNDER THE RUG

Management of the SSC has been so poor that DOE was forced under congressional pressure to fire the construction contractor, a consortium of research universities. But this may not solve the management problems. According to the prestigious publication Science, "DOE officials expect most of the SSC management staff to be rehired by the new contractor." Science quotes SSC lab director Roy Schwitters as reassuring his staff that in past contractor changes, "the color of the ID cards may have changed, but the majority of the people have remained in their positions."

According to Physics Today, the publication of the American Institute of Physics, Secretary O'Leary's decision to dump the university consortium as the construction contractor "surprised veteran SSC watchers because she did not remove those who have received blame for many of the project's management and accounting problems."

In fact, DOE's project manager for the SSC, Joseph Cipriano, urged a much more drastic management shake-up, including the immediate firing of the SSC lab director. According to a memorandum by Cipriano, "confidence in existing management is practically nonexistent and cost and schedule trends are worsening at an alarming rate." He also urged putting the entire SSC project on hold for 1 year to allow time to fix management problems and to prepare less ambitious alternatives for SSC construction. Unfortunately, Secretary O'Leary rejected the recommendations of her SSC program manager and, instead, opted for superficial management changes.

Mr. President, the details of these serious management problems have been discussed at some length on the floor and in various publications. They need not be repeated. But it comes down to an issue that all of us on this side and many on the other side of the aisle continue to talk about: ways to save money. We talk about fraud and abuse and waste.

Here we have a program in which we can clearly demonstrate that it need not be funded in order to achieve the kind of breakthroughs we are looking for in this particular field and that we have several very seriously funded programs that can mark us as leaders in the field.

If we want to save money, here in the SSC we have a program that is likely to cost us as much as $12 billion. We can stop it now. Yes, we have spent anywhere from $1.5 to $2 billion already, and that is a lot of money. But we can save $10 billion by stopping the program now and adopting a more balanced approach in the funding of scientific research.

So, Mr. President, I look at this from a budgetary point of view. As I indicated before, I think the SSC has merit, but it does not have so much merit that we cannot afford to terminate the program now and devote a more realistic effort to high-energy physics and a more balanced effort to scientific research, in general.

Mr. JOHNSTON. Will the Senator yield for just one question?

Mr. COHEN. Yes.

Mr. JOHNSTON. The Senator stated that in Physics Today there was a statement there was a probability that the Hadron Collider in Cern would be able to find the Higgs Boson.

Is the Senator aware that the consensus among high-energy physicists in the United States is that that project, if it is built—and it has been deferred the last 2 years. My own view is they are probably not going to build it—but if they did build it, its energy is somewhere between 6 and 7 trillion electron volts, this is 20—they probably would not find it, at least American high-energy physicists believe that. That is why they have designed this one at 20 trillion electron volts.

Mr. COHEN. My understanding is that the American Institute of Physics in its publication indicated it would have a 95 percent probability of achieving the same result. We can get into a battle of the experts, but that is my understanding. And to the extent the Senator from Louisiana has other contradictory evidence, that is for the record I suppose. But I appreciate his comment. Perhaps the Senator can contradict the statement contained in the publication.

Mr. JOHNSTON. I guess there is no way to settle that argument here except to tell the Senator our scientists believe that is not so. As a matter of fact, they have a lot of doubt that the design at Cern can be made to work, that it would overwhelm the detectors. There is no need to get into the detail which we could go into, but at least our people do not believe that.

Mr. COHEN. I thank the Senator for his comments and I thank the Senator from Arkansas for yielding time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, I rise today as a sponsor of the amendment to eliminate funding for the superconducting super collider [SSC]. The time has come to stop wasting taxpayers' money on this extravagant pork barrel project and demonstrate to the American people that Congress can actually make the hard choices necessary to get our Nation's fiscal house in order.

I am proud that the Senate has recently voted to terminate two programs that are clearly not national priorities: the wool and mohair subsidy—$130 million—and the NASA program to search for extraterrestrial life—$12 million. These programs should be terminated but their costs are trivial when compared to the SSC. Terminating the SSC would send an unmistakable signal to the American public that Congress is serious about cutting the Federal deficit.

I am not against Government funding of science or particle physics specifically. Particle physics is an exciting field. But so is exploration of space, genetics, robotics, artificial intelligence,

and a dozen other worthwhile projects. Given our current fiscal situation, we do not have the luxury of funding all the exciting science initiatives presented us and, instead, we have to make hard decisions if we are going to restore public confidence in our ability to govern.

In setting our spending priorities, we must analyze how each program enhances our competitiveness and improves our standard of living. We must also examine how well the individual programs are managed.

Measured by these standards, the SSC fails the test. Let us consider how the SSC compares with other science programs by considering the advice of some impartial experts.

The Industrial Research Institute, a nonprofit research organization funded by Fortune 500 industrial companies, took a survey or research and development corporate vice presidents across America and asked them to rate the big science projects currently being considered in terms of their promise to return something meaningful to the competitiveness of the United States.

America's corporate scientists rated the SSC dead last in terms of its benefits for our competitiveness. That assessment comes from Fortune 500 R&D experts. The view from the scientific community is no more charitable. In fact, a recent poll found that 98 percent of American scientists refused to give any priority to continued funding of the SSC.

This indictment of the SSC by the U.S. scientific community is further validated by the fact that no meaningful foreign contributors have stepped forward. This should tell us something.

Not only must we consider the SSC on its merits, we must also analyze what its impacts would be on other, more beneficial science projects.

If we continue with this ill-advised effort, we will starve a great deal of worthwhile science projects. Many scientists—including Nobel Prize winners and a past president of the Physicists' Professional Society—fear that it is the SSC itself which will most likely doom science in this country.

While the Federal agencies that train and fund most of the scientists in this country are turning down more than two-thirds of their applications, the SSC—a single project in a single subfield of science—is eating up $11 billion.

We hear the most exaggerated claims regarding the possible spinoffs from the SSC from improving health to science education.

What we really have is a public works project—a huge 54-mile tunnel. However, in all likelihood we cannot patent any discoveries from this basic research. We will spend the money; we will do the work. but whatever basic science results from this project will be available to our competitors at no cost. To me this has an all-to-common ring, where the United States invents, but the Japanese and the Germans manufacture, and reap the jobs and the profits.

The assessment given the SSC by our scientific community and our foreign competitors should be enough to sink this program. But when we combine this with the management problems we have discovered, there should be no doubt about this project's fate.

Let us look at how the SSC has been run. The record is atrocious. The program has been plagued by cost overruns and poor management from the very beginning.

The cost of the SSC has grown from $4.4 billion in 1987, with a $2.9 Federal contribution, to more than $11 billion today with over a $10 billion Federal contribution. That is a threefold increase in the Federal contribution to this project.

Recently, the DOE inspector general's report confirmed our worst fears about waste. Some of the bills submitted by the main contractor to DOE included a $375 disc jockey, $18,403 for coffee, $21,369 for plants, $1,626,605 for relocation costs over a 15-month period, which is the equivalent to $10,844 per SSC employee, and $293,668 for car rental and leasing.

This report points out that 40 percent, or $216 million, of the spending represented unnecessary or excessive costs. Regardless of the scientific merits of this project, the management issues should concern us all. I cannot, in good conscience, support a project which engages in such waste of taxpayer resources.

It is time to say enough. The deficits are too big, other needs are too urgent. We have a $4 trillion national debt, and it will increase to $6 trillion in the next 4 years and interest on the national debt this year will be over $300 billion—that is close to a rate of $1 billion a day. We cannot afford the things this country really needs, let alone the things we want.

While the proponents of the SSC have been vigorous in letting Senators know about the contracts in their States from the SSC, they fail to let us know the true costs. The citizens against Government waste have compiled a chart showing the tax burden per State to build the SSC.

Nevada's tax burden to fund this huge ditch in Texas is $71,500,000. That is almost $70 per man, woman, and child in Nevada for a project of dubious benefit. My constituents are urging more spending cuts, not questionable spending of this kind.

The SCC might be worthwhile to have someday, but for now we need to put it on the shelf until we can afford it. Let this vote be a symbol of our resolve to reduce the deficit. I urge my colleagues to support this amendment.

Mr. President, I wish to preface my comments in support of Senator BUMPERS' amendment by saying a word or two about the principal sponsor of the amendment.

I knew very little about the distinguished senior Senator from Arkansas prior to becoming a Member of this Chamber. I knew that he had been an able and impressive Governor, and I knew that he was an articulate spokesman for the causes in which he believed. My admiration for him has grown greatly as I have had occasion on a number of times to join him in this Chamber in support of his efforts to reduce spending.

We were together on the superconducting super collider in years past and we were together on the space station in years past, as we were this year. I suspect that many might say this hour of the day that perhaps no votes are likely to change at this hour.

But the position the Senator is advocating and in which I am pleased to support him is the right position.

Everybody talks in the abstract about cutting spending. Not a Member of this Chamber disagrees with that abstract proposition. But it is exceedingly difficult to develop a critical mass of any particular project to eliminate funding once that has started.

We have made some modest steps in the last week or two with the decision by my colleagues to eliminate the wool and mohair subsidy. The distinguished occupant of the chair was the leader in that effort, and I salute and congratulate his efforts in behalf of that cause. Modestly, we made a step with respect to the elimination of the program for the search for extraterrestrial intelligence, which has taken on new life in a recast name, but is the same old program, which is targeted to spend $100 million over the next 10 years. We in the Senate have taken a step on that.

But if we really want to send a message, if we really want to hit the ball out of the park, eliminate a program such as the one that is before us this evening, with the potential of that, because we are not talking just about $640 million, the appropriation included in this matter. We are talking about, over the course of 35 to 40 years—considering that we are going to have to borrow the whole of this money at a 4½-percent compounded annual rate—we are talking about $38 billion.

So the course that we continue to set tonight, if this program survives, is not just $640 million. It commits us to a course of expenditures that ultimately will result in a $38 billion expenditure.

Mr. President, I am not against funding every science, or particle physics specifically. I am sure that particle physics is an exciting field. But so, too, are exploration of space, genetics, robotics, artificial intelligence, and dozens and dozens of other worthwhile projects. Given our current fiscal situation, the question is, can we afford it? Do we have the luxury of supporting

and funding all of these programs that may be desirable and, yes, may have some potential long-term benefits?

I think the answer to that proposition has to be in the negative. Not only can we not afford it, but we have to make some critical judgments. And the Congress has not been particularly effective in any judgment in setting forth the priorities for these fundings. It seems to me that we ought to subject that at least to a couple of standards.

No. 1, funding of such a project enhances our competitiveness. Would it make it possible for American industry to be more competitive in international commerce and thereby enhance our scientific, our manufacturing base, to provide opportunities for employment? The answer is in the affirmative. I think we have to give that very careful consideration. We have to examine thoughtfully how well laid out, how well managed the individual program is.

I respectfully submit that this program does not meet any of those criteria. It has been debated during the course of this afternoon at some length. The fact is that in the scientific community—the community that one might think would be the prime advocates of this program—98 percent of the scientists that were queried about this program indicated that this should not be a priority for funding.

The Fortune 500 R&D experts, when asked about this program and how they rank it, indicate that they do not believe that this is a program that holds a great promise or is particularly meaningful in terms of enhancing the competitiveness for America.

So you have private and public sector people in the scientific community who have taken a very dim view of this project. I understand that the advocates for this program, those scientists who work in highly specialized fields of particle physics, are excited and challenged and enthusiastic about this project. That could be said, I suppose, for every scientific project that deals with every subspecialty in the scientific field.

I think not only can we not justify this in terms of our current fiscal situation, but we cannot justify this in terms of the kind of priority that this program should have if we have the resources. I think we have to examine this also in the context of what harm it will do.

If we continue this program, we have the potential of starving a lot of worthwhile scientific projects that may not be as large, that do not have the advocacy groups in behalf of them, that may not have the glitz that big science has, but nevertheless may hold a very far greater potential in terms of enhancing our scientific knowledge and making our country more competitive with international commerce, manufacturing, and other technical fields.

It is my concern that the preemption of those limited resources is one of the great dangers that we face in approaching our scientific budgets with the big-science and the big-ticket approach.

The advocates of this program have done a very skillful job. I commend them for their skills, their resources. They have been very skillful in pointing out, in community after community across the country, State after State, that your State will benefit if this project goes forward; that there is a contract that will be let or has been let in one of the cities in your State. What has been less emphasized is that we all, as Americans, pay a cost for this type of an approach.

Mr. President, I invite my colleagues' attention to a chart that derives as its source some information provided by Citizens Against Government Waste.

What this chart seeks to depict is the tax burden imposed upon each of the respective States, assuming a total eventual cost outlay of $12.955 billion. From my own State of Nevada, a small State in terms of population, we are looking at an outlay of about $71.5 million, the burden of which goes to the taxpayers. I respectfully submit that this is a burden that we ought not to add to our taxpayers.

There has been a considerable amount of discussion during the course of the debate about how costs have exploded from a few million dollars to some cost projections that today range in the magnitude of some $13 billion. It is a program which has not been, in my judgment, responsibly managed. The inspector general's report, which has been commented on during the course of the day, has pointed out a number of examples of waste. I do not intend to go into all of them.

Suffice it to say that there have been bills submitted by contractors to pay for a disk jockey, $18,403; coffee; $21,369 for plants; $1,626,000 for relocation costs over a 15-month period, which is the equivalent to $10,844 per SSC employee; and another $293,000 for car rental leasing.

The report points out that 40 percent, or $216 million in the spending presented, is unnecessary or excessive costs. And regardless of the scientific merits of this project, the management issues alone should sufficiently concern us to put this project on hold until the project can be reexamined.

I say by way of conclusion that we do have an opportunity to put our action where our mouth is. We talk a great deal about deficit reduction. Some of us voted against the tax bill recently before this body because we did not believe there were enough spending cuts up front. This gives us an opportunity to redeem that concern by saying this is the kind of spending cut up front that we should undertake, and that the American taxpayers will benefit as a consequence of that.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, today I rise in support of the Bumpers amendment because I consider it imperative to do more than just search for ways to reduce Government spending.

I believe that if there exists a Government program designed to create jobs and industry and further our knowledge of technology, it must also be economical and sensible within the given framework of the budget.

The superconducting super collider, however, has been plagued by countless delays since its inception, and has wasted absurd amounts of precious dollars.

Today the Government cannot afford to keep throwing money at programs that perhaps look attractive on paper, but never reach their planned objectives; these are no longer the 1980's.

The days of star wars are gone.

The 1990's must be a decade in which the deficit is reduced and mindless funding for spendthrift programs is curbed.

The superconducting super collider is such a program.

Now, spendthrift is a description which should not be taken lightly; so let us define our terms.

I think the great majority of my distinguished colleagues would agree that, in context, spendthrift could mean any number of things: Costly; excessive; even wasteful.

The word seems to characterize the purchase of something that is unneeded, or not worth buying.

Mr. President, the Department of Energy's original plan for the super collider projected a cost of $4.375 billion, and promised completion by 1996.

The best cost estimate today has been increased by over $8 to $13 billion, with completion postponed until 2002. Considering these estimates, is the superconducting super collider still worth buying?

Here, I must question what the opportunity cost would be for proceeding with this project. What are we giving up—sacrificing—in return for the money drain the superconducting super collider has seemingly created? Dollars that could be injected into the economy, stimulating small businesses, and facilitating new jobs to replace others, are disappearing. In my view, the superconducting super collider money could be better spent on fighting the increasing crime problem in this country, expanding the capabilities for police forces in cities that need them most.

Instead, too many dollars are being expended on a program that is eating up scarce Federal resources. We can no

longer afford such excesses, and hopefully, we will not.

Mr. President, former energy Secretary James Watkins declared, "If the superconducting super collider costs a dime more than $5 billion, we shouldn't build it." Well, it appears that the superconducting super collider will indeed cost a few more dimes than $5 billion dollars.

The latest official Energy Department cost estimate is $8.3 billion; yet, the Department's inspector general found that 40 percent of the $508 million in the project's contracts between 1989 and 1992 were unnecessary and excessive costs.

My esteemed colleagues, that is $216 million which the Department admits was carelessly misspent. Where did this money go? Could we possibly term this spendthrift?

Mr. President, the superconducting super collider's excessive costs add up to a sizable percentage of taxpayer's paychecks being thrown into the fireplace. All of this, remember, within a program that supposedly— someday—will be important to science and will create jobs and expand technology.

The delays which have already occurred in the super collider construction, as well as the cost overruns I have just mentioned, do not bode well for it as a new opportunity for jobs and industry. It appears to be merely another wasteful Government program, albeit one with a commendable promise.

Mr. President, our Nation's economic crisis and the problems the superconducting super collider project is encountering have convinced me that we simply cannot afford to continue it. The tax burden this project alone has levied on the people of Arizona, for example, is over $160 million. Who will gain from the superconducting super collider?

The average taxpaying civilian with a 9-to-5 job? Assuredly, each of us as citizens of the United States wish to see progress continue in the field of science. Further, the close relationship the super collider has between the commercial and private sectors certainly appears very promising to many in both communities. But how much can we afford to pay to make it work? How much further do we have to travel? And how much more money and time must be spent for it to culminate into its potential?

Everyone in America is going to have to do his or her part to assist in gaining control of the ballooning Federal deficit and to help our economy out of its current—yet temporary—plight. I believe it is one of our primary responsibilities, as representatives of our constitutents, to kill or delay any legislation that would misspend more tax dollars.

I have done my part by cosponsoring the Bumpers amendment which would kill the superconducting super collider project.

The superconducting super collider will cost an estimated $13 billion. The Bumpers amendment would stop the bleeding.

The money we save by killing the superconducting super collider can be used for creation of real jobs and real industry, not just potential jobs and the promise of future technology.

Mr. President, all of us have a great opportunity to reduce unnecessary spending by supporting the Bumpers amendment, and I urge my colleagues to support it.

It is time to pay the piper.

Mr. President, I yield the floor.

CHAPTER III OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Mr. President, this is the third in a series of speeches which, together, make up an extended review of Ross Perot's book, "Save Your Job, Save Your Country."

Yesterday, I talked about chapter II, and the day before, chapter I. Today, when I speak of chapter III, I realize that it is really an extended platitude, hung about with flashy but irrelevant numerical ornaments. It is called "American Jobs Matter," and it explains why jobs, in particular manufacturing jobs, are good for people who have them.

I wholeheartedly agree, and there is no one in this Chamber who disagrees. We all agree, and we all, throughout our careers, have tried to preserve and create manufacturing jobs. In fact, Mr. Perot is unlikely to find many people in the country who would disagree on that point.

But what this chapter fails to do is make the case that NAFTA will cost us any more manufacturing jobs than our present one-way free trade agreement with Mexico. The vast majority of economists agree that NAFTA will create a net gain in jobs in the United States.

For example, today, 30 percent of Mexico's exports to the United States are already duty free. That includes all of the manufactured goods coming out of the maquiladora plants. Our average American tariff on Mexican goods coming into the United States is less than 4 percent. By contrast, Mexico's tariff on American goods average 10 percent—2½ times higher. Mexico also has an array of other trade barriers, while we have virtually none.

That is, Mexico has import licensing schemes and has tremendously complicated arrangements which are very restrictive and protective. We in America do not have any. It is clear that we have a one-way free trade agreement today, and it is clear that NAFTA will convert that into a two-way agreement to benefit the United States. That means more jobs for Americans in the manufacturing industries—automobiles, high technology, capital goods, specialty steel, wood products, and many more. Nowhere does chapter III refute that.

It opens by recounting the decision of the Sunstrand Co. of Rockford, IL, to move part of its operation to Nuevo Loredo in Mexico 5 years ago. It tells the genuinely sad story of a woman who lost her job shortly afterward. But if you read closely, the loss of her job seems to have nothing to do with the move to Nuevo Loredo. Rather, she was laid off after Sunstrand sold her plant to a Wisconsin-based firm.

But perhaps the anecdote is just poorly written. Perhaps she did lose her job because of the move. If it does, it shows the fundamental weakness of Perot's case on manufacturing jobs.

WHY DO COMPANIES MOVE?

If all a company cares about is wages, it can move today. That is just what the Sundstrand company did,—before anyone had any idea there would be a NAFTA.

Perot goes on, throughout chapter III, in attempts to show that free trade with Mexico will move jobs out of the United States.

But every statistic he cites proves a different point: companies have moved before, can move today, and will keep moving whether or not we pass the NAFTA. Here are some examples from the book:

> 129 American apparel companies operate 222 factories in Mexico and employ 30,000 workers.
>
> In the 1970's, most jobs in the U.S. consumer electronics industry moved to Asia and Mexico.

There is no breakdown as to how much to Asia and how much to Mexico.

> The International Brotherhood of Electrical Workers reports that between 1985 and 1990 more than 25,000 of its members jobs moved to Mexico.

This all happened without NAFTA. It happened before Carlos Salinas or George Bush took office, much less Bill Clinton.

And think a little bit more. One of the reasons a union job might go south without NAFTA is that Mexico was not enforcing its minimum wage, child labor, workplace health and safety and laws. The NAFTA labor side agreement lets us impose trade sanctions on companies which do not obey those laws. Without NAFTA, there is not a thing we can do about it.

In chapter III, Mr. Perot wants to show that jobs will go south after NAFTA. But his statistics all show that jobs went south before NAFTA.

And if the experience of these companies is anything like that of Quality Coils, Inc., a lot of them made a bad move. Quality Coils moved a Connecticut plant to Juarez in 1989. And how is it doing today? After learning about productivity, transport costs, absenteeism and long-distance management, it

is back in Connecticut. The CEO says "I can hire one person in Connecticut for what three were doing in Juarez."

The Haworth Co. of Holland, MI, had a little more foresight. They calculated, and found that they can produce furniture 25 percent more cheaply in Michigan than in Mexico. They stayed.

McIlhenny, the company that makes Tabasco sauce, pulled out of Mexico City in 1989 to enlarge its Louisiana operation, since it can bottle Tabasco four times as quickly here in America.

General Motors recently announced plans to shift auto production from northern Mexico to Lansing, MI. Apparently GM has read the previously referenced OTA study on automobile production costs that Mr. Perot so blithely ignores.

As an article on the front page of today's Washington Post indicated today, many, many businesses have found that the advantage of lower wages in Mexico is more than outweighed by other problems—poor infrastructure, absenteeism, et cetera. I ask unanimous consent that this article be printed in the RECORD.

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

ON CLOSER LOOK, FIRMS SEE LESS TO MEXICO

(By Tod Robberson)

MEXICO CITY.—As Mexico's low wages emerge as a major issue in the debate over the North American Free Trade Agreement, U.S. businessmen and Mexican officials here are arguing that problems of infrastructure and a range of other economic factors make Mexican labor far less of a bargain than it first appears.

Mexico's highway system is falling apart; its railroads are dangerously decrepit; bureaucratic hassles and corruption abound; the phone system doesn't work; and Mexican labor can be unreliable, U.S. executives here say. When the scores of risks and drawbacks are included in the equation, they say, many companies will realize they are better off staying in the United States.

Some large and mid-sized U.S. companies, including General Motors, already are finding that Mexico is not the cost-effective manufacturing venue it used to be.

For example, GM decided this summer to shift production of the 1995 Chevrolet Cavalier from a plant in northern Mexico to Lansing, Mich., because, said spokeswoman Nicole Solomon, "It's not just wages, but the entire calculation."

Mustafa Mohatarem, chief economist for GM, said in a telephone interview that the lower wages paid to Mexican auto workers were not enough to offset other relatively higher costs of doing business here. "Transportation costs, potential delays at the border and . . . higher inventory storage costs in Mexico" contributed to the move back to Lansing, Mohatarem said.

For more than 20 years, Louisiana-based McIlhenny Co., maker of Tabasco hot sauce, produced and packaged products in Mexico for sale here. But in 1989 the company decided that U.S.-based production would be more cost effective.

"Cheap labor had no effect on our decision," said the company's vice president, Paul McIlhenny. Rather, after calculating prices for raw materials and other production costs, "we decided Mexico just could not compete with our operation" in Louisiana.

In large part, business executives who are speaking out on Mexico's problems hope to counter the well-publicized assertions of billionaire Ross Perot that American jobs would hemorrhage southward under the NAFTA treaty—which would break down trade barriers among the United States, Mexico and Canada, creating a free-trade area of some 360 million consumers. Although President Carlos Salinas de Gortari has engineered economic reforms and radically improved the country's business climate, they say, Mexico has many problems to solve before it can live up to the image Perot has tried to give it.

"It's astounding to me that the United States fear us," said Claudio X. Gonzalez, director general of Kimberly Clark of Mexico and Salinas's adviser on foreign investment. "We're the smallest, least-developed economy of the three [NAFTA signatories]. We're the weaker partner in this whole equation. How are we a threat?

Mexico's infrastructure problems continue to be a major deterrent for American manufacturing companies that use modern "just-in-time" production schedules to reduce inventories and keep storage costs down.

Unanticipated delays, a daily aspect of life in Mexico, can scramble delivery schedules, said Steve Knaebel, president of Cummins Engine Co. of Mexico. "It's the unpredictability of the place," he said. "You never know when or where the problems will arise."

Knaebel estimated that each time he uses the telephone for a simple business call, for example, it takes three or four attempts before the call is completed. "This is the main tool I use for managing my business," he said, "and I can't even be sure if I'm going to get a line out."

He said Mexico's highway system is so dilapidated that truck transportation can take 30 to 40 percent longer here than in the United States, with 60 percent higher fuel costs adding to the bill. A new system of better-quality toll roads has improved some routes, but the cost is widely regarded as prohibitive for commercial traffic.

Railroads are hardly an attractive alternative, said Juan Manuel Correa, general director of Union Pacific of Mexico. "Overall, the system is obsolete. The technology has largely not been updated for 40 years," he said.

"They still send some of their traffic signals by telegraph—while the rest of the world is in the age of fax machines," Correa said, noting that Mexico's state-owned railroad company still employs 200 telegraph operators. "There is no way this system could be competitive with industrialized countries."

A spokesman for the national railroad company, Ferrocarriles Nacionales de Mexico, acknowledged that a freight train operating in the 1930s, when the system was nationalized, had a faster average speed than do Mexican trains today.

Correa said business confidence in the railroads is so low that the system accounts for barely 12 percent of Mexico's cargo transportation, "whereas it should make up 19 to 25 percent."

Correa also challenged Perot's assertion that low-cost Mexican labor necessarily makes up for Mexico's deficiencies.

Productivity per worker is a fraction of that in the United States, he said, noting that although the Mexican railroad has pared its staff from 80,000 to 60,000 employees, "they still only need 12,000 to 15,000 to do the job. In the United States, Union Pacific can do the same work with one person that it takes 17 to do in Mexico."

"Labor looks cheap up front, but the total cost can be very high," said a financial analyst at a major Mexican bank. "You're not saving money if it takes two or three times before you can get a job done right."

Bringing Mexicans up to American levels of quality and productivity carries a high price, and there is no guarantee that a trained employee will stay with a company once it has given him a marketable skill, said Ron E. Shaver, an operations manager of Hughes Aircraft Co.

In 1989, Shaver explained, Hughes transferred some of its U.S.-based microelectronics work to a Tijuana *maquiladora*—a plant where materials are imported from United States, assembled with cheap Mexican labor, then shipped back north for sale. But it took years of training before the plant began consistently producing microcircuits at an acceptable quality level.

Cummins Engine's Knaebel noted that although Mexico's minimum wage is less than $5 per day, other government-mandated benefits and adjustments can make the price tag five to six times higher.

By law, companies in Mexico must distribute 10 percent of pre-tax profits to their employees and pay an extra half-month's salary at the end of the year. In addition, they must pay 150 percent vacation bonuses, and 2 percent of their annual payroll must be contributed to an employee pension fund. Company-paid benefits for fired employees and salary demands by labor unions boost the base figure even higher.

"By the time you add all that up, we ended up paying our plant employees an average of $5 per hour in 1992, and that was market average," Knaebel said.

Unless a company deals with highly labor-intensive, piecework production, such as garment manufacture, cheap labor alone would not be an adequate incentive to move manufacturing operations here, McIlhenny said. "The exodus [of piece-work manufacturing from the United States] took place years ago. Those jobs were gone even before they started talking about NAFTA. So where is Ross Perot's argument?"

"So why come here? What's the offset?" he asked. "I think it's a market that presents all kinds of opportunities for development and growth. It's a country starved for quality and services. That's where we come in."

PEROT'S ANSWER: THE STATUS QUO

Mr. BAUCUS. Mr. Perot's analysis of the problem is bad enough. But his remedy is really a stunner. Here is a quote from the next-to-last page of chapter III:

With the decline in U.S. manufacturing, the country is increasingly unable to provide good entry-level jobs for its youth. In 1980, for instance, 18 percent of 18-to-24 year old men earned less than $12,000 a year * * * young women, who started out in a worse position than their male peers, suffered similar declines in earnings. * * * The New York metropolitan area lost 725,000 manufacturing jobs in the past two decades.

These statistics are all misleading. But that really is beside the point. Assuming it was all true, what is Mr. Perot's response to this litany of misery and woe? Keep the status quo. That is what he says do not expand the market. Do just what we did while all these jobs went down the drain.

That is his solution is do nothing about the problem, keep the status quo, let the problems continue.

NAFTA WILL CREATE JOBS

Finally, at the end of the chapter, Mr. Perot adds an outright falsehood to his pile of red herrings and straw men. He says, flat out, "Even the strongest NAFTA supporters now admit that the agreement will cost U.S. jobs."

If you read the statement, what he really means is even on a net basis, even the stronger NAFTA supporters now admit the agreement will cost jobs on a net basis.

Perhaps Mr. Perot means that even advocates admit some jobs will be lost in some sectors—which is true. But far more jobs will be created than are lost. On balance the United States will gain tens of thousands of jobs. I know of nobody in Congress or the administration who supports the NAFTA while saying at the same time that it will on-balance cost the U.S. jobs. No one.

Every reliable study, every serious economist, every economic Nobel Prize winner, every trade and economic official who has looked at this agreement says the United States will gain jobs according to the International Trade Commission, a net of at least 95,000.

Mr. Perot must know that. And anyone who needs a reason to doubt any other sentence in his book need only look at this one. It is paragraph 3, page 37.

Like many Americans, I admired Mr. Perot for his exposition of the budget deficit—debt tangle that America is in. I think his analysis helped us take serious action on the deficit earlier this year. But the credibility he gained in that mighty effort is rapidly being eclipsed by the mixture of half-truths and misrepresentations he is showering on the NAFTA. Mr. Perot may have helped bring light and honesty to the budget debate. But he is bringing just the opposite to the trade debate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Mr. President, I come to speak in support of the superconducting super collider. Before I do I would like to comment on the statement of the distinguished Senator from Montana.

I have not made a final decision on NAFTA. I am inclined to support it. I am concerned with sugar. But I suspect, given what the Senator from Montana just said he worked out in wheat, we will be able to work out the problems relating to sugar as well. Then I will be able to clearly stand and say, as the distinguished Senator has just done, that the North American Free-Trade Agreement has side agreements on the environment, side agreements that will improve the quality of working conditions in Mexico.

We stand on the threshold of being able to say over the course of the next 25 years that we will, instead of moving into a morass where our number one concern is immigration and cocaine, 25 years from now we will look South and see a border where there is opportunity instead of problems.

So I am very grateful the distinguished Senator has taken the time to go through the book that Mr. Perot has put together because, in fact, many people have reached the wrong conclusion. They fear NAFTA is gong to hurt them. They fear particularly that NAFTA will cost them their jobs. So I am really very grateful.

I hope more Americans than usual are watching this evening and heard the words of the distinguished Senator from Montana because they are extremely constructive in this debate and a very, very important foundation for people making the decision whether or not they support this treaty.

Mr. President, speaking of jobs, there is very little doubt today in America that it is the number one issue. It is the number one thing, at least, that I hear in Nebraska. We have unemployment that is approximately 3 percent. It is a thing the people are worried about.

They are fearful they are going to lose their jobs. They are fearful of the consequences of automation in both services and manufacturing. They are fearful of the result of competition. They are fearful as a consequence of movement to temporary and part-time contract help. They are fearful as a result of demand-driven downsizing, not the least of which occurs as a result of our reduction in spending here in Washington on defense that has produced significant hardships in aerospace and has produced unemployment in California and other States that are heavily dependent on aerospace. People are afraid tomorrow they may lose their job.

It is possibly the reason that the President has emphasized security when talking about health care, saying that we are going to provide security for all Americans. We are going to give every American a card so they can feel secure.

Mr. President, as I said last week when I talked about this idea that I support, all we will provide Americans when we give them a card is the security that they are eligible for health care, Mr. President. So they are afraid that they are going to lose eligibility, and that because of the insurance company or the business, or some unforeseen circumstance, they will lose their health insurance.

Eligibility does not mean that the card will entitle them to high quality health care. High quality health care will come to the people of the United States of America only as a consequence of our ability to continue to generate wealth and income. I emphasize that, Mr. President. It is the private sector's ability to generate jobs and wealth that will determine whether or not Americans feel secure on the job, whether or not Americans feel secure abut the possibility of being able to hold on to high quality health care. There is nothing the Federal Government can do with legislation to secure high quality health care when reforming our health care system. We can secure the right of eligibility, but it is our ability to generate private sector jobs and wealth that will determine whether or not we get high quality care.

Mr. President, most people who have examined the problems of job growth in America identify the deficit as one of the principal culprits. The United States of America, the Federal Government, is extracting about 5 percent of the gross domestic product today in order to fund expenditures at the Federal level that are going to people in all kinds of ways—appropriations items, such as the one that the distinguished Senator from Arkansas is proposing to delete, mandatory programs that go out in the form of checks—all sorts of expenditures that are being made.

We do not collect tax revenue to pay all those bills. Instead, we collect tax revenue and then we borrow an additional $300 billion or so. And that borrowing soaks up about half of the available savings in the United States of America, some $300 billion worth every single year, which makes it difficult for the private sector to create jobs, makes it difficult for businesses to invest in plant and equipment and keep that modernization going so that we are competitive.

Everybody who looks at the problem says, Mr. President, that one of the reasons that Americans feel insecure and tend to oppose the North American Free-Trade Agreement is not because the 4 percent of the United States economy that is going into Mexico is a threat to their job, but, instead, the threat to their job is that the Federal Government is extracting 5 percent of the gross domestic product and nearly half of all available savings.

We had a very controversial vote in August to try to reduce that deficit. Many converted the argument and said, "All we are doing is raising taxes."

Mr. President, that is not true. That is not true. In fact, this very argument that we are having today, as I will try to point out later, illustrates that point.

We put real spending caps in place. We do have mandatory program constraints, as well, not as much as I would like, frankly—which is a point I will make later—but, in fact, this deficit in 1997, instead of consuming 5 percent of GDP and half of savings, will consume about half of that amount. Not as much as I would like. Certainly,

I would like to be able to say that we are confident that we are going to be able to get to the point of having a surplus, of paying off debt. I believe it is most people's goal in the U.S. Senate that we do that.

But make no mistake about it, we took action, we took serious action that will result in the deficit of the United States of America being significantly smaller, half of the percent of GDP as what it would have been without our action.

I have heard some come to the floor, Mr. President, and say, "Well, failure to vote for this amendment indicates that Congress does not have the will to exert restraint."

Well, I reject that entirely. I reject it entirely. I think it is very misleading to say that, extremely misleading.

Because the facts are, when we have to come to the floor of this Senate and vote for an appropriation, we control the spending. But when we do not have to come to the floor to vote, we do not control the spending. In fact, we never even debate it.

To make my point, I will not insert this entire document in the RECORD, for those watching, it is late now, this is a document produced by the Congressional Budget Office. It is an economic budget outlook update. It talks about the budget outlook estimate from 1993 all the way through the year 2003. It is a very interesting presentation.

Again, it has to do with the idea that somehow this Senate does not exert restraint when it comes to appropriations; that if you vote against this amendment, you do not have the capacity to control spending. That just is not true.

In 1993, the year that will end on Friday of this week, we will have spent, in real terms, $547 billion. In the fiscal year that begins on Saturday, Mr. President, on all those things that we have to vote for on this floor, we will spend $542 billion—$5 billion less in real dollars.

Now, the fact is, when we vote, we exercise restraint. The dreadful truth of the matter is that by 1997 the amount of money we are spending in real dollars is going to be exactly the same—$547 billion.

Now I know there are a lot of people that look at the appropriations and they assume that every single dollar we spend is pork. Well, I am not here to tell you there is not a lot of pork in these appropriations. I voted against lots of things I would like to see stricken because I could, in fact, make no scientific or economic rationale for it. But, make no mistake about it, at least these appropriations create jobs.

Now, it is easy enough for editorial page writers or perhaps even people in Congress whose jobs are relatively secure to pooh-pooh that fact. But, at least, Mr. President, they do create jobs.

I am here today to support this project, in spite of the fact that it does not create jobs in Nebraska, because I believe it makes scientific sense, that it is an exciting part of this Nation's effort to explore the unknown.

But I am here to make another point, Mr. President. It is in this book that CBO has put out, an item that we will not debate on this floor, except that I hope that when the rescission bill is presented by the President that there will be enough of us interested in debating it that we will have an opportunity to offer an amendment on that.

It shows the mandatory spending programs—those things that are in law, so we do not appropriate them. They are authorized and they are off the radar screen and we do not come to this floor very often to debate them.

We spent $764 billion, Mr. President, in 1993. In 1994, we are going to spend $808 billion. That is a $44 billion increase—$44 billion.

If you subtract the increase in the deposit insurance that is there for the savings and loans, the fact of the matter is that almost every single dollar of spending increases in our budget year-to-year is in the mandatory programs and there is a real decline in the appropriated items.

I urge my colleagues not to stand on this floor and say that those who vote against this amendment are demonstrating that this Senate cannot exert its will when it comes to spending cuts.

Yes, I think our discretionary spending can come down more. I voted for other cuts, and I will vote for additional cuts.

But, Mr. President, when we vote on them, we exercise discipline, and when we do not, we exercise none.

If you look at the trends in the mandatory spending programs in this presentation, Mr. President, you can reach no other conclusion from what is going on with mandatory programs, essentially transfer payments that are made in some cases to very needy people, but in some cases to not very needy people.

I am here to tell my colleagues, and anybody else who cares about these things, that, as a consequence of being disabled in the war in Vietnam, the Government of the United States of America sends me $18,000 a year. In 1969, I needed that money. It was a lot less in 1969, because it has been adjusted with the COLA since 1972.

Mr. President, maybe some need that money.

But, even before I got in the Senate, even before I came in here and got the big bucks that I now earn, my income was in excess of $200,000 a year.

Mr. President, I cannot make a case that I need that money today. And yet the Government—the taxpayers—sends it to me.

Do you know what we are doing, Mr. President, with this budget? We are taking money from people who are working—in some cases, destroying their jobs when we do deficit reduction—so that we can send a check to people that really do not need it.

Now, maybe this Congress does not have the will to knock off a few additional items in appropriations. But, Mr. President, unless we have the will to do something about these mandatory spending programs, we are not going to have the money to invest in roads, in housing, in education, in job training, in these kinds of projects that do, in fact, make scientific sense.

Mr. President, I believe we are setting ourselves up when we go through these amendments, some of which have great merit. Perhaps the Senator from Arkansas will carry this amendment. I voted with him on the space station. I voted with him on ASRM, and may again some other amendments that he is likely to offer.

Mr. President, when they make good scientific sense, as this one does, in my judgment—and I have talked to the scientists that are involved in this particular project. Even though there is not a nickel spent in Nebraska, I have talked to scientists on this particular project and I am excited about what they are doing. I am excited about the potentials for engineering advances, as well. I am excited about what this Nation is doing with the superconducting super collider.

I felt no such excitement with the space station, and I voted "no." But with this one, Mr. President, we are moving into an area of the unknown that is likely to provide us with advances in science, it is likely to provide us technological advances that will allow us, as well, not just to remain competitive, but to create those high-paying jobs that everybody talks about.

Again, I have to say, I have heard a lot of people say it, and I read it all the time. It is one of those things you read. You get some editorial page writer who writes a column. He will call this pork barrel. The only reason it is there is because it is creating jobs.

I am not going to vote for anything just because it creates jobs. Never would I vote for something just because it is creating jobs. But we are making it difficult to make expenditures on those things that will not only create jobs but enhance our competitive position and give our people a sense that in fact their standard of living, their wages are going up; that they will have the ability to be able to afford high-quality health care; that we can be competitive with the nation of Mexico.

We are not going to be able to do any of that unless we get our arms around these mandatory spending programs that are going to be debated very little. The Republicans will come to the floor during the appropriations cycle and

they will offer their amendments to cut the Community Development Block Grant, to cut the Corporation for Public Broadcasting, to cut all sorts of other things. We will come and offer our amendments and in fact some of them will stick, some of them in fact will be agreed to. And the public will be out there saying, "Can Congress not make any reductions?"

The public needs to know, when it comes to items that we have to stand and justify and appropriate out in the open, we are getting the job done not too badly. But when it comes to mandated programs, authorized money flows out with no debate at all.

I hope this amendment is defeated. I hope we build the superconducting super collider, complete it 10 years from now, and I believe as sure as I know anything that 10 years from now we will be glad we stayed the course. We will be glad we did not, 3 or 4 years into this thing, cut it off.

I see the charts of escalating costs. If we cut programs off because they escalate in cost, we would end the end-stage renal disease program today, we would end Medicare, we would end Medicaid, we would end almost every single program that we have.

When you start a big science engineering project like this, all of us who have built houses understand and know there are apt to be cost overruns. I believe this is a worthy project, but I am terribly concerned that for the sake of jobs in America all we are going to do in this entire cycle of appropriations is come down, score some points, and try to put the word out we really care about deficit reduction. But when it comes time to face those mandatory programs dead in the eye, we are going to say there is nothing that can be done about it.

Let me give a tough fact on mandatory programs. A lot of people out there assume that the mandatory programs are programs just for needy Americans. As I said, in most cases they are. It is remarkable what Social Security and Medicare and Medicaid have done. But, first of all, mandatory programs are not a problem we are going to be able to blame on the rich since 99 percent of the program expenditures go for households with incomes under $200,000 a year. Almost half of those expenditures go to households with incomes between $30,000 and $200,000 a year.

In many cases, those income transfers are justified, and I am not going to take money away from anybody who absolutely needs it. But what we are doing is transferring increasing amounts of money because we are afraid to come to people and say you have to take a little bit less. And we are cannibalizing, as a consequence, needed private sector investment and needed public sector investment. Those are the things that will give our people confidence that we are creating jobs in this country, providing them the security I think they are increasingly asking for in an economy that is so competitive today that everyone out there in the marketplace is concerned.

I appreciate very much and follow the leadership of the distinguished Senator from Arkansas on many occasions. I cannot on this occasion. I believe this project makes scientific sense. I hope, in fact, we send a strong message to the House that they made a mistake by deleting it, and that the conference restores it because I believe we will be proud of the accomplishment if we do.

I yield the floor.

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

Mr. BUMPERS. Mr. President I will be brief. But before the Senator from Nebraska leaves the floor, I would like to make one observation for his edification.

He is a very thoughtful Senator, a very intelligent Senator, and I know his decisions about the superconducting super collider were not entered into lightly. But it seems to me, completely aside from the cost of the superconducting super collider, which is escalating out of control, we ought to rely on somebody. I am not a physicist. The Senator from Nebraska is not a physicist. The Senator from Louisiana is not a physicist. I am not a scientist nor are they.

I have to confess to my colleague, in making this statement, that spending this amount of money to find the Higgs Boson is to me an outrageous waste of money, because I think even if you find it you are still light years away from finding the origin of matter. And I do not know what you get when you find the origin of matter, for that matter.

But we talked a little this afternoon, and now I have the poll here. Sigma Xi, which is a scientific research society—it has been considered the honor society in America since 1886, it has 115,000 members, scientists—they sent out 10,000 questionnaires to selected members of that organization. They asked them to rank a series of scientific projects in one, two, and three. Which of these would you rank first, second, and third? Of a list of about 10 things you only got to pick three.

They got a response of 3,300 out of 10,000. It could be statistically skewed because of the 10,000 questionnaires they sent out to their membership they only got 3,300 answers. But do you want to know how many of those 3,300 who answered ranked the superconducting super collider first?

Here was the question:

> In the following question, please rank your first three choices with one representing your first choice for use of funds, two representing your second choice, and three your third choice.

I think the three best uses of public funds for scientific research are, of the 3,300 who answered that, 2 percent ranked the superconducting super collider as their choice.

Then there is this question about the so-called grand unification theory. We have been led to believe that we are looking for the ultimate particle of matter.

Senator BYRD very wisely the other day said, "What is that all about?"

I said, "We are trying to find the origin of matter."

He said, "You can find that in first Genesis."

That would be a Biblical answer.

But my point is, here is a quote from Dr. Sheldon Glashow, Nobel laureate. We should not ignore these people. The Senator from Louisiana has three or four Nobel laureates on his side and I have about they many of my side. But here is what he said:

> Not even the superconducting super collider nor its successors will approach the ultimate quest of the origin of the universe. To recreate the temperature of the universe at its birth we would need an accelerator light years in size. That does not mean, however, that we cannot even learn the nature of the infinite universe. We have a tool that is surely up to the task: The human brain.
>
> In the scheme of things, the SSC provides only a tiny step toward the grand unification theory.

Those are scientific arguments and they are not the reason I oppose it, though that is sufficient justification for me. The Senator from Nebraska said he has been with me, and he has indeed, on other amendments. He supported me last week on the space station.

The Senator, by doing that, did not just vote to cut the $2.1 billion for 1993, because as my colleagues know the space station has not even gotten going yet. It is going to cost over $100 billion to build.

When you compound the interest of the space station's ultimate cost of $100 billion at 4.5 percent, if we had voted to kill the space station, we would be voting over the next 35 years, counting interest on the cost, to save $216 billion.

We refused to do that on a vote of 59 to 40. The other night on the National Endowment for Democracy—a small thing—I tried to torpedo that; $35 million, peanuts around here. We hardly will stop to talk to somebody about $35 million. I lost that one by 23 to 74. Senators on both sides rejected the idea of killing that.

But you see, even that, when you consider how much we save and how much money we would not have to borrow at 4.5 percent, even that, on a 35-year cost basis, is $2.2 billion.

Now, the other day, I offered an amendment to kill the advanced solid rocket motor. It was not just $300 million in 1994 that I was trying to kill. It was $4 billion I was trying to save; $2 billion immediately and $2 billion in interest. The point could never be

made enough that every dime we spend on these things is borrowed money which we will pay interest on forever. I computed it at 35 years. But we are going to be paying interest forever on these debts we incur.

So here, Mr. President, we had a chance to save $216 billion with the space station. We had a chance to save $4 billion on the advanced solid rocket motor, which NASA does not even want and which should never be built; we had a chance to save $2.2 billion on the little old National Endowment for Democracy. And now we have a chance not to save $500 million for next year on the super collider, because we know it is going to cost a lot more than that, but just assume—just assume—that it is $11 billion to $13 billion, which everybody knows it is going to cost close to $20 billion. It has tripled in cost in 8 years, so we know it is going to triple probably again in the next 10, but just a conservative estimate. You are not voting to cut $500 million from 1994; you are voting to cut $39 billion over the next 35 years, counting interest on the money.

If we reject this amendment, Mr. President, the Senate in 2 week's time will have chosen not to save $260 billion. I have other amendments coming, all of which total, over a 35-year period, $683 billion. I daresay, too, we have prevailed by cutting SDI by $400 million; not $1.8 billion, but $400 million. We should have cut another billion off it. So far, that is the only thing Senator SASSER and I have succeeded in getting this body to cut.

So when it is all said and done, we are probably going to lose on every one of those amendments, and we are going to say to the American people: "We turned down the opportunity to save $683.2 billion."

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. I had been with the Senator, as you know, on other amendments.

Mr. BUMPERS. I wish you were as eloquent on this as you were on the SDI the other night.

Mr. JOHNSTON. We particularly fought a good fight together on SDI, something I have been working on for a long time. But in the interest of absolute candor, and most of our colleagues have gone, so I think you can be candid at this point, would you not at least admit, of those projects, the SSC is the best?

Mr. BUMPERS. Mr. President, I am going to make a candid confession to you, and it is not so candid because I said it before. I know physicists would like to find the so-called Higgs Boson. If we are going to spend the money, I hope they find it. I do not think they will, but I hope they do.

If I had to choose between all of these dollars, that would just be the worst choice I would ever have to make. But I will say, between the collider and the space station, I had rather kill the space station because I know it has no paycheck and, second, because it costs so much more money.

I respect the Senator's opinion, but I can tell you that these things I consider so utterly worthless to humankind in this country and to our future. You know our problem. Our problem is that we spend money on the wrong things. It is just a case of mispriorities, and this is a classic case in point.

But let me close. I know everybody wants to fold up their tent and go home. I want to respond to a couple of things. I do not know whether we will prevail or not. It will be awfully close. I know that the politics of the issue is spending. The people in my State write me constantly, as they did during the budget resolution, as they did during the reconciliation bill, the so-called deficit reduction package. They wrote to me in great numbers, by the thousands, and said: "Cut spending." I said: "We're going to. I believe the mood of the Congress is set. I believe the spending cut fervor here is such that we are going to cut billions."

The people on that side of the aisle wore buttons: "It's spending, stupid." Other buttons said: "Cut spending first." And I understood that. The American people did not buy it. They said: "Yeah, you are telling us you are going to cut; but when the time comes, you will not do it."

I have seen the American people make some mistakes, but I do not quarrel with them because most of the time you give them the facts, and they are right.

One time Harry Truman told me—in a defining moment in my life, I told him I did not enjoy being Governor. Senator KERREY was also a Governor. I did not enjoy it very much, and I told him I did not like it. I had only been Governor 2 or 3 months. A country lawyer, thrown into the capital, the Governor's mansion, and all that.

He said: "Son, the best way to learn to like that job is to tell people the truth. How can you expect the American people to make correct decisions when there is somebody sitting in the Oval Office lying to them?" That happened to be Richard Nixon, and I do not have to tell this body what he thought of Richard Nixon.

You may disagree with the American people, but invariably if you give the American people the facts, they will make a right decision.

Mr. President, this sounds arrogant, and I am reluctant to say it, but if you were debating the SSC before the American people and they were the jury and they were going to cast a vote, the super collider would get about 15 percent of the votes. No more than 15 percent.

So they do not really understand, I guess, the arcane workings of the Senate. The House killed these things. They killed the National Endowment for Democracy. They killed the advanced solid rocket motor. They killed this one 379 to 43, and we resurrect it. We pass it. They killed this sucker. They killed the super collider by 130 votes, and we are going to resurrect it; and they are going to go to conference and come back here with a whole $600 million on it. The House kills them, and we resurrect them.

They have over 100 new Members over there. They came in committed to cut spending, and they are keeping their commitment. We committed 45 days ago during the reconciliation debate that we were going to cut spending. But how our memories have faded since then. We forget about those solemn commitments we made to the American people.

This afternoon, I heard the senior Senator from Texas talk about: You do not know that this money saved is going to go for deficit reduction. That is true. I want it to. But I will tell you, last week when we did the space station, to take away the argument of the Senator from Texas, I put a provision in saying it could only be used for deficit reduction. I lost one vote. One Senator said: "I am not going to vote for it because you have it in there that it has to go for deficit reduction." Both Senators from Texas have raised that issue today.

But when I had it in for deficit reduction on the space station, they voted against it. So I took it out. I thought: Good Lord, if they are not going to vote with me for putting it in there, why put it in and lose that Senator's vote again? So we did not put it in this one, to make sure it went for deficit reduction, though everybody here wants it to go to deficit reduction.

So this afternoon, because I did not have it in there, they raised that same old question: Why, you do not even know if this is going to deficit reduction. So I asked the junior Senator from Texas, I said: "I am thinking of offering a second-degree amendment so that it can only be used for deficit reduction. Can I count on your vote if I do that?" You know the rest of that story, do you not?

This is the biggest slab of pork ever to come out of this body for the State of Texas. One Senator said the other day, "It is welfare for Texas with the space station, the collider, and free enterprise for the rest of us." I have nothing against Texas; I love their Governor. I can tell you one thing, she has been the most effective person lobbying for this thing I have ever seen. She is a worthy adversary.

Mr. President, I will close by just saying I have done my best on this.

I really believe that there are people in this body who strongly believe they are doing the right thing by voting for the super collider. But I think there

are not enough to pass it. I think a lot of people are going to vote for the super collider because of reasons other than merit. That is a real tragedy.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. WARNER. Mr. President, will the Senator just yield for one observation and a question. First, I urge the Senator to go back. I followed his remarks very carefully, and he was talking about a President who lied and then the record might indicate the Senator turned to the present incumbent of the White House, which I know the Senator did not intend to do, because I am certain that President Clinton has not in any way distorted the truth on this issue. I think maybe he has received some very bad advice to the limited extent there has been any endorsement by the White House.

Mr. BUMPERS. Let me clarify what I said a moment ago. I said that on the floor before, but this was in 1971. I had just been elected Governor, and I went to Kansas City to deliver the annual Truman Day dinner address. I first refused it. They said, "If you will go, we will let you spend an hour with President Truman"—President Truman, whom I deplored as a young undergraduate because I did not think he had a good speaking voice and I did not like the Vaseline he used on his hair and his little eye glasses, and so on.

But by this time I concluded what we all knew; he was one of the greatest Presidents we ever had. So when they said, "We will let you spend an hour with President Truman," it was irresistible. I flew up there in a thunderstorm. And I went over there to visit with him and Mrs. Truman. I had just finished reading the David McCullough book. I concluded he was 87 or 88 when I saw him.

That was the visit in 1971, and he was giving me a little friendly advice as a newcomer to politics, a new Governor to Arkansas, saying, "Son, you do what you think is right because that is what people expect you to do. They don't have time to keep up with it. You do. You make the best decision—after you get all the advice you can get, you make the best decision." And then that is when he said, "The only time this country ever makes a bad mistake is when there is some lying so and so sitting in the White House."

This had nothing to do with President Clinton, of course. This was back in 1971 when someone else was President. I am sorry I left that dangling, and I appreciate the Senator bringing it to my attention.

Mr. WARNER. I thank my good friend because I know the fervor with which he believes in his position. I agree with him wholeheartedly on it, and I am quite interested to hear other comments of this body as they relate to the desire on the part of the Senator from Arkansas and myself and others to have these savings go to reduce the deficit. And when the Senator challenged them on it, they did not accept the challenge.

I see my distinguished colleague who preceded me to the floor. I will ask no further questions. At an appropriate time I will seek recognition in my own right.

Mr. KERREY. I thank my friend from Virginia.

Mr. President, the distinguished Senator from Arkansas made a very eloquent presentation just now in which he said something to the effect this is the largest slab of pork that has ever gone to the State of Texas.

Again, I respectfully disagree. I believe that the basic science of the superconducting super collider is solid. I believe the applications that come just from the engineering of it, in cryogenics, in superconductivity, in the order of work that is going to be necessary to focus these protons and lasers, work that is going to be done, will create jobs in this country. I think they are going to create an impressive number of jobs.

I am standing here saying I hope this piece of legislation passes. I hope that we build this superconducting super collider, not because I am answering the call from some friend who says please vote for this, not because I have some inherent interest in the State of Nebraska that is going to be satisfied. But because I believe the science is solid. I believe the research is good. I think that anyone who sat with Steven Weinberg and other scientists who have worked on this project understands that this is not about finding Higgs Boson. This is about whether or not we as a nation are going to allow our particle physicists to continue to make progress. Who knows what they will discover.

But, Mr. President, I have to say again I looked at this long list of things, and as I said I voted for many things on here. But the distinguished Senator from Arkansas says one of the things we have to make sure we do for the American people is tell them the truth.

Mr. President, if every single thing the distinguished Arkansan has listed was passed that is $6.3 billion. I held up earlier this economic and budget outlook presented by the Congressional Budget Office.

Mr. President, the mandatory programs that are very rarely talked about on this floor are going to go up $44 billion.

Now, Mr. President, if you just use mathematics—I do not know if you can extend it just by multiplying in the fashion that it is laid out up here, but if you just extend the mathematics, one would assume that if we took action on mandatory programs that, let us say, controlled the growth by half, that would be $2.4 trillion.

But I suspect we are not going to be able to do that. I suspect we are going to hear cries of anguish about all the hardship.

Mr. President, I already identified myself as somebody who is a part of the receiving end of that. I can tell you it makes me awfully uncomfortable knowing that maybe I am destroying a job, either in the private sector or in the public sector, just so I can receive a check from the Federal Government that I do not need, Mr. President.

I would again respectfully disagree with another thing that the distinguished Senator from Arkansas said. We have to have some basis for deciding what science to do, other than maybe some outside group like the Sigma Xi organization.

Well, the distinguished Senator is the chairman of agriculture appropriations. I suspect there are a lot of things he and I both support in that appropriations bill that Sigma Xi does not have on their priority list either. We cannot make decisions based upon polls done by a while group of scientists.

We have to examine it, Mr. President. I am not a physicist. The distinguished Senator from Arkansas is not a physicist. The distinguished Senator from Louisiana is not a physicist. We need to stand on the floor of the Senate and say we have examined the project; that we have looked at the project and in our best judgment we think it should be appropriated and built, or that it should not be.

I have reached the judgment that it should be built. And I believe that I will be able to stand here 10 years from now as an American, perhaps not on this floor but as an American, God willing, and with the superconductor in place say I am glad we fought this battle and stayed the course.

I urge my colleagues to consider that. I urge my colleagues to consider that there were many other debates that occurred. I suspect there were people in 1962 and 1963 and 1964 who said that all the stuff President Kennedy wants, to go to the moon, for example it is nonesense, it is a waste of money, it is pork barrel spending, it is going to add up to huge amounts of money.

Well, we went to the Moon, Mr. President. I laid in a hospital bed in 1969 and it inspired me, inspired me. That is what this superconducting super collider is all about. We are exploring the unknown for the purpose of saying that we are going to find answers that we do not have today.

Mr. President, I genuinely believe that this project is beneficial, that it needs to be funded and I appreciate the advocacy of the distinguished Senator from Louisiana, fighting for it, and I appreciate the time.

Mr. WARNER. Mr. President, will the Senator yield for a brief question?

Mr. KERREY. I will be glad to yield.

Mr. WARNER. I have the most profound respect for my colleague and particularly his association with the military and national security affairs. When, Mr. President, I first examined this issue of the super collider I said to myself there must be a number of benefits flowing from this very costly experiment directly to national defense. But as a matter of precaution, I sought the opinion of the General Accounting Office, and I am about to read to the Senator a report that was directed back to me in response to my inquiry dated May 14, 1993.

DEAR SENATOR WARNER: The principal result of high energy physics is fundamental knowledge about a matter * * * therefore, the SSC will not produce any direct national security benefits.

Mr. President, in these times of reduced defense budgets, with drawing down the overall size of our Armed Forces, cutting back, it seems to me that we have to make sure that scientific experiments like this have some direct benefit, maybe some indirect, but direct benefit to our national security if they are going to make this heavy investment.

Knowing of the Senator's deep interest in national security, I just wonder how he would react to the fact that the GAO opinion is that it will have no direct benefit.

Mr. KERREY. I appreciate the question of the distinguished Senator for Virginia.

First of all, GAO issues reports on all sorts of issues. I consider them. Sometimes their considered opinion pushes me over to say, yes. Sometimes it pushes me over to say no. But it is one of the many sources I would consult.

I have never found myself in the position of saying I'll do whatever the GAO says I should do. I find myself respecting a great deal of their analysis, and perhaps it is true. As the distinguished Senator from Virginia just read from the GAO report, the GAO is correct. It will not have any strategic benefit. The truly is not something that disturbs me at this state in the game.

There are three applications that I would identify to Americans who are wondering "What we are going to spend this money on; what is this going to do?"

First, there are, in my judgment, going to be great advances made in super conductivity. It is the largest superconductor every built, and it will, without a doubt, yield insights into superconductivity that will result in benefits to the people of the United States of America in the form of jobs, in the form of new discoveries, in the form of new market creation, or new market improvements.

It will keep the United States with a competitive edge. That is my conclusion.

Second, in the area of cryogenics, it will require cooling larger volumes of liquid helium at lower temperatures than ever before, and the use of liquid hydrogen. This is the technology of producing low temperatures on a large-scale for the transport of electrical energy.

It is the evaluation of engineers that I trust, evaluation of engineers that have been involved in large-scale projects, that had strategic applications. In fact, though, I did not ask the question: Will there be a strategic application in this?

Lastly, Mr. President, the superconducting super collider has extreme requirements on the central technology necessary to keep the protons together for this 53-mile circuit.

Again, there is no question there is going to be applications here because active feedback control systems are useful in everything—everything—Mr. President, from air traffic controllers to environmental systems.

I appreciate very much the distinguished Senator from Virginia asking the GAO to do an evaluation, because indeed for some it may be the reason why they would not support this particular project. It does not have potential for strategic application, but I see commercial application as well as the application of basic science.

That is why I have reached the conclusion, strongly, that I think we should appropriate the money. And I believe as a consequence of the appropriations and of our staying the course, unlike the space station, unlike the SDI program, and others that are on the list of the distinguished Senator from Arkansas, this one, in my judgment, Mr. President, will make us proud that we stayed the course and paid for the project.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I did not suggest we take a GAO report and salute and march off. It seems to me this is an objective analysis given the magnitude of the billions of dollars.

Do you think here is some direct flow to national defense?

The report goes on to say although specific national security benefits cannot be predicted or directly tied to high energy physics research, national security may indirectly benefit.

I concede the fact about Teflon, which we learned about in an earlier space experiment, and about R&D and the other benefits that we have gotten that flow from these high technology programs either in the military or in NASA. But again this is a tremendous amount of money to be expended on basic research in an area we think that would be an enormous flow directly to national defense and to the security of our Nation, but no direct—possibly some indirect benefit.

I yield the floor.

Mr. JOHNSTON. Mr. President, I am glad the Senator got around to saying that the report said that the indirect benefits of the SSC, if applied to military purposes, could assist national security.

I would really like to get into that debate. But I am not going to do so at this time tonight.

Mr. KOHL. Mr. President, I rise today in support of the Bumpers amendment to cut funding for the superconducting super collider.

This amendment would cut $420 million from the project in fiscal year 1994. But the savings from ending this program would be much higher. Some estimate the final, total cost of the SSC at over $11 billion.

I am not advocating that the Senate kill this project just because it has a high price tag. I am, however, advocating examining very closely what that price tag pays for.

A recent report by a Department of Energy review committee suggests that most of what it pays for is cost overruns, schedule delays, and what the report calls manufacturing risks; $200 million for a 1991 contingency adjustment; $1.2 billion for spare parts which DOE had not anticipated needing in any of its previous cost estimates; $1.5 billion in what the review committee calls potential cost risks. The list goes on.

Proponents of the SSC argue the climbing price tag is worth the final payoff: The chance to study the tiny particles that are the key to the nature of the universe. And, of course, I would like to know more about the creation of the universe. But, frankly, right now I would be satisfied with an accurate estimate of the cost of the SSC.

If those who run the SSC project cannot even tell us when it will be done or how much it will finally cost, do we honestly believe they will be able to unravel the deepest secrets of the universe.

I do not mean to suggest that the SSC has no redeeming value, for it certainly does. What I am going to tell you, however, is that we cannot afford it. If we did not have a $300 billion budget deficit, I am sure that most of us would support efforts to broaden our understanding of the universe. On an intellectual level, who could be against the kinds of research which might allow us to reach the Holy Grail of science; a grand unified theory which could unite the elemental forces of nature and explain the status of matter in the moments after—and perhaps before—the Big Bang. In the best of all possible worlds, that is a laudable goal.

But the question before this body is not whether we would like our Nation to pursue this research. The issue before us is whether we are willing to pursue this research at the expense of an ever-burgeoning Federal deficit.

We often fail to recognize that we are sent here by our constituents to make hard decisions. Which one of us has not heard a clear message from our constituents that they want us to cut

spending. To do so, we have to be willing to say that there are some projects we just cannot afford to pursue. With a $11 billion price tag that just keeps going up, I say that the SSC is a program that we cannot afford.

I am willing to bust atoms. I am just not willing to bust the budget. Unfortunately, the SSC does both. I will vote to eliminate its funding, and I urge my colleagues to do the same.

Mr. MOYNIHAN. Mr. President, the superconducting super collider is a machine for creating new kinds of matter. Matter not seen since the first few trillionths of a second after the birth of the universe. It is also a machine that will help us develop a unified theory of matter. As a machine, the SSC will accelerate protons to nearly the speed of light and then crash them together with such force that some of the energy will be transformed into matter, as predicted by Einstein's famous equation $e=mc^2$. The particles produced will tell us important things about the composition of matter and give us insights that we can harness to advance civilization.

To many this seems ridiculous. What else do we need to know about matter? Don't our senses tell us all we need to know about matter, at least all that's important? And what's the evidence that the insights will advance civilization?

Let's look at history. The Greeks thought matter was made of material that could not be cut—the atom. Yet for all their insight they never developed a body of laws that would regulate all nature. Newton with his laws of motion and gravitation gave hope to such a unified theory, but as scientists learned more about chemistry, light, electricity, and heat it was clear that Newtonian physics could not explain many phenomena. The world is a complicated place.

The development of x rays and electricity showed that there was a fundamental particle, the electron, present in all matter. In other words, atoms are made up of subatomic material. This insight gave us a new way of looking at matter, leading to a whole array of devices that have improved our lives in so many ways—medical diagnostic and treatment devices, engineering tools, entertainment, defensive weapons, and more.

Albert Einstein provided even more insight about matter with his special theory of relativity, suggesting new ways to demonstrate the existence of atoms. He interpreted Max Planck's work on heat radiation in terms of a new elementary particle, the photon. This led to the development of the lasers so widely used today. Used to scan grocery prices, replay music, perform delicate surgery, improvements in the quality of life that would never have been dreamed of let alone achieved had we not paid for the support of physics research.

Similarly, quantum mechanics developed in the 1920's by Niels Bohr allowed us to describe matter in terms of wave functions and probabilities, instead of particles and forces. The insight that chemistry could be explained in terms of electrical interactions between electrons and atomic nuclei led to the development of our modern chemical industry.

Though our progress has been great there are many gaps in our knowledge, and many wonderful though unpredictable benefits yet to be realized. The string theory first developed by Gabriel Veneziano in the late 1960's shows that the standard model of matter is a low-energy approximation of the fundamental nature of matter. Imagine that: strings. As if we didn't have enough trouble imagining matter made of the wave interactions predicted by quantum theory, we must now conceive that at a more fundamental level the subatomic particles are linked together in strings, much like the way atoms are strung together to make molecules, and molecules strung together to make matter as we perceive it daily. The trouble is that if we are to determine what matter is truly made of, we must create conditions similar to those that occurred when the universe was born. Energy levels that currently can only be approximated by the SSC. There is no promise that the findings from experiments with the SSC will result in complete understanding of matter. Past history suggests it won't, but it also suggests that the benefits that will accrue from applications of the insights gained will more than repay the costs of the SSC.

MORNING BUSINESS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that there be a period for morning business, for Senators permitted to speak therein.

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

A TRIBUTE TO JAMES M. SWEENEY

Mr. HARKIN. Mr. President, I rise today to pay tribute and say goodbye to a very special person, Jim Sweeney, whose recent passing is a great loss not only to his colleagues, his family, and his friends, but to everyone. I'm saying goodbye to Jim, but we will never say goodbye to his heart, his spirit, his soul.

Jim, who was my friend as well as my dedicated and talented foreign policy legislative assistant, lost his life in a car accident on August 21, 1993.

Mr. President, we all reacted pretty much the same way when we heard the news. Emotions swept over us. Tears welled up in our eyes. There was a certain catch in our throats, and an old feeling in our stomachs.

We feel these emotions today, and we should—for we realize that someone very special, someone we loved very much, will not grace our lives again with his presence.

Jim devoted his life to international peace and justice, Mr. President, dedicating 7 years to the Maryknoll mission in Venezuela. He held a tenure as regional coordinator and representative to the U.S. National Council of Churches, Central American task force and head of the justice and peace program.

And so, Mr. President, this untimely accident touches not only Jim's immediate family, but a much larger family that stretches from here to Eastern Europe and Russia, to Latin America and Haiti, to Africa, the Mideast, and Far East.

These family members know no ethnic, racial, religious, or national boundaries. They came from varied backgrounds: some are born to wealth and privilege, others just the opposite. Some are educated in the finest universities, some can barely read or write.

These family members are bound together for a common purpose:

To foster respect for human rights;

To promote social and economic justice and opportunity;

To empower the poor;

To lift up those who are down; and

To give hope to the hopeless and help to the helpless.

And overall, to give courage and strength to those who, at great personal risk, pursue these goals.

This is Jim's larger family. And while he may have physically departed, his spirit will never desert us.

Which is the second reason I rise today, Mr. President—to affirm an ancient native American saying: To live on in the hearts of those you love, is not to die.

Jim, your spirit does live on through those who knew you, whose lives you touched, and through them to countless thousands whose lives will be enriched because of you. You will be remembered by us, each in a different way.

Jim was a brilliant thinker—diplomatic, and politically savvy. He was regularly consulted by the Clinton administration on foreign policy and human rights issues. As my chief foreign policy adviser, he had already compiled an impressive record of legislative and diplomatic accomplishments.

Mr. President, Jim's work always had a direct impact on the lives of those who needed his help the most. Nothing illustrates this more clearly than the initiative he had been working on for more than a year at the time of his death: Legislation to end the exploitation of children by prohibiting the import of products made by their labor. As you know, Mr. President, this is one of my top legislative priorities.

And we're going to pass that bill—the Sweeney bill—in this Congress. We took a first step toward that just last week, when the Senate unanimously approved a resolution condemning the practice of child labor and calling upon the President to negotiate an international ban on goods made with child labor.

This resolution, which I dedicated to Jim, puts the U.S. Senate on record in support of the objective of the Sweeney bill and sends a clear message around the world that the United States will not tolerate the exploitation of children. Without Jim's tireless and skillful efforts, this historic declaration would not have been possible.

So Jim, I rise today to say goodbye, to keep your spirit and commitment alive, and to just say thanks. Thanks for being a good friend and a good person.

Mr. President, the historian Arthur Schlesinger once asked JFK how he wanted to be remembered. JFK thought for a moment, and replied: The highest accolade that can be given to anyone is to say they were a kind and decent human being.

Using that as our standard, we give him the highest honor: We will always remember him as a kind and decent human being.

EXECUTIVE SESSION

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Jane Alexander, to be Chairperson of the National Endowment on the Arts and the Humanities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the nomination?

There being no objection, the Senate proceeded to consider the nomination of Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts.

Mr. LOTT. Mr. President, I want to address the nomination of Jane Alexander to be Chairman of the National Endowment for the Arts. Ms. Alexander is an extraordinary woman. She has been an actress, author, and producer for 30 years; there are very few people I can think of who could bring such a breadth of experience to the job of NEA Chairman. Clearly, Ms. Alexander has a long and distinguished record in the arts.

I am not standing up to oppose Ms. Alexander. I must rise in opposition to what I see is the continued radicalism of the NEA. The NEA needs a new direction, away from profane and obscene art, and toward art everyone can enjoy. Ms. Alexander during her confirmation hearing mentioned how at age 6 her uncle took her to the ballet, and how magical the experience was for her. More children—and more adults—should be exposed to the best our culture has created. The NEA makes some of these high culture opportunities possible.

The NEA, though, has been generously funding not so high culture things. Robert Mapplethorpe is just the tip of the iceberg. Did you know the NEA funded three homosexual film festivals in Pittsburgh recently? The titles of some of the movies cannot be spoken on the floor of the Senate, or anywhere else in public. The NEA also has given a fourth grant to Joel Peter-Witkin, a so-called "artist" whose graphic photographs include "Woman Castrating a Man" and "The Kiss," a photo of a human head sawed in half, with the two halves placed together, lip-to-lip.

Some artists have been up in arms, because they say having standards concerning what the NEA should fund amounts to censorship. These radicals think that anything goes, and American taxpayers have a duty to fund whatever trash these radicals produce. In some ways, the debate about art is being won by the radicals, because the profane pictures, or the dirty poems, or the blasphemous art cannot be shown on prime-time television, or talked about openly, without being profane or pornographic. I wouldn't want my kids to be exposed to this so-called art. So when people hear censorship of art, they rightly are against it. This is a free society, where everyone has a say. But many people don't realize that what is being funded by agencies like the NEA is not art, but trash—and not just by my standards, but by almost anyone's standards.

Speaking of censorship, the NEA itself practices censorship on a regular basis. Mr. President, I ask unanimous consent that an article from the June 24, 1992, Wall Street Journal by Roger Kimball be entered into the RECORD.

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

[From the Wall Street Journal, Thursday, June 24, 1993]

DIVERSITY QUOTAS AT NEA SKEWER MAGAZINE

(By Roger Kimball)

Like many other governmental agencies, the National Endowment for the Arts is awaiting the nomination and appointment of key personnel. But we do not have to wait for a new director of the NEA to know what direction support for the arts will take in the Clinton administration. It is the same direction in which the rest of the Clinton government is stumbling. The buzzword is "diversity." But the reality is an effort to impose quotas and politically correct thinking. Here as elsewhere the "politics of virtue" is taking precedence over mundane considerations of quality.

How does it work? Consider the case of the Hudson Review. Now celebrating its 45th anniversary, the Hudson Review has long been recognized as one of the most distinguished literary quarterlies in the country. Based in New York City, it has published work by T.S. Eliot, Wallace Stevens, Ezra Pound, W.H. Auden and other giants of 20th century literature.

In recent years, most general-interest literary magazines have either expired or become platforms for deconstruction and other forms of ideological persiflage. The Hudson Review is rare in having remained a forum for intelligent, well-written criticism and cultural commentary on a broad spectrum of topics. In fact, it belongs to a tiny handful of magazines where the first criterion of inclusion is literary merit.

Literary merit? Who still cares about that? Not, apparently, the NEA. For several years, the Hudson Review had applied for and received a small grant from the endowment's literature program. This year, the grant was turned down. In response to a request from the editors, the endowment supplied a summary of its panelists' comments on the grant application. It makes for interesting reading.

Dated May 27, this letter reports that the panelists expressed two main concerns. First, it was felt that "writers of color were significantly under-represented in the Hudson Review." Second, panelists criticized an article in the Summer 1992 issue about the black novelist Richard Wright as "isolating and condescending." "This concern was exacerbated," the letter continues, "when this essay was compared with the fulsome essay on Zola in the same issue."

Let's start with the article on Wright. Entitled "Problematic Texts of Richard Wright," the piece is by James W. Tuttleton, a professor of English at New York University and a widely recognized authority on American literature. It is a review of the new Library of America edition of Wright's work. Far from being "isolating and condescending," Mr. Tuttleton's article is a celebration of Wright. He describes the publication of Wright in the Library of America series—alongside such masters as Henry James, Edith Wharton and Mark Twain—as "an event of great cultural importance."

True, Mr. Tuttleton does not believe that every one of Wright's books was an unmitigated triumph. And he criticizes those works that, in his judgment, are less than first-rate. But he also praises "Uncle Tom's Children" as "a fully achieved work of fiction" and "Native-Son" as "a work of horrifying and sobering impact." As it turns out, his main criticism is reserved for the editor of the edition, Arnold Rampersad, a black literary scholar at Princeton. Mr. Rampersad chose to include as part of the texts certain passages—e.g., a scene from "Native Son" in which two characters masturbate in a movie theater—that Wright had decided to excise.

Nor was Mr. Tuttleton alone in his criticism. In its review of the Wright volumes, the London Times Literary Supplement suggested that Mr. Rampersad "appears to have overstepped his brief."

The message from the NEA's panel is clear: Only institutions waving the banner of political correctness need apply.

The freeze on unorthodox opinion works in two ways. First come the bean-counters and quota-mongers. How many blacks, Hispanics, Asians, women and people of varying "sexual orientation" do you publish? If you fail to meet the established quota, forget about getting a grant.

Then come the PC-police. Even if you have published articles about, say, black authors,

were the articles sufficiently—that is, unequivocally and unreservedly—enthusiastic? And if you dared to criticize an "author of color," surely you cannot have praised a dead white European male in the same issue! (In fact, the offending article about Zola is descriptive and biographical, not "fulsome," but who pays attention to such niceties nowadays?)

The NEA recently announced that it had agreed to pay $252,000 to four performance artists whose grants had been turned down in 1990. Among the recipients is Karen Finley, whose contribution to culture involves smearing herself with chocolate and delivering harangues about the depredations of patriarchal society. Ms. Finley is white, as it happens. But she clearly knows better than the editors of the Hudson Review the sort of thing that appeals to the peer panels of the NEA.

Near the end of the letter detailing the reasons for denying a grant to the Hudson Review, we read that "the panelists remained concerned that the journal was becoming monolithic and self-perpetuating." You might well wonder, as I did, what institution or individual does not seek to be "self-perpetuating."Perhaps this means that the panelists wish that the Hudson Review would just go away.

But anyone acquainted with the contents of that distinguished journal knows that "monolithic" is about the last adjective one would use to describe it—that and, perhaps, "politically correct." To learn about those qualities, you will do much better dealing with the pros at the NEA and elsewhere in the Clinton administration.

Mr. LOTT. Mr. President, Mr. Kimball reports that the NEA turned down a small grant this year to the Hudson Review. The Hudson Review, a 45-year-old quarterly magazine, has published works by T.S. Eliot, W.H. Auden and other great writers of this century. The magazine has over the years received a small grant from the NEA's literature program, but was turned down this year. Why? The main reason was that writers of color were significantly underrepresented in the Hudson Review, according to a letter the magazine receives from the NEA. This is political correctness in its extreme.

My main question is, will Ms. Alexander rein in the radicalism at the NEA? Ms. Alexander eloquently said that she would listen to all sides of the debate. But she has also said that all art should be embraced, whether it is good art or bad art. I think this is wrong. What if some racist wanted a grant for antiblack art? What if some racist wanted a grant for antiblack art? What if some neo-Nazi skinhead wants a grant for anti-Semitic art? What if Jeffrey Dahmer wanted an NEA grant? Obviously, this all sounds ludicrous. But the NEA now funds bigoted art, and photographs of severed heads. Everything that is called art is not art—a lot of it is nonsense. Again, I praise the president on his choice—but Ms. Alexander needs to steer the NEA away from controversy. She needs to lead the NEA to fund art that every citizen can enjoy and learn from.

Mr. METZENBAUM. Mr. President, I rise in support of the nomination of Jane Alexander to be Chair of the National Endowment for the Arts. I want to commend President Clinton for making a truly superb choice for this important and sensitive position.

As we are all well aware, Jane Alexander has had a brilliant career as a highly respected and award-winning actress, producer, and author. She will bring to the job stature, integrity, and the unique perspective provided by 30 years' experience as a working artist.

I recently had the opportunity to talk with Ms. Alexander at some length, and to listen to her moving testimony in the Labor and Human Resources Committee. I was impressed with her commitment to the Endowment and the breadth and depth of her knowledge about the whole spectrum of the arts. There is no doubt in my mind that she will be an articulate and forceful spokeswoman for the arts and that she can provide positive and effective leadership for the Endowment.

And that is so important, because of the crucial role the endowment plays in enhancing the cultural life of our Nation. Since its creation 28 years ago, the NEA has compiled an outstanding record of achievement—supporting artists, promoting excellence, and bringing theater, ballet, symphonies, public television shows, and great works of art to millions of Americans in their own communities.

Yet, for the last 4 years, the NEA has struggled to survive while embroiled in constant turmoil as a few controversial grants have been used to launch repeated attacks on the Endowment.

In nominating Jane Alexander as Chairwoman of the NEA, President Clinton has indicated his desire to end this period of controversy and conflict, stating that the Endowment's mission is "too important to remain mired in the problems of the past." "It is time to move forward," he said, "and Jane Alexander is superbly qualified to lead the Endowment into a new era of excellence that encourages the involvement of all Americans."

I could not agree more. I urge my colleagues to get behind Jane Alexander and support her nomination. I look forward to working with her, and hope that with her leadership, we can once again begin to focus on the ways that the arts can enrich our lives and bring us together, and not the ways in which they can be used to divide us.

Mr. WARNER. Mr. President, I wish to indicate my support for the President's nominee.

The PRESIDING OFFICER. If there is no objection, the nomination is considered, and confirmed; and the President will be immediately notified.

The nomination was considered and confirmed as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jane Alexander, of New York, to be Chairperson of the National Endowment for the Arts for a term of 4 years.

The PRESIDING OFFICER. Without objection, the motion to reconsider and the motion to lay on the table are agreed to.

LEGISLATIVE SESSION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that we return to legislative session.

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

MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2399. An Act to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent Resolution providing for the printing as a House document of a collection of statements made in tribute to the late Justice Thurgood Marshall.

The message further announced that pursuant to section 114(b) of Public Law 100-458, the minority leader appoints Mrs. Sheila Smith of Lony Beach, MS, to serve as a member of the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a 4-year term on the part of the House

At 12:37 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 267. Joint Resolution making continuing appropriations for the fiscal year 1994, and for other purposes.

At 2:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2689. An Act to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.

H.J. Res. 111. Joint Resolution designating October 21, 1993, as "National Biomedical Research Day."

The message also announced that the House has passed the following bill and joint resolutions, without amendment:

S. 1381. An Act to improve administrative services and support provide to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint Resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 121. Joint Resolution to designate October 6, 1993 and 1994, as "German-American Day."

The message further announced that the House has agreed to the following concurrent resolutions, each with amendments:

S. Con. Res. 4. Concurrent Resolution to authorize printing of "Senators of the United States: A Historical Bibliography", as prepared by the Office of the Secretary of the Senate.

S. Con. Res. 5. Concurrent Resolution to authorize printing of "Guide to Research Collections of Former United States Senators", as prepared by the Office of the Secretary of the Senate.

S. Con. Res. 6. Concurrent Resolution to authorize printing of "Senate Election, Expulsion, and Censure Cases", as prepared by the Office of the Secretary of the Senate.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1268) to assist the development of tribal justice systems, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MILLER of California, Mr. RICHARDSON, and Mr. THOMAS of Wyoming as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints, that Mr. SMITH of Iowa, Mr. CARR, Mr. MOLLOHAN, Mr. MORAN, Mr. SKAGGS, Mr. PRICE of North Carolina, Mr. NATCHER, Mr. ROGERS, Mr. KOLBE, Mr. TAYLOR of North Carolina, and Mr. MCDADE, as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints, that Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. BEVILL, Mr. SKAGGS, Mr. COLEMAN, Mr. NATCHER, Mr. REGULA, Mr. MCDADE, Mr. KOLBE, and Mr. PACKARD as the managers of the conference on the part of the House.

At 4:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes, it asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. DINGELL, Mr. SWIFT, Mr. MANTON, Mr. MOORHEAD, and Mr. OXLEY be the managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2295) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 8:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1381. An act to improve administrative services and support provided to the National Forest Foundation, and for other purposes.

S.J. Res. 61. Joint Resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

S.J. Res. 121. Joint Resolution to designate October 6, 1993 and 1994, as "German-American Day."

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2689. An act to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.J. Res. 111. Joint Resolution designating October 21, 1993, as "National Biomedical Research Day"; to the Committee on the Judiciary.

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-1571. A communication from the Principal Deputy Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to funds in the Research, Development, Test and Evaluation, Defensewide fiscal year 1993-94 appropriation; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LAUTENBERG, from the Committee on Appropriations, with amendments:

H.R. 2750. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-150).

By Mr. BYRD, from the Committee on Appropriations:

Special report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 1994" (Rept. No. 103-151).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Daniel A. Dreyfus, of Virginia, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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 Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mrs. MURRAY):

S. 1496. A bill to amend the Export Administration Act of 1979 to provide for updated indexing standards for emerging technologies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself and Mr. MCCAIN):

S. 1497. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Labor and Human Resources.

By Mr. DANFORTH:

S. 1498. A bill to authorize the Secretary of Transportation to release restrictions imposed in connection with the conveyance of certain lands to the city of Rolla, Missouri; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1499. A bill to authorize the Secretary of Transportation to convey for scrapping by the Virginia V Foundation a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. DECONCINI):

S. 1500. A bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces in obtaining training and employment as managers and employees with public housing authorities and management companies; to the Committee on Labor and Human Resources.

By Mr. MCCAIN (for himself and Mr. DOMENICI):

S. 1501. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

By Mr. AKAKA:

S. 1502. A bill to require the Director of the Federal Emergency Management Agency to establish a FEMA region for the Pacific, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mrs. MURRAY):

S. 1496. A bill to amend the Export Administration Act of 1979 to provide for updated indexing standards for emerging technologies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HIGH TECHNOLOGY INDEXATION ACT OF 1993

Mrs. FEINSTEIN. Mr. President, today I am introducing the High Technology Indexation Act of 1993. I am pleased to be joined in introducing this legislation by Senators KERRY and MURRAY.

I am introducing this legislation today because I see the need to remedy a growing problem for our Nation's computer industry. That problem is the outdated and burdensome definitions that govern the exportation of high-speed computers.

Our Nation's export control system, designed for the cold war, is handicapping one of America's leading industries—the computer industry. I do not want to argue that export controls on computers are unnecessary. They are necessary. But, the cold war is over—our world has changed and technology continues to advance ever more rapidly. Our regulation of technology must keep pace with this advancement or our international competitiveness will be harmed. The export control system we have in place cannot possibly keep up with the vast improvements made in computing each year.

Currently any computer which operates at 195 millions of theoretical operations per second [mtops] is by definition a supercomputer. That means a company that wants to sell such a computer must impost a rigorous and costly safeguard regime on its customers as a condition of sale. Ten years ago a computer that operated at such speeds would have truly been a supercomputer. But, today desktop computers operate several times faster than 195 mtops and our fastest supercomputers operate at 20,000 mtops—100 times faster than the current definition.

Since 1949, our Nation has had an elaborate system of national security export controls, designed to insure that our potential adversaries did not gain a military advantage by obtaining civilian dual use technology from the West. The export control system is coordinated with our allies through the organization known as CoCom. While it was far from perfect, that system served us well through the era of the cold war.

It is time to undertake a comprehensive review of our export control regime. If we fail to do this soon, we will significantly disadvantage one of America's most dynamic industries—the computer industry. Other than aircraft, no other industry is so competitive internationally, doing 60 percent of their business overseas. Yet, 80 percent of their research and development jobs and 60 percent of their manufacturing jobs have remained in the United States. No other industry has such short product cycles, with new generations of computers being introduced every 18 months, on average. Indeed, according to the industry, 70 percent of its revenues come from products less than 2 years old.

That is why the computer industry cannot afford an export control regime that is so drastically out of date. Today, the U.S. Government requires licenses for the same Intel 80486 microprocesser-based personal computers that are available at every discount store and in every mail order catalog, and which are being made in every other garage in Taiwan.

To make things worse, it has been 10 years since we wrote into the regulations our definition of what constitutes a supercomputer, with little change in that definition in the interim. Yet, as I noted, the power of supercomputers has increased a hundredfold during that period. Today, India and the People's Republic of China manufacture machines that fit the supercomputer definition, and yet the Federal Government maintains that same rigid security regimes and the same thresholds to define these products that we have had for a decade.

Mr. President, something needs to be done immediately to remedy the situation. As Scott McNealy, CEO of Sun Microsystems wrote in an op-ed in the Wall Steet Journal recently, "Miss one development cycle and you are seriously hurt, miss two and you are mortally wounded." Unless we update our control system we are in danger of losing the very industry on which we depend for our competitiveness. That is why I am introducing the High Technology Indexation Act today.

This bill would direct the administration to develop an indexation system to ensure that export controls keep pace with our rapidly changing technology. The bill does not seek to create a new control level through legislation. Rather, it requires the development of a process for evaluation and review, utilizing technical experts from high-technology industry to insure rapid response to changing technological conditions.

This legislation also provides a hallmark for the control of our highest technological achievement, the supercomputer. As I have noted, this is a part of the computer market which has had the greatest technological advancements, yet little regulation change. Today, desktop machines, costing as little as $30,000, are defined as supercomputers. In such cases, the required security regime can cost more than the machine itself. That regulatory condition on sales is incompatible with any rational marketing strategy and an overwhelming deterrent to sales in an industry so dependent on the overseas market for its livelihood. By next year, there will be tens of thousands of these machines available in the marketplace, the only way to sensibly control them is to focus on those with the greatest capability, the true supercomputers. That is what the High Technology Indexation Act directs the Government to do.

By indexing the definition of a supercomputer to 15 percent of the top performing computers available, this legislation allows American companies to compete on a more equal basis with our international competitors. It does not, however, remove the Government's ability to limit the sale of high-speed computers to enemy nations. Let me stress that this legislation does not eliminate the licensing requirements for sales of computers. Although I believe that the entire export control regime needs to be reformed soon, this legislation would not in any way change the licensing system. Thus, all computers that must be licensed now will continue to need licenses.

This legislation would ensure that the U.S. Government does not continue to treat desktop computers, which are readily available on the open market, as through they were supercomputers. It is my hope that this legislation will help American businesses to stay on the cutting edge of technological innovation by eliminating some of the unnecessary and burdensome regulation of the computer industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Technology Indexation Act of 1993".

SEC. 2. INDEXING STANDARDS.

Section 5(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(g)) is amended to read as follows:

"(g) INDEXING.—

"(1) REMOVAL OF OBSOLETE REQUIREMENTS.—

"(A) IN GENERAL.—In order to ensure that requirements for validated licenses and other licenses authorizing multiple exports are periodically removed as goods or technology subject to such requirements become obsolete with respect to the national security or the policies of the United States, not later than 6 months after the date of enactment of the High Technology Indexation Act of 1993, the Secretary shall establish, in response to recommendations of technical advisory committees under paragraph (2), indexing standards which provide for increases in the performance levels of goods or technology described in paragraph (2)(A) that are subject to any such licensing requirements.

"(B) EMPHASIS.—The indexing standards required under subparagraph (A) shall emphasize the technical specifications of goods or technology below which no authority or permission to export is required.

"(C) REMOVAL OF CONTROLS.—With respect to goods or technology referred to in subparagraph (B) which no longer require licensing under the increased performance level standards established in accordance with subparagraph (A)—

"(i) the removal of controls on exports of such goods or technology to controlled countries shall be incorporated into United States proposals to all multilateral regimes; and

"(ii) controls under this section on exports of such goods or technology to countries other than controlled countries shall be removed, after consultations with the multilateral regimes, as appropriate, unless—

"(I) the Secretary, after consultation with the Secretary of Defense, the Secretary of State, and the heads of other appropriate executive departments (as defined in section 101 of title 5, United States Code), makes a determination that removal of controls on the goods or technology will permit exports that will be detrimental to the national security or the policies of the United States; and

"(II) the Secretary reports that determination in writing, together with a description of the specific anticipated impact on the national security or the policies of the United States, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(D) OTHER CONSIDERATIONS.—The Secretary shall also consider, where appropriate, eliminating site visitation requirements for goods and technology from which export controls have been removed under this paragraph.

"(2) RECOMMENDATIONS.—

"(A) IN GENERAL.—In carrying out this subsection, the Secretary shall direct the technical advisory committees appointed under subsection (h) to recommend indexing standards for goods or technology—

"(i) which are eligible for export under a distribution license;

"(ii) which are eligible for favorable consideration under the rules of the Coordinating Committee;

"(iii) below which exports require only notification of the governments participating in the Coordinating Committee; and

"(iv) below which no authority or permission to export may be required under this section.

"(B) SUBMISSION AND DETERMINATION OF ACCEPTANCE.—The technical advisory committees shall submit their recommendations for indexing standards as they are made to the Secretary, who shall determine, not later than 30 days after each submission, or not later than 45 days after a submission in the event of an objection by the head of any other executive department, whether to accept the standards or to refer them back to the appropriate technical advisory committee for further consideration.

"(C) TIMING OF PROPOSALS.—The proposals referred to in paragraph (1)(C)(i) shall be made at the next meeting of the Coordinating Committee, or any other multilateral regime, at which list review is conducted, that is held after the indexing standards established under this subsection are applied to the goods or technology involved.

"(3) POLICIES.—For purposes of this subsection, the term 'policies of the United States' means foreign policy and the nonproliferation policies referred to in section 6.".

SEC. 3. SUPERCOMPUTER EXPORTS.

(a) SUPERCOMPUTER EXPORTS AND REEXPORTS.—Section 5(a) of the Export Administration Act of 1979 (50 U.S.C. 2404(a)) is amended by adding at the end the following new paragraph:

"(7) SUPERCOMPUTER DEFINITION.—

"(A) PERFORMANCE-BASED INDEXING SYSTEM.— The Secretary shall, not later than 6 months after the date of the enactment of this paragraph, publish in the Federal Register a performance-based indexing system in order to ensure that the definition of 'supercomputer' under paragraph (6)(A) and all controls and security safeguard procedures applicable to supercomputer exports and reexports are commensurate with technological advances in the supercomputer industry.

"(B) SECURITY SAFEGUARD PROCEDURES.—Under the indexing system published in accordance with subparagraph (A), for destinations in any country (other than a controlled country) that is a party to and, as determined by the President, is adhering to the Treaty on the Non-Proliferation of Nuclear Weapons (done at Washington, London, and Moscow on July 1, 1968) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (done at Mexico on February 14, 1967), no security safeguard procedures may be required in connection with any export or reexport of a supercomputer with a composite theoretical performance at or below approximately 15 percent of the composite theoretical performance of the average of the 2 most powerful supercomputers currently available commercially in the United States or elsewhere.

"(C) ADVISORY COMMITTEE INPUT.—Before publishing the performance-based indexing system under subparagraph (A), the Secretary shall seek the views of the appropriate technical advisory committees appointed under subsection (h), and other interested parties.

"(D) REPORTS TO CONGRESS.—Not later than 2 weeks after publication of such system in the Federal Register, the Secretary shall submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, that includes—

"(i) the text of the Federal Register notice;

"(ii) a summary of the views expressed by the technical advisory committees and other interested parties with respect to the performance-based indexing system; and

"(iii) a description of how the performance-based indexing system addresses the views of the technical advisory committees appointed under subsection (h) and other interested parties.

"(E) DEFINITION.—For purposes of this paragraph, the term 'security safeguard procedures' means procedures that are required by the Department of Commerce, as a condition of an authorization to export or reexport a supercomputer, primarily to restrict access to and resale of such supercomputer.".

Mr. KERRY. Mr. President, today I join with my distinguished colleague from California, Senator DIANNE FEINSTEIN, in introducing the High Technology Indexation Act of 1993. Our Nation's export control policy over the past few years has demonstrated that it is in critical need of alteration, as our high technology industries have suffered under the obsolete and onerous definitions that set the parameters of our export control system. Indexation is a partial answer—because it will remove items from the export list as technology progresses and such controls become unnecessary with respect to older technology which is increasingly further from the cutting edge.

Our bill would compel the U.S. Government to be more realistic in its definition of what constitutes a supercomputer and to change that definition as technology advances. We still must control technology that has military applications, but we also must design those controls carefully. We are certainly more likely to get cooperation from our allies and from the newly industrialized countries of the Pacific rim if we update our export control list. Ideally we should seek a control list that will both offer needed protections from weapons of mass destruction proliferation and to which will subscribe all the countries that possess high technology. With real effort, that delicate balance can be achieved. We can and should lead the way by updating our list, removing its current anachronistic application to technologies legally available on Third World street corners.

The cold war is over. Yet that fact is not reflected in the rules that govern high technology exports. We still have a system that denies modern telecommunications equipment, computers, and scientific instruments—our most competitive products—to markets in the former Soviet bloc and Asia. The computer industry offers a particularly glaring example of what is wrong with the current system. Computers have increased one hundred-fold in their speed over the decade since the U.S. Government first defined what constitutes a supercomputer for control purposes. Yet the original speed threshold in our export control policy has changed only marginally since the original definition. Computers with far more computing power than the threshold are available in stores around the world with no questions asked. Today many companies have to

compel their customers to erect elaborate and expensive supercomputer security programs as a condition of sale in order to comply with U.S. Government regulation. Such programs can cost more than the computers themselves, which is obviously a deterrent to marketing such machines.

Mr. President, I also hope that the administration will see this bill as an incentive to go abroad to seek the broadest possible cooperation in a multilateral regime to control technology. Technology is diffusing throughout the world, beyond the traditional western industrial States. We need to reach an understanding with the new technological competitors so that they are playing by the same rulebook which is used by our companies. If the same technology is available from foreign sources with no controls, U.S. companies lose business but the target country still is able to obtain the high technology it desires. That is the worst of all worlds.

Mr. President, it is time that we modernize our export control system so that U.S. companies can remain competitive in world markets. The High Technology Indexation Act of 1993 begins that process, and I hope my colleagues will look closely at its provisions and then join with the distinguished Senator from California and me in enacting it during this Congress.

By Mr. BURNS (for himself and Mr. McCAIN):

S. 1497. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Labor and Human Resources.

EDUCATIONAL SATELLITE LOAN GUARANTEE PROGRAM

• Mr. BURNS. Mr. President, America faces many problems and challenges in education. From Montana to Maine, from local school districts to large universities, educators are being asked to do more with less. There is overcrowding in urban areas, and a lack of access to educational opportunities in many rural areas. And everywhere we turn, budgets are being squeezed. We do not have to look far to see examples of the problems in education. In my home State, our university system faces funding decreases and tuition increases. The problems don't end with higher education either. Like many other States, the Montana Supreme Court has ruled that all public school students must be given equal educational opportunities. This is extremely difficult to accomplish in rural areas where a school may only have 20 to 25 students. And it is equally challenging for inner cities.

Every student deserves equal access to a quality education, but not every small rural school, or poor inner city school, can afford the resources and specialized instructors that are available in wealthier communities. Saco, MT, is a perfect example. The Saco High School has less than 40 students. They just can't afford to hire a Spanish teacher to teach one class a day. This could unfairly limit students' educational opportunities. Unfortunately, this is not an isolated example. I could go on, giving you examples from every State in the Union. But there is no point in doing that when the real question is, 'What are we going to do about it?'

We are being challenged as a Nation, and we must react—as a Nation, with unity of purpose. We must marshal our resources and find ways to overcome the problems in education. Our children's future is at stake. We must act now to position America to move into the 21st century with a well-educated, competitive work force. There are many exciting proposals being forwarded and each of them has merit. Over this Nation's history, we have used good old American ingenuity to conquer many challenges and forge new horizons. Oftentimes, technology plays a key role in making us world leaders. In the areas of space and defense, our technological know-how has made us second to none.

I believe we should act now to apply that same technological knowhow to education. If we do, our success will be no less than it has been in space and defense. Whether it be through copper wire, satellites, or fiber optics, distance learning can provide access to the vast educational resources of our Nation, regardless of wealth or geographic location.

Let's go back for a minute to Saco, MT. Educators in Saco have turned to telecommunications and distance learning to diversify and enrich their students' education. Students in Saco can take not only Spanish, but Russian, chemistry, and physics via satellite. The REA in eastern Montana also has a project linking schools in Terry, Baker, Plevna, and Ekalaka, MT, with fiber optics. The fiber link allows students in these communities to have a two-way audio and visual connection with their Spanish and German teachers over a hundred miles away. Unfortunately, barriers still exist which are holding back the full development of distance learning.

Even if these problems are addressed, a nationwide, fiber optic network may not be a reality for quite some time. However, we cannot wait to expand the opportunities available through distance learning. We must start right here, right now, by taking advantage of the satellite technology that exists today.

That is why I am introducing today, along with Senator McCAIN, the Edsat bill—a bill which will help remove some of the barriers that are stunting the growth of distance learning. This bill offers Federal loan guarantees to a non-Federal, nonprofit, public corporation which they can use to obtain financing for the purchase or lease of a dedicated education satellite system. A dedicated educational satellite will allow us to address two barriers faced by those involved in distance learning via satellite.

First, it will insure instructional programmers that they will be able to obtain affordable satellite transmission time without risk of preemption by commercial users. Second, it will allow educators using the programming to have one dish focused on one satellite off which they can receive at least 24 channels of instructional programming, 24 different programs, every hour of the school day.

There is no doubt in my mind that distance learning is a growth area and that there is a role for the Federal Government in facilitating that growth. Most States are involved with distance learning, and more schools are participating every year.

Following their 1989 education summit in Charlottesville, VA, where former Gov. Wallace Wilkinson of Kentucky and other Governors—including then-Governor of Arkansas, Bill Clinton—raised with President Bush the proposal for this dedicated system, the EDSAT Institute was formed to analyze the proposal. In 1991, they issued a report entitled "Analysis of a proposal for an Education Satellite," and they found, as did the OTA report, "Linking for Learning," that individual States and consortiums of States are investing heavily in distance learning technologies and that the education sector is a significant market.

The legislation we are introducing today addresses the issue of an infrastructure for distance learning. The OTA report also addresses this issue and concludes that "national leadership could focus [infrastructure] investments toward the future, ensuring that today's distance learning efforts carry our educational system into the 21st century." A commitment to a national telecommunications infrastructure for distance learning requires a change in the existing Federal role. That is what we are proposing today—a change in the Federal role and a change in the Federal Communications policy. Our approach is based on the precepts of Abraham Lincoln who said, and I paraphrase, that the legitimate role of the government is to do for the people that which they cannot do for themselves.

The application of this great precept to this initiative begs to questions. First, how do we know the people cannot provide for themselves an integrated, satellite-based telecommunications system? And once we determine that they can't, we must then ask

what the Federal Government role is in doing it for them?

The first question, why can't the education sector provide such a system themselves, is best answered by looking at the realities surrounding their use of satellite technology. While there is a significant market out there, it can best be described as disorganized and fragmented. For the most part, schools, school districts, State education agencies, colleges and universities all operate independently. In recent years, many States have undertaken efforts to plan and coordinate for distance learning. Many States have also formed distance learning consortiums. But until all the users are aggregated on a national level, they will not have enough market power to attract commercial interest for a telecommunications infrastructure to facilitate distance learning growth.

Aggregation is not the only hurdle that the education sector faces. They are also limited by short-term planning. As we all know, education budgets are formulated primarily at the State and local levels, and they are done on an annual or bi-annual basis. Since funding levels are uncertain from year to year, educators and administrators find it difficult to enter into long-term agreements. In the satellite market, these small, short-term users are considered occasional buyers. As occasional buyers, educational users must pay high commercial rates for service that is often undependable because they are subject to preemption. In today's satellite market, occasional buyers would not form a basis on which satellite vendors could offer dedicated service. A satellite vendor operates much like a shopping mall developer. Before they build and launch a satellite, they go out and procure contracts from users who can guarantee their use of a majority of the transponders for the life of the satellite—10 to 12 years. In doing this, they often look for an anchor tenant, a large user like HBO for example, and then fill up the rest of their capacity with smaller users. Clearly, the education sector is not in a position to satisfy these commercial practices and acquire for themselves a satellite dedicated to educational use.

So, how can the Federal Government help the education sector build a telecommunications infrastructure? Or more specifically, how can the Federal Government help the education sector acquire a satellite dedicated to education? Well, we could just go out and appropriate the money to buy a satellite, but I think would be very expensive and unnecessary. Instead we have the opportunity to enter into a public/private partnership which I think is the appropriate route to take. The legislation we are introducing says that the Federal Government's role is to take the risk from the private sector in order to encourage the development of a dedicated satellite system. A nonprofit, public corporation representing educational users of all levels will investigate all practical means to acquire the most cost effective, high-quality communications satellite system and report to the Secretary of Education their findings and recommendations. At that time, the Secretary will be authorized guarantee loans of up to $35 million of which not more than $5 million can be for the costs of operating and managing satellite services for up to 3 years.

The organization, the National Education Telecommunications Organization [NETO], was formed after the EDSAT Institute held seven regional meetings last summer. Through these meetings they recognized the need to aggregate the education market for distance learning and concluded that an education programming users organization was needed. NETO has a distinguished board of educators, public policy officials, State education agencies and telecommunications experts who are committed to the goal of developing an integrated telecommunications system dedicated to education. The first step, that of acquiring a dedicated satellite, is what we are facilitating through Federal loan guarantees.

Some have asked why NETO is needed. They have suggested that the Public Broadcasting System [PBS] is already in place and could meet the infrastructure needs of the distance learning community. This is not an attempt to replace PBS; I am a supporter of their mission and have spoken on a number of occasions in support of their efforts to expand educational programming. What we must keep in mind, however, is that PBS and NETO have very different missions. PBS is in the business of broadcasting. PBS provides programming and has acquired satellite time in order to deliver its own programming. In contrast, NETO's focus is on the distribution of distance learning—much of it live and interactive. NETO itself will not generate programming. NETO's sole concern is the creation of an infrastructure which will distribute instructional programming created by others at an equitable price to all users.

Although NETO will aggregate the market so that it will be of sufficient size, the education sector still faces the problem of being a short-term user. Educators cannot enter into the 5- or 10-year commitments that satellite vendors look for in long-term users. This legislation solves that problem by offering Federal loan guarantees to NETO so that they can, in turn, offer the satellite vendors the long-term commitment they need. Our proposal basically guarantees the vendor an anchor tenant. Without that guarantee, it is unlikely that even an aggregated education market would be able to secure a long-term lease or purchase arrangement with a satellite vendor.

If this legislation passes, the Federal Government will be setting a national policy in support of a telecommunications infrastructure for distance learning. A policy that will cost the Government relatively little compared to the benefits our Nation will receive through improved education and educational access. The risk to the Federal Government is minimal. The only risk the Government is assuming is the risk that the distance learning market will dissipate. I think the findings of the National Governors' Association, the OTA and the EDSAT Institute prove that highly unlikely. But I also believe that with distance learning, as with transportation and other infrastructure-dependent markets, once an infrastructure is in place the market will expand beyond our current expectations.

A dedicated satellite system will bring instructional programming which is now scattered across 12 to 15 satellites into one place in the sky. This collocation will allow educators to receive a variety of instructional programs without having to constantly reorient their satellite dish. By making the investment in a dedicated system on the front end, we are reducing distance learning costs for educators on the State and local levels. The programmers will benefit because they will be able to market their programming to a wider audience and will be guaranteed reliable satellite time at an affordable rate—a rate that will be equal no matter how much time they buy. Programmers include public schools, colleges, universities, State agencies, private sector corporations and consortiums, such as the Star Schools consortiums, and independents. The users will benefit because their investment in equipment to receive instructional programming may be reduced because of the technological advantages of focusing on one point in the sky. Users include primary and secondary students, college and university students, professionals interested in continuing education, community members and Government bodies. The benefits far outweigh the costs in my mind!

A dedicated educational satellite will allow students to benefit from equal access to quality education. This is really just a first step. Both NETO and I believe that a telecommunications infrastructure for use by the educational sector should not be technology specific. NETO's vision is for an integrated, nationwide telecommunications system, a transparent highway that encompasses land and space, over which educational and instructional resources can be delivered. They envision bringing together the land-based systems that are already in place, not replacing them. This is an inclusive effort, not an exclusive one. I hope that

my colleagues will join me in making this a reality.

Technology has transformed every sector of our lives. It can transform education as well. It will not replace teachers, it will empower them with better teaching tools. It will inspire our young people to actively engage in their education. It will expose them to the world around them and broaden their horizons. Our Nation's children deserve no less.●

By Mr. DANFORTH:

S. 1498. A bill to authorize the Secretary of Transportation to release restrictions imposed in connection with the conveyance of certain lands to the city of Rolla, MO; to the Committee on Commerce, Science, and Transportation.

ROLLA AIRPORT IMPROVEMENT ACT

● Mr. DANFORTH. Mr. President, in the past four decades, the Federal Government has deeded land to many communities for the construction of airports pursuant to section 16 of the Federal Airport Act (49 U.S.C. 1115). In 1958, Rolla, MO, received a 1,300-acre Federal grant of land for the establishment of a municipal airport. Since then, Rolla has built and expanded its airport to encompass 632 acres of land. The remaining 668 acres are used as a hay field and pasture land.

Rolla is a growing community. In 1987, the city of Rolla established a long term airport improvement plan, which is critical to the economic development of the region. At its inception, the plan extended over 15 years at an estimated cost of $50 million. To date, the airport has undergone some of the planned development, but the progress has been slowed due to the small amount of income the airport is able to generate from the sale of aviation fuel and the lease of a hanger.

The Rolla National Airport would like to finance the rest of its long-term airport improvement plans. It proposes to do so by selling a portion of its excess land. The sale could bring added revenue and enable the airport to meet future needs. There are businesses willing to invest in the purchase of airport land contingent on their ability to obtain fee simple title to the land. Without clear title, the businesses are reluctant to locate on airport land since banks would be unwilling to finance construction on the land subject to forfeiture.

Despite its ownership of excess land, its need for airport development, and the existence of prospective buyers, the Rolla National Airport is prohibited by its Federal deed from selling land. Section 16 of the Federal Airport Act provides that transferred land must be used exclusively for airport purposes or be subject to reversion to the Federal Government. The Federal Aviation Administration has interpreted such language as a prohibition on the sale of any portion of transferred airport lands.

Past legislation has been enacted to relieve airports in Iowa, Oklahoma, Colorado, and Alaska from similar restrictions. This legislation required that airports receive fair market value when conveying airport land and use the proceeds for the operation or improvement of the airport.

Mr. President, Rolla's situation mirrors the situation in those communities helped by past legislation. The sale of land, at fair market value, would generate funds to be dedicated solely to Rolla's airport development. An improvement in airport facilities would assist the community's efforts for expanded economic growth. I hope my colleagues will support this much needed legislation.●

By Mrs. MURRAY:

S. 1499. A bill to authorize the Secretary of Transportation to convey for scrapping by the Virginia V Foundation a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Commerce, Science, and Transportation.

"VIRGINIA V" RESTORATION ACT OF 1993

● Mrs. MURRAY. Madam President, today I introduce S. 1499, a bill to convey the proceeds provided from the scrapping of a vessel from the National Defense Reserve Fleet to the Steamer Virginia V Foundation. I commend the efforts of the Steamer Virginia V Foundation. This nonprofit organization has been working and continues to work very had to restore and promote the *Virginia V*, the last operating wooden hull steamer on the west coast and the sole survivor of the mosquito fleet that was once common on Puget Sound.

My great State of Washington is noted for the beauty of its coastline, mountains, forests, rolling fields, and of course the Puget Sound waterway. Puget Sound's unique geographic setting has given Washington a rich maritime history.

The restoration of the *Virginia V* is a grand tribute to both the maritime history on Puget Sound and early 20th century steamers. The ship served the Puget Sound region in a variety of ways: She was a commuter ship and helped transport troops from fort to fort in 1940 and 1941.

The *Virginia V* was built on Puget Sound's Kitsap Peninsula in 1922, but its triple expansion steam engine dates back to 1904 and was originally in the *Virginia IV*. The foundation began restoring the aging vessel in 1976. In 1989, the stern of the *Virginia V* was replaced. Since then, various sections of the deck have been repaired and replaced. The bow still needs refurbishing and the foundation hopes to begin that project this winter. So, it is apparent that the *Virginia V* has received extremely valuable care, and, with continued support, the foundation will soon complete its restoration project.

Once she is fully restored, the vessel will serve both the community and visitors who desire to learn more about our maritime heritage and early 20th century steamships. The foundation has already been active in the community by providing the Special People's Christmas Cruise, cruises for the Children at Risk Program, as well as cruises for many other organizations. If the foundation receives the funds called for in this act, it will be able to complete hull repairs, restore the engine room, improve passenger seating, strengthen its educational facilities that are often used for seminars and meetings and upgrade galley facilities. Ultimately, the *Virginia V* will be safe, comfortable, and a tremendous asset to our community.

I commend the foundation for its successful efforts to fund past restoration efforts. They have garnered financial support from both the private sector and State and local governments. The foundation will receive approximately a $300,000 to $400,000 boost if we go ahead and convey the proceeds provided from the scrapping of a vessel from the National Defense Reserve Fleet to the Steamer Virginia V Foundation. These Federal funds will leverage other public and private money to save this historical maritime landmark. The foundation has worked hard since 1976 to preserve a unique piece of our State's history and it should be supported in its final push to restore the *Virginia V*.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NDRF VESSEL FOR SCRAPPING BY VIRGINIA V FOUNDATION.

(a) SHORT TITLE.—This Act may be cited as the "VIRGINIA V Restoration Act of 1993".

(b) VESSEL CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey to the VIRGINIA V Foundation, a nonprofit organization located in Seattle, Washington (in this section referred to as the "Foundation"), without consideration, all right, title, and interest of the United States Government in a vessel which—

(A) is in the National Defense Reserve Fleet on the date of the enactment of this Act;

(B) is of not less than 4,000 displacement tons;

(C) has no usefulness to the Government; and

(D) is scheduled to be scrapped.

(2) CONDITION.—As a condition of conveying a vessel to the Foundation pursuant to this Act, the Secretary shall require that the Foundation enter into an agreement with the Secretary which requires that the Foundation—

(A) sell the vessel for scrap purposes;

(B) use the proceeds of that scrapping for expenses directly related to the preservation and restoration of the historic steamship VIRGINIA V, located in Seattle, Washington;

(C) have raised, before the date of conveyance authorized by paragraph (1), at least $100,000 from non-Federal sources for use for that purpose; and

(D) comply with any other conditions the Secretary considers appropriate.

(c) DELIVERY.—The Secretary shall deliver a vessel conveyed under this Act to the Foundation—

(1) at the place where the vessel is located on the date of the approval of the conveyance;

(2) in its condition on that date; and

(3) without cost to the Government.

(d) EXPIRATION.—The authority of the Secretary to convey a vessel under this Act expires on the date which is 2 years after the date of the enactment of this Act.

(e) TREATMENT OF AMOUNTS AVAILABLE TO FOUNDATION.—Amounts available to, or used by, the Foundation pursuant to subparagraph (B) or (C) of subsection (b)(2) shall not be considered in any determination of the amounts available to the Department of the Interior for the VIRGINIA V Foundation.●

By Mr. LIEBERMAN (for himself and Mr. DECONCINI):

S. 1500. A bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces in obtaining training and employment as managers and employees with public housing authorities and management companies; to the Committee on Labor and Human Resources.

THE LEADERSHIP EMPLOYMENT FOR ARMED SERVICES PERSONNEL PROGRAM ACT OF 1993

Mr. LIEBERMAN. Mr. President, I am pleased to introduce legislation today to extend an innovative and successful pilot program that trains recently discharged or retired GI's to be managers and role models in public housing communities across the country. The program gives solders, sailors, airmen, and marines who have served the Nation so honorably in trouble spots around the world, the opportunity to make a difference in the Nation's troubled public housing communities.

The program, know as the Leadership Employment for Armed Services Personnel [LEAP] Program, operates under the premise that military veterans possess unique leadership and management skills that are particularly well-suited to managing public housing communities. Veterans are not only accustomed to motivating large groups of diverse people in difficult and sometimes dangerous environments, but they are also know how to navigate government inventory, personnel and procurement regulations, and get things done.

Most importantly, veterans can serve as important role models in communities where they are desperately needed. Indeed, the 50 members of LEAP's first class of veterans were attracted to the program by advertisements in military newspapers seeking men and women who could take charge of an environment full of disorder and uncertainty and become a distinct and important role model.

By all accounts, LEAP's graduates have already begun to do so in small but important ways in public housing projects and subsidized housing across the country. The challenges are great in many of these communities where many young people have turned to drugs and crime because they have lost faith that there is an alternative. In the words of one 20-year Army veteran who is now on the job in a public housing project in Toledo, OH, "These kids need someone to tell them: I have been as poor as you are and I have escaped, and this is how I did it—and you can too. You should see their faces light up when I tell them they're important."

The LEAP Program graduated its first class of 50 in November 1992. Forty-eight of the graduates of the pilot program, which was funded by the Department of Housing and Urban Department, have been hired, 37 by housing authorities and housing management companies in 14 States and the District of Columbia.

There are hopeful signs that the new administration will keep the pilot program going with temporary discretionary funding, and I encourage them to do so. The legislation I am introducing today will keep the program going on a more permanent basis. It provides $2 million a year to LEAP's parent, the National Center for Housing Management, a non-profit organization established by Executive order in 1972, to continue training 250 veterans a year for the next 5 years, beginning in 1994. No additional appropriation are necessary as the bill funds the program through the Job Training Partnership Act.

The 5-week LEAP curriculum is rigorous, consisting of 200 hours of instruction and 16 hours of testing. Courses are well-tailored to the needs of public housing managers, including such subjects as security management, drug education and intervention, maintenance, fair housing obligations, and social service training.

The LEAP graduates now working for housing authorities and housing management companies have proved to be such successful employees that their employers have pledged their support and commitment to hiring future LEAP graduates. Ten veterans and housing organizations have voiced their support for legislation to continue the LEAP Program, including the Veterans of Foreign Wars of the United States, Association of the U.S. Army, the Air Force Association, and the Retired Officers Association.

This bill mirrors legislation introduced by Representative ELLIOT ENGEL in the House of Representative, H.R. 1886. Fifty Members of the House have joined as cosponsors. Senator DECONCINI is joining me today as a cosponsor and I am hopeful that more of our colleagues will join us soon.

This is a small but hopeful program. It pairs an enormous national resource—talented, trained veterans who are committed to continuing their service to the country—with an enormous national problem—our deteriorating public housing. I am confident that the highly motivated veterans who wish to continue their service on these domestic battlefields are up to the challenge. Energy and self-discipline spreads, particularly when it brings results.

Mr. President, I ask unanimous consent that the text of this legislation and an article from the Washington Post describing the LEAP pilot program be printed in the RECORD.

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

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAM TO ASSIST DISCHARGED MEMBERS OF THE ARMED FORCES IN OBTAINING TRAINING AND PLACEMENT IN PUBLIC HOUSING MANAGEMENT.

(a) TRAINING AND PLACEMENT PROGRAM.—(1) Part D of title IV of the Job Training Partnership Act (29 U.S.C. 1731 et seq.) is amended by adding at the end the following new section:

"SEC. 457. TRAINING PROGRAM IN PUBLIC HOUSING MANAGEMENT.

"(a) PROGRAM AUTHORIZED.—The Secretary shall enter into a cooperative agreement with the nonprofit National Center for Housing Management, established pursuant to Executive Order No. 11668 (42 U.S.C. 3531 note), to provide for a training program to assist recently separated members of the Armed Forces in obtaining the training necessary to become managers and employees in public housing authorities and management companies. Under the terms of the cooperative agreement, the training program shall be developed and operated by the National Center for Housing Management.

"(b) MEMBERS ELIGIBLE.—

"(1) IN GENERAL.—A member of the Armed Forces shall be eligible for selection to participate in the training program if the member—

"(A) is discharged or released from active duty after three or more years of continuous active duty immediately before the discharge or release; and

"(B) applies to participate in the training program within the one-year period beginning on the date of the discharge or release.

"(2) INELIGIBLE PERSONS.—A member of the Armed Forces who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the training program.

"(c) SELECTION.—The National Center for Housing Management shall be responsible for the selection of participants for the training program. The Center shall place a special emphasis on selecting members of the Armed Forces who have lived in public housing projects.

"(d) CONTENT OF TRAINING PROGRAM.—The training program shall provide extensive

training to participants in such courses as housing management, maintenance management, occupancy management, security and drug reduction management, community change management, resident empowerment, tenant integrity, and fair housing and civil rights. The National Center for Housing Management shall provide such training through the use of recognized experts in these fields. The Center shall evaluate the performance of participants through the use of standardized tests.

"(e) NUMBER OF PARTICIPANTS.—Subject to the availability of appropriations for the training program, the National Center for Housing Management shall conduct at least 5 training sessions a year to achieve a graduation rate of at least 250 participants per year.

"(f) JOB PLACEMENT ASSISTANCE.—Upon graduation of a participant from the training program, the National Center for Housing Management shall also provide the graduate with appropriate job placement assistance through the Center's network of housing authorities and housing management companies.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1994, and $2,000,000 for each subsequent fiscal year. The amounts authorized by this subsection shall be in addition to the amounts authorized under section 3(c)(1) to carry out this part.".

(2) The table of contents in section 1 of the Job Training Partnership Act is amended by inserting after the item relating to section 456 the following new item:

"Sec. 457. Training program in public housing management.".

(b) EFFECTIVE DATE.—Section 457 of the Job Training Partnership Act, as added by subsection (a), shall take effect on October 1, 1993.

[From the Washington Post, Dec. 29, 1992]

COLD WAR VICTORS TACKLE PUBLIC HOUSING PROJECTS—EX-SOLDIERS PROVIDE DISCIPLINE, LEADERSHIP

(By Mark Thompson)

A cadre of U.S. soldiers who helped win the Cold War is setting out on yet another challenging mission: restoring respect and stability to the nation's public housing projects.

In the past month, 50 former drill sergeants, infantry officers and other military specialists have fanned out across the country to meet, get to know and maybe change the social climate in public housing.

It's part of a program aimed at providing new jobs for soldiers whose careers have been cut short by military cutbacks, and making tough inner-city neighborhoods safer.

All male, and mostly black, the soldiers know they are needed in the projects, where federal reports show that women head 85 percent of families—and as many as 95 percent of families in the inner cities.

"There's such a lack of discipline among these kids that if we could get some good sergeants and talk to them on a daily basis, we could straighten them out," said Lemarse Washington, a 30-year Army infantry veteran who just completed a six-week course on how to be a maintenance chief or youth counselor.

The course included a week in public housing in the District. "It reminded me a lot of Vietnam," said Washington, 50, who now teaches in Huntsville, Ala., and hopes to find work with a housing authority. "There's a lack of respect for life."

Washington believes he and his colleagues can make a difference. "If you've spent more than two years in the Army, you've been responsible for young men, and the language that you speak, the way you walk, your whole demeanor commands respect," he said.

The number of Americans residing in public housing has risen from 2.8 million in 1980 to 4.3 million in 1990, nearly 2 percent of the nation's population, according to the Census Bureau.

Trevor Gray, 34, lived in a South Bronx public housing project before beginning an 11-year career in the Navy as an electronics technician.

"The buildings still look the same, but back then you usually had both parents in the home. Today you don't," Gary said.

Several weeks ago, Gray became a maintenance supervisor for the housing authority in Columbia.

"There's no male authority figure to make them behave," he said. "Young men won't listen to females."

Children in public housing face bleak futures: Most tenants are poor and getting poorer. The federal government estimates about 80 percent of them live below the poverty line are unemployed and are in one-parent families.

And crime surrounds them. In Washington, for example, four out of five crimes occur inside its public housing developments.

"The nation needs male role models in public housing," said W. Glenn Stevens, vice president of the National Center for Housing Management, a nonprofit group that sponsored the course.

"Children growing up in public housing may only have drug addicts as male role models," he said.

Greg Byrne, director of Florida's 12,000-unit Dade County Department of Housing and Urban Development, said he was "very excited" about the idea of no-nonsense military people working in public housing. "These people really know how to run facilities," he said.

The fledgling program began with a class of 50 ex-military men, selected for their organizational and people skills. Close to 1,500 vets applied for the program, dubbed LEAP for Leadership Employment for Armed Services Personnel. A $370,000 federal grant paid for the men to attend the course at Quantico Marine Base.

The soldiers were drawn to the program by ads in military newspapers seeking veterans to "handle disorder and uncertainty" and be "a distinct and important role model."

"That's exactly what I wanted to do," said Chester Tindall, 41, who recently retired from the Army after a 20-year career and who has spent the past month managing 3,300 units for Toledo's public housing authority. "I think one person can make a difference."

By Mr. McCAIN (for himself and Mr. DOMENICI):

S. 1501. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

REPEAL OF THE TRADING WITH INDIANS ACT LEGISLATION

• Mr. McCAIN. Mr. President, I introduce legislation on behalf of myself and Senator DOMENICI, to repeal the Trading with Indians Act.

Senator DOMENICI and I recently met with Navajo Nation Vice President Marshall Plummer who brought to our attention the present-day problems created by Federal agencies enforcing the 1834 act. The act was passed as a means to protect Indians from being unduly influenced by Federal employees. The act was amended in 1980 to allow for certain exceptions by regulation, but still generally prohibits employees of both the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA] from having any interest in the employee's name or in the name of another person, "in any purchase or sale of any service or real or personal property * * * from or to any Indian."

The statute contains an absolute prohibition against an IHS or BIA employee making "any purchase or sale to an Indian of any real or personal property for the purpose of commercially selling, reselling, trading or bartering such property." Additionally, Government employees may not "acquire any interest in property held in trust, or subject to restriction against alienation imposed by the United States unless the conveyance or granting of such interest in such property is otherwise authorized by law."

Violations are punishable by a fine of not more than $5,000 or imprisonment of not more than 6 months or both. In addition, violators "shall be removed form office, notwithstanding any other provision of law concerning the termination from Federal employment." (18 U.S.C. 437(a)).

Obviously, no one contests the rationale behind the Trading with Indians Act. However, the effect of enforcing an 1834 statute in 1993 has already resulted in some unforeseen and unintended consequences on IHS employees and their families. Technically, an IHS or BIA employee is in violation of the act if they were to sell their automobile to an Indian. The following is an example of how the IHS decision to enforce the act has impacted one Navajo employee.

Ms. Karen Arviso currently serves as the Navajo area IHS health promotion and disease prevention coordinator. During the recent outbreak of the hantavirus, she personally traveled to several reservation communities to educate the Navajo people on what was then known about the mystery illness. She has enjoyed her job, but this Friday she will be terminated. The reason: Her husband applied for a small business loan from the Bureau of Indian Affairs. The BIA was willing to approve his loan but since his spouse worked for the IHS, the BIA needed the IHS to consent to waive the application of the act. No waiver was provided. Instead the IHS sent a letter to Ms. Arviso informing her that she was in violation of the act and would either have to resign or be terminated. To add further hardship, Ms. Arviso and her husband have had to recently purchase a mobile home because she will no longer be eligible for Federal housing.

Other individuals have been asked to resign or be terminated because their

spouses are involved in business activities on reservation. At the end of my statement is a letter that was recently sent to one IHS employee informing her that she was in violation of the act. While this particular situation is probably a technical violation of the act, I think everyone would agree that simply because an employee's spouse operates their own business is not necessarily sufficient reason to notify that employee that they must resign or be terminated. Moreover, where a conflict does exist, I believe the Standards of Ethical Conduct for Government Employees provide sufficient guidance to resolve such issues.

Senator DOMENICI and I have asked Secretaries Babbitt and Shalala to promptly review this matter and to give serious consideration to suspending further enforcement of the act until this bill has been acted upon. It is our intention to act promptly on this matter once we have received the administration's views.

I ask unanimous consent that a copy of a memorandum from the Navajo Area Indian Health Service and a copy of the bill be inserted in the RECORD.

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

S. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Section 437 of title 18, United States Code, is repealed.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
September 21, 1993.

From: NAIHS: Executive Officer.
Subject: Trading With Indians Act.
To: Regina Hale, Staffing Assistant.

As a result of a discussion of the Trading With Indians Act in a staff meeting in Personnel, you asked the Personnel Office, Jennine Jones, whether or not your husband's law practice in Window Rock would place you in violation of the Act. The purpose of this letter is to notify you that we have determined that your interest in your husband's business renders you in violation of the Trading With Indians Act.

18 U.S.C. section 437 imposes criminal penalties upon officers, employees, and agents of the Indian Health Service who have an interest in certain transactions with Indians. Specifically, the law provides that any IHS employee who has an interest, either in the employee's name, or in the name of another person where such employee benefits or appears to benefit from such interest.

(1) in any contract made or under negotiation with an Indian, for the purchase or transportation or delivery of goods or supplies for any Indian, or

(2) in any purchase or sale of any service or real or personal property (or any interest therein) from or to any Indian,

or [who] colludes with any person attempting to obtain any contract, purchase, or sale, shall be fined not more than $5,000 or imprisoned not more than six months or both, and shall be removed from office, notwithstanding any other provision of law concerning termination from Federal employment.

18 U.S.C. section 437(a). Although the President or his designee is authorized to prescribe rules and regulations under which IHS employees may purchase from or sell to Indians, among the types of transactions which the President (and his designees) cannot authorize is "commercial trading." 18 U.S.C. section 437(b)(1), (2)(A). "Commercial trading" is not defined in the statute, but a regulation promulgated by the Secretary of the Interior (which applies to IHS employees until such time as the Secretary of HHS promulgates regulations) defines "commercial trading" as "any trading transaction where an employee engages in the business of buying and selling services or items which he is trading."

It is my determination that through your interest in your husband's law practice, you benefit from the sale of services, and given the business' location on the Navajo Reservation many of the business' customers presumably will be Indians. In light of the absolute prohibition against commercial trading with Indians by IHS employees, your interest in any transaction between your husband and an Indian would fall directly under the statute's absolute prohibition against commercial trading with Indians by IHS employees.

Based upon this determination, I must advise you that your financial interest in any prohibited transaction is cause for severe disciplinary action, as well as criminal penalties, under 18 U.S.C. section 437(a). Since your interest in your husband's law practice is incompatible with your position as an IHS employee, you must take steps to avoid any violations of the act (e.g., by divesting yourself of any interest in the business which would violate the Act), or resign from your position with the Indian Health Service. You must provide me proof that you have taken affirmative steps to divest yourself of your interest in your husband's law practice or otherwise remedy the situation within six months of your receipt of this letter. I am not proposing that any disciplinary action be taken at this time; however, it appears that I will have no choice but to consider taking some form of disciplinary action if you do not comply with the six month deadline.

If you have questions or need additional information, please feel free to consult with Jennine Jones, Area Personnel Officer, at 602/871-5831.

RON WOOD,
Executive Officer.●

By Mr. AKAKA:

S. 1502. A bill to require the Director of the Federal Emergency Management Agency to establish a FEMA region for the Pacific, and for other purposes; to the Committee on Governmental Affairs.

FEMA PACIFIC REGION CREATION ACT OF 1993

● Mr. AKAKA. Mr. President, today I am introducing legislation to require the Federal Emergency Management Agency [FEMA] to establish a new region, headquartered in Hawaii, that would encompass the Pacific Insular area, including Hawaii, the Commonwealth of the Northern Marianas Islands [CNMI], Guam, the Federated States of Micronesia [FSM], the Republic of the Marshall Islands [RMI], the Republic of Palau, and American Samoa.

FEMA's region IX currently has responsibility for administering emergency management assistance programs and responding to disasters throughout the Pacific as well as in California, Arizona, and Nevada. This enormous and diverse area, which covers millions of square miles, has suffered by far the largest number of disasters of any FEMA region. In the last twenty years alone, there have been 84 Presidentially declared disasters in Region IX—43 on the mainland and 41 in the Pacific Insular area. By anyone's measure, Region IX is stretched thin. This is exacerbated by the fact that FEMA personnel and resources have not grown in proportion to population increases.

The threats to California, Arizona, and Nevada are in some ways more complex and potentially devastating than elsewhere, not only because of the magnitude of potential disasters there, but also because of the greater numbers of people at risk. California itself is the equivalent of two States. Los Angeles and San Diego are two of the largest cities in the country, yet FEMA has no office or capability in these locations. Of the 84 Presidentially declared disasters I referred to earlier, 31 have occurred in California alone. Because of the Golden State's population, the impact of a flood or major earthquake is magnified many times, requiring significant resources for response and recovery. For example, the relatively small Loma Prieta quake in 1989 caused $7.5 billion in economic damage—and that was not the big one that the experts keep predicting.

Meeting the needs of California, Arizona, and Nevada is a difficult enough task—add responsibility for the American flag States—Hawaii, Guam, American Samoa, and CNMI—and the former trust territories—RMI, FSM, and Palau—and you come up with a service area that is arbitrary and unmanageable. Region IX's responsibility in the Pacific covers an area greater than the length and breadth of the U.S. mainland, stretching from Hawaii, at longitude 155 W and latitude 20 N, to the Republic of Palau, at longitude 135 E, to American Samoa, at latitude 14 S. Hawaii and American Samoa are 2,100 miles, and 4,200 miles from San Francisco, respectively, where region IX is headquartered. Palau, at 5,500 miles the most distant jurisdiction, is even more isolated: it takes at least 2 days to reach the former trust territory by modern jet aircraft—and that's assuming you make your connection! You can imagine the logistical problems that FEMA officials experience in monitoring and carrying out training and mitigation programs in these areas, much less responding to an actual disaster.

But distance is only one problem, if the most obvious. Difficulties in understanding native cultures, major time variations, lack of facilities, and differences in language, food, and climate

are all major hurdles that greatly reduce the effectiveness of relief efforts. Nowhere on the planet does one encounter more problems of this sort than in the Pacific Insular region. Also, each of the Pacific territories has a unique political structure and working culture that require direct knowledge, fine-tuned sensitivity, and continuous contact on the part of FEMA officials. There is a vast difference between working with officials of the Federated States of Micronesia and working with, say, Arizona emergency management authorities. Even counties in Hawaii are organized much differently from their mainland counterparts.

The result of this lumping together of the seven Insular Pacific jurisdictions with California, Arizona, and Nevada is that the Pacific has received less than adequate attention. Indeed, it appears that the only time that the Pacific receives consideration is following a disaster. Improving preparedness and mitigation activities in the Pacific have been discussed by FEMA but rarely implemented, if at all. In a sense, this is completely understandable: FEMA must assign its limited resources in the most optimal fashion, and one accepted way to allocate resources is to assign them on the basis of population. When weighed against the population base of the west coast, the relatively few numbers of people who comprise the American flag States and former trust territories can only come up short.

Mr. President, for many of the same reasons that I have outlined above, I introduced legislation 2 years ago calling for the establishment of a FEMA field office in Hawaii. Based on my bill, Congress set aside funds for the creation of such a facility in the fiscal year 1992 FEMA appropriations measure. After some delay, this office was established on the island of Oahu earlier this year. Although the new Office is a major improvement over the previous arrangement, the satellite facility is not a full service office. I have been informed that the Hawaii office's principal responsibilities at this point are to provide emergency disaster assistance to the Pacific insular area and to act as a liaison with local military and civil defense authorities. The office lacks full training, technical assistance, and hazard mitigation resources, which is a significant impediment to increasing disaster preparedness and mitigation in the Pacific area. On the other hand, to shift those functions to Hawaii from region IX headquarters would result in reduced staffing levels for the San Francisco office, impairing FEMA's ability to serve its west coast constituency.

Thus, Mr. President, while I am gratified that the Hawaii field office initiative has become a reality, I have since become convinced that it is not enough. I am persuaded that we need a full-fledged regional office that is devoted exclusively to the needs of the Pacific insular area. Our needs are pressing enough, deserving enough, and unique enough to warrant a separate insular Pacific regional office; we who live in the Pacific should not be forced into competing for resources with equally-needy citizens on the mainland.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEMA REGION FOR THE PACIFIC.

The Director of the Federal Emergency Management Agency shall establish a region of the Federal Emergency Management Agency for the Pacific region, that encompasses—

(1) Hawaii, which shall serve as headquarters for the region;

(2) American Samoa;

(3) Guam;

(4) the Commonwealth of the Northern Mariana Islands;

(5) the Federated States of Micronesia;

(6) the Republic of Palau (until such time a the Compact of Free Association is ratified); and

(7) the Republic of the Marshall Islands.●

ADDITIONAL COSPONSORS

S. 181

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 181, a bill to prohibit the export of American black bear viscera, and for other purposes.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 463

At the request of Mr. BUMPERS, the name of the Senator from Tennessee [Mr. MATHEWS] was withdrawn as a cosponsor of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider program.

S. 483

At the request of Mr. SHELBY, the names of the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Hawaii [Mr. INOUYE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Delaware [Mr. ROTH], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 500

At the request of Mr. WELLSTONE, his name was withdrawn as a cosponsor of S. 500, a bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws.

S. 784

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1111

At the request of Mr. KERREY, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

S. 1356

At the request of Mr. DOLE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1356, a bill to restore order, deter crime, and make our neighborhoods and communities safer and more secure places in which to live and work.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1489

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. AKAKA], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 1489, a bill to redesignate the J. Edgar Hoover Federal Bureau of Investigation Building located at Ninth and Pennsylvania Avenue, NW Washington, D.C., as the Federal Bureau of Investigation Building.

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. MATHEWS], the Senator from Maryland [Mr. SARBANES], and

the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Kansas [Mr. DOLE], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 130

At the request of Mr. KEMPTHORNE, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day."

AMENDMENTS SUBMITTED

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS ACT FOR 1994

D'AMATO (AND OTHERS) AMENDMENT NO. 975

Mr. D'AMATO (for himself, Mr. DOLE, Mr. SPECTER, Mr. HELMS, Mr. BRADLEY, and Mr. LIEBERMAN) proposed an amendment to the bill (H.R. 2518) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

Insert at the appropriate place:

SEC. . It is the sense of the Senate that the United States Department of Justice should investigate whether any Federal criminal civil rights laws were violated as a result of (1) the murder of Yankel Rosenbaum on August 19, 1991, and (2) the circumstances surrounding the murder and accompanying riots in Crown Heights.

HELMS (AND BRYAN) AMENDMENT NO. 976

Mr. HELMS (for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 2518, supra, as follows:

At the end add the following:

SEC. . RESTRICTION ON PAYMENT OF BENEFITS TO INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS PURSUANT TO VERDICTS OF NOT GUILTY BY REASON OF INSANITY OR OTHER MENTAL DISORDER.

(a) IN GENERAL.—Section 202(x)(1) of the Social Security Act (42 U.S.C. 402(x)(1)) is amended—

(1) by inserting "(A)" after "(1)", and

(2) by adding at the end the following new subparagraph:

(B) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict that the individual is guilty, but insane or not guilty of an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence).

(b) CONFORMING AMENDMENTS.—

(1) The heading for Section 202(x) of such act is amended by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners".

(2) Section 202(x)(3), is amended by striking "any individual" and all the follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to benefits for months commencing 90 days after the date of the enactment of this Act.

(2) SPECIAL RULE REGARDING PAYMENTS TO INSTITUTIONS.—The amendment made by subsection (a) shall not apply to any payment with respect to any individual, if, as of the date of the enactment of this Act, such payment is made directly to the public institution to compensate such institution for the expense of institutionalizing such individual.

HELMS AMENDMENT NO. 977

Mr. HELMS proposed an amendment to the bill H.R. 2518, supra, as follows:

At the appropriate place, add the following:

SEC. . None of the funds appropriated under this Act for the Medicaid Disproportionate Share Hospital payment program may be disbursed to a state until the Governor of such state certifies to the Secretary of Health and Human Services that such funds shall be expended solely for providing medical assistance under Medicaid: *Provided further*, That it is the sense of the Senate that any health care reform legislation enacted by Congress should modify or eliminate the Medicaid Disproportionate Share Hospital payment program, because states are currently abusing the program by spending Federal matching funds for purposes unrelated to Medicaid.

BINGAMAN AMENDMENT NO. 978

Mr. HARKIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2518, supra, as follows:

On page 45, line 20, after "1994" insert "of which $5 million shall be used for 'State Planning for Improving Student Achievement Through Integration of Technology Into the Curriculum,'".

SIMON (AND OTHERS) AMENDMENT NO. 979

Mr. HARKIN (for Mr. SIMON for himself, Mr. DODD, and Mr. KENNEDY) proposed an amendment to the bill H.R. 2518, supra, as follows:

On page 63, line 6, strike "$202,287,000" and all that follows through the end of line 8 and insert in lieu thereof "$206,287,000: *Provided*, That notwithstanding any other provision of this Act, including the provisos pertaining to consulting services under the heading Community Services Block Grants, no department, agency, or instrumentality of the of the United States Government receiving appropriated funds under this Act for fiscal year 1994 shall, during fiscal year 1994, obligate and expend funds for consulting services in excess of an amount equal to 94.975 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1994: *Provider further*, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1994 is reduced by an amount equal to 5.025 percent of the amount to be expended by such department, agency or instrumentality during fiscal year 1994 for consulting services. As used in the preceding two provisos, the term consulting services includes any service within the definition of sub-object class 25.1 as described in the Office of Management and Budget Circular A-11, dated August 4, 1993."

DOLE (AND KASSEBAUM) AMENDMENT NO. 980

Mr. HARKIN (for Mr. DOLE for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 2518, supra, as follows:

On page 47, line 10, strike "$467,080,000" and insert "$563,780,000".

On page 47, line 11, strike "$123,629,000" and insert "$121,629,000".

On page 47, line 12, strike "$29,462,000" and insert "$34,762,000".

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1994

HATFIELD AMENDMENT NO. 981

Mr. HATFIELD proposed an amendment to the bill (H.R. 2445) making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 53, line 22, strike the work "directed" and replace in lieu thereof the word "urged".

BROWN AMENDMENT NO. 982

Mr. BROWN proposed an amendment to the bill H.R. 2445, supra, as follows:

On page 34, line 8, insert before the period ": *Provided further*, That none of the funds made available under this section for Department of Energy facilities may be spent to permit the continued construction of the superconducting super collider until after the Secretary delivers to the Committee an implementation plan for the specific recommendations of the Report of the DOE Review Committee on the Baseline Validation of the Superconducting Super Collider and the Secretary certifies that the management issues raised by General Accounting Office in its report dated February 1993, number GAO/RCED-93-87 have been adequately addressed and will not reoccur".

BUMPERS (AND OTHERS) AMENDMENT NO. 983

Mr. BUMPERS (for himself, Mr. WARNER, Mr. SASSER, Mr. COHEN, Mr. BRYAN, Mr. FEINGOLD, Mr. DORGAN, Mr. LAUTENBERG, Mr. BOND, Mr. EXON, Mr. JEFFORDS, Mr. KOHL, Mr. LEAHY, Mr. RIEGLE, Mr. WOFFORD, Mr. DECONCINI, and Mr. KERRY) proposed an amendment to the bill H.R. 2445, supra, as follows:

On page 33, line 22, after the first comma, strike all through page 3, and insert in lieu thereof the following: "1,195,114,000, to remain available until expended: *Provided*, That of the funds provided under this heading, $220,000,000 shall be made available for termination of the contracts relating to the Superconducting Super Collider program: *Provided*, That none of the funds".

McCAIN AMENDMENT NO. 984

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2445, supra, as follows:

At the appropriate place in the bill, insert the following: "No funds appropriated in this Act shall be made available for landscaping techniques that do not promote savings from reductions in the purchase of water, energy, and use of chemicals [when appropriate]."

LEVIN (AND COHEN) AMENDMENT NO. 985

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. COHEN) submitted an amendment intended to be proposed by them to the bill H.R. 2445, supra, as follows:

On page 49, line 16, insert before the period at the end the following: ": *Provided*, That of the funds provided for under this heading, $70,236,500 shall not be available to the Tennessee Valley Authority until such time as the Tennessee Valley Authority releases the $8,300,000 in excess Technology Brokering Program fees to the Treasury".

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

DASCHLE AMENDMENT NO. 986

Mr. JOHNSTON (for Mr. DASCHLE) proposed an amendment to the bill (S. 1490) to amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1988, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: ", or is supervised under a contractual arrangement,"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (11) and inserting the following new paragraph:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

(b) ADDING WATER TO GRAIN.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee to recover the administrative and enforcement costs of carrying out clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j).".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended—

(1) by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person"; and

(2) by inserting after "$20,000" the following: "(or, in the case of a violation of section 13(d)(4)(A), $50,000)".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes

other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, September 29, 1993, in open session, to receive testimony on lessons learned by the Defense Base Closure and Realignment Commission and the Department of Defense concerning the 1993 base closure process; and a proposed land exchange regarding portions of Fort Sheridan, IL, and a site in Arlington, VA.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., September 29, 1993, to consider pending calendar business:

At the Wednesday, September 29, business meeting, the committee will consider the following agenda items:

Agenda No. 8—To consider the nomination of Daniel Dreyfus to be Director of Civilian Radioactive Waste Management, U.S. Department of Energy.

Agenda No. 2—The Committee will resume consideration of S. 21, to designate certain lands in the California desert as wilderness and to establish Death Valley, Joshua Tree, and Mojave National Parks.

Amendments are anticipated.

Agenda No. 5—S. 991, to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region.

Senator JOHNSTON will circulate an amendment in the nature of a substitute.

The Committee will also take up any other items ready for consideration.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 29, beginning at 9:30 a.m. to hear:

Robert Perciasepe, nominated by the President to be Assistant Administrator for the Office of Water Environmental Protection Agency;

Lynn R. Goldman, nominated by the President to be Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances Environmental Protection Agency;

Elliot P. Laws, nominated by the President to be Assistant Administrator for the Office of Solid Waste and

Emergency Response Environmental Protection Agency; and

Jean C. Nelson, nominated by the President to be general counsel Environmental Protection Agency.

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

COMMITTEE ON FINANCE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from Dr. Shirley Chater, nominated to be Commissioner of Social Security, and Judge Herbert Chabot, nominated to be a judge of the U.S. Tax Court.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 29, 1993, at 2 p.m. to hold nomination hearings on the following:

Mr. Roger R. Gamble, of Virginia, to be Ambassador to the Republic of Suriname;

Mr. Peter F. Romero, of Florida, to be Ambassador to the Republic of Ecuador; and

Mr. William Lacy Swing, of North Carolina, to be Ambassador to the Republic of Haiti.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 29, 1993, at 10 a.m. to hold nomination hearings on the following nominees:

Ms. Marian C. Bennett, of the District of Columbia, to be inspector general, U.S. Information Agency;

Ms. Toby Trister Gati, of New York, to be Assistant Secretary of State for Intelligence and Research; and

Mr. Daniel L. Spiegel, of Virginia, to be the U.S. Representative to the European Office of the United Nations, with the rank of Ambassador.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Health Security Act of 1993, during the session of the Senate on Wednesday, September 29, 1993, at 10 a.m.

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

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be permitted to meet today at 2:30 p.m. to hear testimony on the subject of transportation fuel additives.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 29, 1993, at 10 a.m. to conduct a hearing on the first annual report of the Trade Promotion Coordinating Committee and the new Governmentwide strategic plan for U.S. export promotion and financing required by the Export Enhancement Act of 1992.

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

ADDITIONAL STATEMENTS

PROFESSIONAL BASEBALL ANTITRUST REFORM ACT OF 1993

• Mr. WELLSTONE. Mr. President, I ask unanimous consent that my name be removed as a cosponsor of S. 500, the Professional Baseball Antitrust Reform Act of 1993.

Since originally announcing my cosponsorship of this legislation, many concerns have been communicated to me about the possible instability that could be caused by removing baseball's antitrust exemption.

Baseball holds a unique place in our culture as well as in our economy, and I would like to give this subject even more extensive consideration.•

THE FEDERAL WOOL PROGRAM

• Mr. MCCAIN. Mr. President, I want to comment on action that was taken by the Senate on September 23, regarding the Department of Agriculture's Wool and Mohair Program. While I share the views of many of my colleagues about the cost of the Wool Program, I am deeply concerned about the harmful impact that the total elimination of this program would have on the participants who live in poverty.

In light of our massive Federal budget deficit, it is clearly time for the Senate to significantly reduce the cost of a range of public programs. We can no longer justify spending billions of taxpayers' dollars on programs that have clearly outlived their usefulness—if there ever was any legitimate rationale for them in the first place.

I cannot support spending almost $200 million a year on a Federal wool and mohair subsidy program, nor the payment of large sums to individual producers of wool and mohair. The Congress has an almost inexhaustible appetite for spending programs and subsidies, and this is just one of scores of Federal programs that should be either ended or significantly cut back.

There is one vital area of concern I have, however, regarding the complete elimination of the Wool Program. In Arizona and several other Western States, thousands of native Americans help support their families by tending small herds of sheep and goats. For most of these native Americans, life consists of a difficult daily struggle to put food on the table for their children, in a environment with almost no economic opportunity and astronomical unemployment.

There were 6,799 Navajo recipients of wool payments in 1992 in Arizona, New Mexico, and Utah, and most of these ranchers also received mohair payments. Tribal representatives state that the average Navajo producer owns only 40 sheep and 30 goats. The average payment received by each Navajo in the Wool Program last year was only $205, and $178 for the production of mohair. While these payments are small, they are vital to these native American families, some of whom are also beneficiaries of the Federal Food Stamp Program.

As every Member of the Senate is aware, food stamp recipients are the very poorest Americans, with incomes of at most $1,100 per month for a family of four. I do not want to make the lives of these impoverished families even more difficult by taking away the small payments they may receive from the production of wool. The director of the Navajo Nation's Washington Office stated that the total elimination of the Wool and Mohair Program would have a disastrous effect on many Navajo families. Unfortunately, all assistance received by wool producers who are below the poverty line would be ended by the amendment proposed by Senator BRYAN and passed by the Senate.

It is my belief that it would be both appropriate and compassionate to allow wool and mohair producers who qualify for food stamps to continue to receive program payments. If every Senator would take a moment to consider the often bleak quality of life that these proud and hardworking native Americans face, I think they all would agree.

While I think vital assistance payments should be continued to any low-income rancher who is eligible for food stamps, I can personally attest to how troubling the economic circumstances are that face native Americans who fit this profile.

The facts are profoundly disturbing: The percentage of Navajos below the poverty level is four times higher than the rest of the country; the median household income in Navajo country is less than one-third of the income for other Americans; unemployment in Indian country averages 4 to 5 times that of the national average, and on some reservations approaches an appalling 90

percent. More than 15 percent of Indian homes lack basic sanitation facilities—a rate 8 times worse than the rest of the United States. On Navajo lands alone, more than 11,000 homes lack running water and sewage facilities.

Allowing those ranchers who receive food stamps to continue receiving the modest level of benefits they currently receive under the Wool Program, would still enable the cost of this program to taxpayers to be reduced almost in its entirety. In 1992, Federal wool and mohair payments totaled $191 million. The total payments received by Navajos in the States of Arizona, Utah, and New Mexico was only $2.3 million last year, less than 2 percent of the wool and mohair program's overall budget.

While the Department of Agriculture does not have readily available figures on how much of this total budget was paid out to ranchers who may be eligible for food stamps, I can tell you the amount is very low. Officials at the USDA and Navajo tribal representatives estimate that approximately half of the native Americans who receive wool and mohair payments have incomes at or below the poverty level.

Based upon this figure, I think it is fair to estimate that wool and mohair payments to ranchers who are eligible for food stamps are likely to be less than $3 million annually. If this is the case, the preservation of small assistance payments to poor ranchers would still achieve a savings to the Treasury of about 97 percent, while at the same time shielding some of the most impoverished citizens in our Nation from additional economic pain.

Furthermore, no significant bureaucracy at USDA would be necessary to continue modest assistance to the small number of producers who qualify for food stamps. The Navajo Tribe, for instance, already administers the Federal Food Stamp Program on a contract basis with the USDA. Perhaps a similar arrangement could be established to continue assistance that has up until now been provided under the Wool and Mohair Program.

I fully agree that we should reduce Federal spending on farm programs. I have voted to do so in the past, and I will continue to do so in the future. We must not, however, hurt those Americans who are in the most urgent need of assistance. If a small family rancher is barely able to provide for their children and is thereby eligible for food stamps, we should not take away the very modest payment they may receive from the Federal Wool Program.

Preserving these payments for small wool and mohair producers with incomes near the poverty level would be helpful, but the much larger issue of improving economic conditions in Indian country is a more complex problem. I'm pleased to have sponsored the Indian Employment and Investment Act, which will provide tax incentives to companies locating or expanding business operations on a reservation. A modified version of this legislation was signed into law as part of the budget reconciliation bill passed by the Congress this summer. It will definitely be a helpful step in the difficult task of creating good jobs for native Americans.

I will raise this concern with members of the House Appropriations Committee as they consider H.R. 2493 as recently amended by the Senate, as well as my colleagues in the Senate should any further conference be necessary.•

THE SENTENCE GUIDELINES STRAITJACKET

• Mr. SIMON. Mr. President, one of the areas where we have played to the crowd rather than play to the facts is in the area of mandatory minimums in our prison sentences.

We have to adjust to reality and do a better job.

The Federal judges are complaining loudly and justifiably that they do not have the flexibility to do the kind of job on sentencing that they should do.

While it sounds tough to have the mandatory sentences, we now have 455 people per 100,000 in our prisons and jails, and a distant second in numbers is South Africa with 311. Canada has 109.

In 1970, we had 134 per 100,000. We thought we would solve the crime problem by spending billions and billions on more prisons, and our crime rate has escalated not declined.

It should not take a genius to figure out we have to do better.

Recently, the Chicago Tribune had an excellent editorial, "The Sentence Guidelines Straitjacket."

It talks about the lack of common sense that we follow with our present policy.

I tried, without success, to negotiate some sensible modifications of the mandatory minimums on the crime bill before it reached the floor, but there was a reluctance on the part of a key member of the committee, for whom I have great respect, to accept modifications of the mandatory minimums because of the fear of the political fallout. For obvious reasons, I will not identify that person.

The Chicago Tribune editorial properly points out in its final paragraph:

Excessive punishments for drug crimes are the result of political grandstanding by lawmakers who either don't know or don't care about he consequences for courts and prisons. The judges who say this policy is badly mistaken ought to be heard and heeded.

I ask that the entire editorial be placed into the RECORD at this point.

The editorial follows:

[From the Chicago Tribune, Sept. 5, 1993]

THE SENTENCE GUIDELINES STRAITJACKET

Last month a U.S. district court judge in Omaha gave a small public glimpse of the discontent simmering on the federal bench. Judge Lyle Strom refused to impose the 30-year prison terms dictated by law on four black defendants convicted of selling crack cocaine, ruling that the sentences would amount to racial discrimination. They got 20 years instead.

Strom's complaint is a powerful one: The law treats possession of one gram of crack as equivalent to possession of 100 grams of powder cocaine, even though the two are chemically the same. The 100-to-1 ratio badly skews the scales of justice against black defendants, who are much more likely to deal in crack than whites. Largely because of such laws, the average federal prison sentence is 49 percent longer for blacks that for whites—which amounts to more than 3½ years per offender.

Strom's decision may not survive an appeal, but the problem it addresses will. The uneven racial impact of our federal drug policy is only one of the results of a sentencing policy that has lost touch with reality.

In the 1980s, Congress resolved to show its toughness in fighting crime by enacting more than 100 mandatory sentences for drug violations and other offenses. For many crimes, the punishment far exceeds the crime. First offenders who have made the mistake of carrying a small packet of cocaine on an airplane or making a minor drug sale can find themselves in jail for a mandatory minimum sentence of 10 years. And in the federal system, there is no parole, meaning that those convicted must serve nearly their entire sentence even in the best circumstances.

The current federal judiciary, composed mostly of people appointed by Ronald Reagan or George Bush, is not known for coddling criminals. But it is verging on open revolt against these draconian penalties, which give judges virtually no latitude for mercy and crowd federal prisons with nonviolent offenders. Every federal judicial circuit has passed a resolution criticizing the laws. Some judges have simply refused to hear drug cases anymore—like Jack Weinstein of Brooklyn, who said in April that "I simply cannot sentence another impoverished person who destruction has no discernible impact on the drug trade."

At least one judge has resigned in protest. Others have refused to impose the mandatory sentences and dared appeals courts to overrule them. And, as the Philadelphia Inquirer reported recently, "It is becoming common for federal judges to apologize to convicted defendants while imposing the stiff jail terms."

The vociferous complaints from the men and women forced to apply these laws every day may finally be forcing some second thoughts in Washington. Attorney General Janet Reno has ordered a review of mandatory minimum sentences for drug offenders. Rep. Don Edwards, a California Democrat who heads the subcommittee on civil and constitutional rights, proposed to eliminate such penalties at least for nonviolent first-time offenders.

Excessive punishments for drug crimes are the result of political grandstanding by lawmakers who either don't know or don't care about the consequences for courts and prisons. The judges who say this policy is badly mistaken ought to be heard and heeded.•

HONORING NICK PETERSON

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to one of my constituents who recently won a truly

remarkable honor. On July 29, 1993, Nicholas Peterson of Prior Lake, MN, won the Bronze medal for welding at the International Youth Skills Olympics [IYSO] in Taipei, Taiwan.

Nick Peterson is 19 years old, and graduated from Apple Valley Senior High School last year. He learned welding at the Dakota County Secondary Technical Center—and he now works at Flocovery Systems, Inc., in Eden Prairie.

A member of the American Welding Society, Nick bested 13 of the 16 contestants in the international welding competition. Of a possible 600 points, he scored 522—just 22 points shy of the gold. The weld integrity on all of his projects was exceptional.

Nick Peterson is an example of the kind of excellence we need to encourage in every school and work place in this country. I ask my colleagues to join me in congratulating him on his medal, and wishing him continued success in the future.•

WORLD MARITIME DAY 1993

• Mr. HOLLINGS. Mr. President, the secretary-general of the International Maritime Organization [IMO], Mr. William A. O'Neil, has announced that World Maritime Day 1993 is to be observed today, September 29, 1993. The theme of this year's observance is "Implementation of IMO Standards—The Key to Success."

The IMO is a specialized agency established within the framework of the United Nations to develop international standards for improving safety at sea and preventing pollution of the oceans. The U.S. Coast Guard handles a large part of the U.S. responsibility with respect to the IMO. The Coast Guard leads U.S. delegations to meetings of the IMO Assembly, the Maritime Safety, Marine Environmental Protection, and Legal Committees, and to all subcommittees, in order to influence the development of safety and pollution prevention standards.

As you are aware, Mr. President, I have been a strong, vocal advocate of a vibrant and competitive U.S. maritime industry. As chairman of the Senate Committee on Commerce, Science, and Transportation, my oversight of the Coast Guard and other maritime activities necessarily involves me in oversight of the IMO and its development of the appropriate safety and pollution prevention standards, and in fostering subsequent worldwide cooperation and compliance.

The U.N. Maritime Conference of 1948 adopted the convention establishing the IMO as the first international body devoted exclusively to maritime matters. Mr. President, on the occasion of World Maritime Day 1993, I publicly acknowledge the IMO's 45 years of work in maritime safety and pollution prevention, and I urge my colleagues to continue with me in promoting safer shipping and cleaner oceans.•

HONORING LEONARD LINDQUIST

• Mr. DURENBERGER. Mr. President, I rise today to honor one of my most distinguished constituents and a good friend, Leonard Lindquist.

Early in September, it was announced that Leonard himself would be the first recipient of an award named after him—the Leonard Lindquist Award for Excellence in Community Service. I can think of few if any individuals I have ever met who so richly deserve this kind of honor.

Throughout his career as a lawyer, Leonard has been dedicated to using the law as an instrument for making the community a better place. Former Vice President Walter Mondale and former Congressman Don Fraser are both alumni of his public service-oriented law firm.

Former Agriculture Secretary and Democratic Governor of Minnesota, Orville Freeman, put it exactly right when he said that Leonard "called himself a Republican, but he always supported whoever he thought was right."

That's exactly the kind of public spirit Leonard exemplifies. He is a model for all people who are in politics—and need to be reminded that each of us has a higher calling than mere partisanship.

Leonard has been retired from his law practice for the last 5 years, but he has not retired from his involvement in public service. Most recently, he helped former Minnesota Vikings Jim Marshall and Oscar Reed start up an outreach program—Professional Sports Linkage, Inc.—to connect pro athletes and other celebrities with at-risk youngsters.

Marshall and Reed were so impressed with the fundraising and other assistance that Leonard provided that they created the Leonard Lindquist Award—and conferred it on him.

I'm sure my colleagues will agree that Leonard is well worthy of this award—and I ask them to join me in sending him our warmest congratulations.

I ask that an article about Leonard from the Minneapolis Star Tribune be included in the RECORD at the conclusion of my remarks.

The article follows:

[From the Minneapolis Star Tribune, Sept. 29, 1993]

LEONARD LINDQUIST GETS A DESERVED AWARD FOR HIS LIFE OF COMMUNITY SERVICE

(By Dick Youngblood)

Jim Marshall, a Purple People Eater of some renown, calls Leonard Lindquist "my hero."

Tony Bouza, the grandiloquent ex-Minneapolis police chief, once wrote Lindquist to proclaim: "Blessed be the peacemakers."

Mayor Don Fraser calls him, simply, "a really neat guy."

Their tributes, among others, have inspired me to break a precedent: I'm about to say something nice about a lawyer.

By all accounts, Lindquist has left an indelible mark on our community and, in a variety of ways, on the country as well. Consider:

As a founder with Senior U.S. District Judge Earl Larson of the law firm now known as Lindquist & Vennum, he set out from Day 1 to make the firm a strong and supportive base for attorneys dedicated to community service and public life.

Among the firm's alumni: Fritz Mondale, former vice president and U.S. Senator; Orville Freeman, the former Minnesota Governor who served as President John F. Kennedy's agriculture secretary; Minneapolis Mayor Don Fraser, who also was a U.S. Representative, and Minnesota Supreme Court Justice Alan Page, himself a onetime Purple People Eater.

As a lifelong Republican, Lindquist not only helped loft the aforementioned Democrats onto the political scene, but also found himself up to his pinstripes in a passel of liberal causes. As a state legislator in the 1950s, for instance, he was a leader in the fair-housing battle and sponsored the state's first law banning racial discrimination in nursing homes. And in the 1960s he was tapped by Minneapolis Mayor Art Naftalin, another DFLer, as chairman of the Mayor's Committee on Fair Employment Practice.

"Leonard is a true mugwump," said Freeman, now an associate in the Washington, D.C., office of the Popham, Haik law firm. "He called himself a Republican, but he always supported whoever he thought was right."

As a prominent national labor mediator and arbitrator, Lindquist was asked by Fraser to intervene in 1982 in the violent, three-month printers' strike at the Bureau of Engraving Inc.

The result: Lindquist wooed the two sides to the bargaining table and had the strike settled within days, thereby eliciting Bouza's biblical reference.

As a man who devoted his career to representing working people—from nurses to pilots to Mayo Clinic residents—Lindquist was hired as outside counsel in 1969 to help form the National Football League Players Association and assist in negotiating its first contract with NFL owners.

Although the relationship endured until 1988, Lindquist's initial meeting with one of the group's founders, John Mackey, was not what you'd call promising. Perusing a press release that identified Mackey as the tight end of the Baltimore Colts, Lindquist asked if there wasn't a misprint: "Shouldn't this be right end?" he inquired.

"I'd never seen a professional football game before," Lindquist confessed in an interview the other day. "I'd never had much time for that sort of thing."

To hear him tell it, he still doesn't have all that much time, never mind his age—81—and his lengthy but so far successful battle against prostate cancer. Indeed, the reason I'm bringing the gent to your attention this morning is that I've uncovered a significant failure here in the twilight of his illustrious career.

Truth be told, Lindquist is simply lousy at this retirement business. For one thing, while he retired from active law practice in 1988, at age 76, Lindquist still spends 20 to 30 hours or more a week as a labor arbitrator and mediator, a chore that has taken him in recent months from Miami to Chicago to Seattle—not to mention a few lesser-known

outposts in between. On a recent Tuesday, for example, he was aboard a 7:30 a.m. flight to Grand Forks to mediate a labor dispute.

More important, to borrow Fraser's words, Lindquist persists in the notion that lawyers—even octogenarian lawyers—"have an important and continuing obligation to the larger community."

All of which brings us back to the reason why Marshall, a member of a Minnesota Vikings defensive line dubbed "The Purple People Eaters," is saying nice things about Lindquist.

Marshall and former Vikings running back Oscar Reed are the founders of a truly creative inner-city organization, Professional Sport Linkage Inc., which uses athletes, business executives and other celebrities to help show at-risk youngsters that there are worthwhile alternatives to crime and drugs.

The private nonprofit organization offers programs ranging from chess, tennis and theater clubs to academic tutoring, job training and placement to about 100 youngsters referred by the courts, police, probation officers and community workers.

So what's all this got to do with Lindquist? Well, to help Marshall and Reed get started he placed the resources of Lindquist & Vennum at their disposal, including free legal advice, staff assistance and meeting space. "We didn't even have to pay for the doughnuts," said Reed, who has gained a couple of pounds since his playing days.

More important, Lindquist began putting the arm on acquaintances for contributions of time and money. "He did not request contributions," Marshall recalled, "He didn't encourage contributions. He insisted on contributions."

And this wasn't an isolated example, Marshall added: "At an age when most people would be out fishing, he's still doing what he's been doing for years—trying to make people's lives better."

And so, at a banquet early in September, Marshall announced that he and Reed were giving Lindquist their first annual Leonard Lindquist Award for Excellence in Community Service.

For his part, Lindquist has a fairly simple explanation for his unwillingness to relax: "I've always felt that, if the willingness to give dries up, so does the spirit," he said. Thus, despite prostate, cataract and hernia surgeries in the past three years, "I want to remain in the service as long as I feel I'm doing some good."•

THE TOP 50 WOMEN BUSINESS OWNERS

• Ms. MOSELEY-BRAUN. Mr. President, I have the distinguished honor today to recognize the top 50 women business owners in the country. These women, as well as all women business owners, should be acknowledged for their tremendous abilities and achievement.

The National Foundation of Women Business Owners [NFWBO], chaired by Ms. Laura Henderson of Prospect Associates, a local Washington based business, has completed important research substantiating the impact of women business owners as a new economic force. The foundation executive director, Dr. Sharon Hadary, played a key role in a research project that concluded that women-owned businesses employ more people in the United States than Fortune 500 companies do worldwide.

The 6.5 million women-owned businesses in the United States employ more than 11 million people. They operate in every industry sector including manufacturing, agribusiness, retail, health, and business and professional services. In addition, these women-owned businesses continue to expand. Over the last 2 years—while the largest companies in this Nation were reducing work forces—25 percent of women-owned business were adding employees.

I would like to take this opportunity to congratulate the top 50, and wish these women, and all women, continued success in their endeavors. Mr. President, I ask that a copy of the list of the NFWBO/top 50 be printed at this point in the RECORD.

The list follows:

THE NFWBO/WORKING WOMAN TOP 50

1. Pat Moran, President, JM Family Enterprises.
2. Marian Ilitch, Secretary, Treasurer, Little Caeser Enterprises.
3. Joyce Raley Teel, Co-Chair, Raley's.
4. Antonia Axson Johnson, Chair, Axel Johnson.
5. Liz Minyard, Gretchen Minyard Williams, Co-Chairs, Minyard Food Stores.
6. Linda Wachner, President, Chair, CEO, Warnaco Group.
7. Susie Tompkins, Co-Founder, Co-Owner, Esprit de Corp.
8. Sandie Tillotson, VP of Corporate Services, Nu Skin International.
9. Jenny Craig, Vice Chair, Jenny Craig.
10. Donna Steigerwaldt, Chair, CEO, Jockey International.
11. Norma Paige, Chair, Astronautics Corp. of America.
12. Helen Copley, Chair, CEO, Copley Press.
13. Barbara Levy Kipper, Chair, Chas. Levy.
14. Bettye Martin Musham, President, CEO, Gear Holdings.
15. Emily Woods, President, J. Crew.
16. Annabelle Fetterman, Chair, Lundy Packing.
17. Donna Karan, Chief Designer, CEO, Donna Karan.
18. Linda Johnson Rice, President, COO, Johnson Publishing.
19. Josephine Chaus, Chair, CEO, Bernard Chaus.
20. Dian Graves Owen, Chair, Owen Healthcare.
21. Ellen Gordon, President, Tootsie Roll Industries.
22. Carole Little, Co-Founder, Co-Chair, Carole Little.
23. Judy Sims, Chair, CEO, Software Spectrum.
24. Dorothy Owen, Chair, Owen Steel.
25. Adrienne Vittadini, Chair, Adrienne Vittadini.
26. Helen Jo Whitsell, Chair, CEO, Copeland Lumber Yards.
27. Lillian Vernon, CEO, Lillian Vernon.
28. Ann Gaither, President, Chair, CEO, J.H. Heafner.
29. Patricia Gallup, President, CEO, PC Connection.
30. Paula Kent Meehan, Chair, CEO, Redken Laboratories.
31. Jessica McClintock, President, CEO, Jessica McClintock.
32. Christel DeHaan, President, CEO, Resort Condominiums International.
33. June Morris, CEO, Morris Air.
34. Sondra Healy, Chair, Turtle Wax.
35. Marilyn Marks, CEO, Dorsey Trailers.
36. Kay Unger, Partner, Gillian.
37. Gertrude Boyle, Chair, Columbia Sportswear.
38. Lois Rust, President, Rose Acre Farms.
39. Joan Helpern, President, CEO, Joan and David.
40. Oprah Winfrey, Chair, CEO, Harpo Entertainment Group.
41. Marcy Carsey, Co-Owner, Carsey-Werner.
42. Lane Nemeth, President, CEO, Discovery Toys.
43. Sandy Gooch, Founder, Co-Owner, Mrs. Gooch's Natural Foods Markets.
44. Sheryl Handler, CEO, Thinking Machines.
45. Harriet Gerber Lewis, Chair, Gerber Plumbing Fixtures.
46. Libby Edelman, Senior Vice President, Sam & Libby.
47. Ruth Fortel, Chair, CEO, Ruth's Chris Steak House.
48. Jean Bernhard Buttner, President, Chair, CEO, Value Line.
49. Pleasant Rowland, President, Pleasant Co.
50. Jinger Heath, Chair, BeautiControl Cosmetics.•

PROPOSED PHASING OUT OF THE NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

• Mr. DURENBERGER. Mr. President, I rise today to comment briefly on the proposed phaseout of the National Commission To Prevent Infant Mortality. The Commission has been an important source of information and inspiration for those of us involved with children's issues. I have felt honored to represent the Senate on the Commission for a number of years Mr. President, and I feel a deep sense of loss as its work apparently comes to an end through this legislation. The Commission will be sorely missed because of the numerous contributions it has made to making mothers and babies a top priority for our Nation, for States and for local communities. From the Commission's launching a national Resource Mothers Program to their continued push for one-stop-shopping integrated services for moms and kids, they have proven that leadership in the field of maternal and child health is needed in our country.

The Commission has sought to create alliances among groups not directly involved with maternal and child health issues, in order to broaden support for children. The National Health Education Consortium which represents over 60 national groups and nearly 12 million individuals and the National Consortium for African-American Children which represents over 100 national groups are just 2 of the important bridge-building initiatives the Commission has launched.

The Commission has commended public attention to the issues of mothers and children at risk. From nationally televised documentaries to countless newspaper stories and journal articles on the subject, the Commission has sought to keep the issues of promoting the health and well-being of mothers and children in the public eye.

The Commission has been called on numerous times by Members of Congress, the White House, private organizations and others for unbiased, current, accurate, state-of-the-art information about mothers and babies. Issues pertaining to mothers and children are spread so widely across congressional and administrative offices, that finding relevant information becomes a difficult and sometimes impossible undertaking. The Commission has always been an important resource for providing timely, accurate information to policy makers and the public.

Encouraging development of public/private partnerships is a critical strategy for long-term improvements in the lives of mothers and children. The Commission has been able to demonstrate by example, the value of public/private partnerships. The Commission has shown with limited dollars of support from the Federal Government matched by generous dollars from the private sector, that public/private partnerships can and do work.

Downsizing of Government is important—and I believe that it must be done. But I also believe that downsizing Government should take into account the usefulness and importance of the particular program or area being cut and how it fits into our national priorities. For a relatively small amount of funding—so small that it doesn't exist as a decimal point in the Federal budget—$460,000—the Commission has been able to make a substantial contribution to improving the lives of mothers and children.

The National Commission To Prevent Infant Mortality has performed a critical task by focusing the Nation's attention on the health and well-being of mothers and children as a national priority. I applaud their work and commitment and encourage all of us to continue the tremendous progress that they have already made.

In particular, I want to pay a special thanks to a number of individuals associated with the Commission, who have worked long and hard to improve the lives of mothers and children: Gov. Lawton Chiles of Florida, Chairman of the Commission; Representative ROY ROWLAND, Vice Chairman; Senator BILL BRADLEY, Representative BILL GOODLING, Lynda Johnson Robb, Dr. Herman Hein from Iowa, Rae Grad, Executive Director of the Commission and her staff and the many Federal, State, and local maternal and child health directors and advocates. All of these individuals have helped us to realize that children are our future—and there is no investment more important than their well-being.●

U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 211, S. 1490, the U.S. Grain Standards Act Amendments of 1993.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1490) to amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 986

Mr. JOHNSTON. Mr. President, on behalf of Senator DASCHLE, I send to the desk a substitute amendment and ask unanimous consent that the amendment be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection.

Without objection, it is so ordered.

So the amendment (No. 986) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: " 'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: ", or is supervised under a contractual arrangement,"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (11) and inserting the following new paragraph:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

(b) ADDING WATER TO GRAIN.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee to recover the administrative and enforcement costs of carrying out clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j).".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended—

(1) by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person"; and

(2) by inserting after "$20,000" the following: "(or, in the case of a violation of section 13(d)(4)(A), $50,000)".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 1490), as amended, was passed.

The title was amended so as to read: "To amend Public Law 100-518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.".

MIDDLE EAST PEACE FACILITATION ACT OF 1993

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar order No. 213, S. 1487, the Middle East Peace Facilitation Act of 1993; that the committee amendment be

agreed to; the bill be deemed read the third time and passed; the motion to reconsider laid upon the table, and any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment as follows:

On page 2 line 24, by striking the word "Until," and inserting in lieu thereof "Notwithstanding any provision of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1994, until".

So as to make the bill read:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(a) the Palestine Liberation Organization has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators;

(b) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(c) Israel and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993 at the White House;

(d) the United States has resumed a bilateral dialogue with the Palestine Liberation Organization; and

(e) in order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President requires flexibility to waive certain provisions of law pertaining to the Palestine Liberation Organization.

SEC. 2. WAIVER AUTHORITY.

(a) Notwithstanding any provision of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1994, until January 1, 1994, the President shall have the authority to waive any provision of law enumerated in paragraph (b) of this section, provided that before exercising this authority, the President shall consult with the relevant Committees of the Senate and House of Representatives, and further provided that the President determines, and so certifies to the Chairmen and Ranking Members of the relevant Committees of the Senate and House of Representatives—

(1) that it is in the national interest of the United States, and,

(2) that the Palestine Liberation Organization continues to abide by all commitments in its letter of September 9, 1993, to the Prime Minister of Israel, in its letter of September 9, 1993, to the Foreign Minister of Norway, and in, and resulting from the implementation of, the Declaration of Principles signed on September 13, 1993.

(b) The following provisions of the following acts shall be waived in accordance with the procedure in paragraph (a) of this section.

(1) Section 307 of the Foreign Assistance Act, as amended, with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit of entities associated with it.

(2) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (Public Law 100-204).

(3) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164) with respect to the Palestine Liberation Organization (PLO), programs for the PLO, and programs for the benefit of entities associated with it.

(4) Section 37, Bretton Woods Agreement Act (Public Law 79-171).

ORDERS FOR THURSDAY, SEPTEMBER 30, 1993

Mr. JOHNSTON. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, September 30; that following the prayer, the Journal of the proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day, as under the previous order; that the Senate proceed to the consideration of the conference report accompanying H.R. 2295; further, that relative to the Kerry amendment to H.R. 2445, the energy and water appropriations bill, that there be a time limitation of 4 hours with the time equally divided and controlled in the usual form, with no intervening amendment in order prior to disposition of the initial action on the Kerry amendment; and that when all time is used or yielded back, the Senate vote on or in relation to the Kerry amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. JOHNSTON. Mr. President, to explain the previous action, it is my intent, and I believe the words so stated, that after the 4-hour time limitation on the Kerry amendment we expect to have a motion to table at that point. If it is tabled, of course the Kerry amendment is over with. If it is not tabled, then further amendments would then be in order along with further debate.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. I ask if that unanimous consent request so reflects.

The PRESIDING OFFICER. That explanation makes the agreement clear.

RECESS UNTIL 9 A.M. TOMORROW

Mr. JOHNSTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:41 p.m., recessed until Thursday, September 30, 1993, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 29, 1993:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JANE ALEXANDER, OF NEW YORK, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.