

SENATE—Friday, July 22, 1994

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God, on this 104th birthday of Mrs. Rose Kennedy, we remember the words of one of the wisest men who ever lived, King Solomon. "Who can find a virtuous woman? for her price is far above rubies."—Proverbs 31:10.

Eternal God, giver of life and "every good and perfect gift," we express our gratitude for the strength, the wisdom, the fortitude, the faithfulness of Mrs. Kennedy as a wife and mother, despite many family tragedies. Thank Thee for the leadership her children have given America and the world. May this day be one of special blessing and honor for her and all her loved ones.

Creator God, as we remember this gracious lady, we are reminded that the first man, Adam, was not complete until You gave him a woman. The Bible and human experience reveal the fact that men need women far more than women need men. We thank Thee for their intuitive wisdom, their courage, their perseverance, their indispensability to social order. We ask for Your special blessing upon all the women who labor in the Senate and the women of America, without whom our Nation could not fulfill its destiny.

In the name of the Prince of Peace we pray. 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, July 22, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

COMMERCE, JUSTICE, STATE APPROPRIATIONS ACT OF 1995

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4603, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my colleagues for their cooperation and willingness to come in early and start, once again, on some 60 amendments. Obviously, if we try to handle all 60, it will never be done in 1 day. Perhaps at least half of those will fall by the wayside, we hope. But we do appreciate the cooperation.

This is the crime bill. There is no question. When you add some 436 FBI agents, 311 DEA agents, 123 U.S. attorneys, some 900 Border Patrol—you can just go right on down the litany. Everything that is talked about and debated about with respect to crime authorization, now hung up in conference, is actually accounted for, provided for in this particular appropriations.

We want to move this ahead under the emergency of the Small Business Administration, not just the crime features, because the crime bill's provisions are long overdue, but particularly with respect to SBA and the first 10 days of August. We have the emergency flooding down in the Southeast sector and unfunded needs now, and still the California earthquake. The Administrator of the Small Business Administration has put us on notice. So we have to move, we have to get this bill to conference and come back and get a measure to the President.

I see the distinguished Senator from South Dakota on the floor, so I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

AMENDMENT NO. 2353

(Purpose: To require advance notification to Congress of any Presidential determination that the United Nations has established an independent Office of Inspector General)

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

The ACTING PRESIDENT pro tempore. Without objection, the committee amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 2353.

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

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

The amendment is as follows:

On page 94, line 12, before the colon insert the following: "Provided further, That certification under section 401(b) of Public Law 103-236 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives are notified of the steps taken to meet the requirements of section 401(b) of Public Law 103-236 at least 15 days in advance of the proposed certification."

Mr. PRESSLER. Mr. President, I offer an amendment today which would protect the progress Congress has made regarding the establishment of an independent inspector general office at the United Nations. I wish to thank my distinguished colleague from New Mexico, Senator DOMENICI, for his comments earlier on the floor regarding language I authored on section 401 of the Foreign Relations Authorization Act.

As he knows, we have expended great efforts in this body to establish section 401. In fact, my colleagues voted 93 to 6 to accept my original amendment. My friend, Senator DOMENICI, understands the great importance of creating a management and reform system at the United Nations which would be responsible independently for ending the rampant waste, fraud, and abuse which are now policy at the world body.

Last week, I offered an amendment to the Foreign Operations Appropriations bill which my colleagues adopted

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

by unanimous consent. That amendment reaffirms section 401 of the Foreign Relations Authorization Act, now Public Law 103-236. The language in section 401 makes portions of U.S. assessed contributions to the regular U.N. budget contingent upon the U.N. creation of an independent Office of the Inspector General, [OIG].

I urged my colleagues to reaffirm the language of section 401, because the U.N. General Assembly, as my colleagues noted earlier, is considering currently the adoption of a resolution which would create a reform office subject to the authority of the U.N. Secretary General. Under the current General Assembly draft resolution, the Office of Internal Oversight Services [OIOS] would not be independent in all respects. This is an unequivocal violation of the language in section 401, language which is now public law.

According to the State Department and to Victor Morerro, chair of the U.N. group charged with the drafting of the current resolution, the OIOS will meet the standards pursuant to section 401 after the United Nations puts procedures in place to meet certain provisions in the resolution. In other words, the President would not be able to certify today that the OIOS meets all provisions in section 401. However, the State Department maintains that by September 30, the last day of the fiscal year and the point at which the President must make a certification to prevent a withholding of a portion of assessed contributions to the United Nations, all necessary procedures will be in place at the United Nations to meet the requirements of section 401.

The State Department maintains that there is not a problem with the independence of the OIOS. They say the General Assembly, through the OIOS annual report, would be able to receive information about all investigations and recommendations, not just those approved by the Secretary General.

I disagree with this interpretation of independence. The General Assembly must be able to receive all reports, approved or not, for the office to have true independence. Additionally, I am very concerned about the budgetary independence of the proposed office. As of now, the Secretary General, in his overall budget request, will determine if the OIOS will receive funds. If the Secretary General does include a budget request for the OIOS, it would then go before the General Assembly for approval. I believe the OIOS should be able to submit its budget request directly to the General Assembly. The OIOS needs a separate line item, similar to the appropriations for inspector generals in large U.S. Federal agencies.

Furthermore, the OIOS will receive the budget and the personnel from what is currently the Office of Inspections and Investigations. I strongly dis-

agree with this transfer because it does not allow the head of the OIOS to hire his own staff. Rather, he merely takes on a staff of current U.N. auditors and bureaucrats. To have true independence, the head of the OIOS should be able to hire his own staff without the approval of the Secretary General.

In the pro forma U.N. resolution, there are two provisions which address the whistleblower requirements in section 401 of the Foreign Relations Authorization Act. According to the mandate in section 401, the United Nations must have procedures in place "to protect the identity of, and prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Inspector General."

The recent statement by the Belgian Ambassador at the United Nations to the chair of the draft resolution committee, however, indicates that staff providing "false accusations transmitted to the office according to the procedures established should also be considered as cases of wrongdoing." This statement seems to indicate a contradiction between what is outlined in section 401 and the U.N. resolution, in that section 401 seeks to protect staff who provide any information of misconduct, even if that information is not relevant to a particular investigation or if that information turns out to be false.

The State Department claims that the Belgian Ambassador's statement on behalf of the draft committee is referring to those staff who maliciously provide false information. However, this is subject to interpretation. The State Department claims also that this provides a safeguard against receiving rampant foreign misconduct reports from the U.N. staff.

Currently, procedures are not in place at the United Nations to provide adequate whistleblower protection. The State Department, however, claims that such procedures will be in place prior to the Presidential certification called for in section 401. Nevertheless, the effect of the Belgian Ambassador's statement in conjunction with the provision of the U.N. resolution may serve to dissuade U.N. staff from coming forward should the information of the staff turn out to be false. This cuts into the ability of the oversight office to gather the needed data to conduct adequate investigations. It decreases the chance of the office developing a pool of sources who could provide misconduct information.

My amendment today would require a notification and explanation 15 days prior to the President's certification that an independent U.N. reform office is in place. The amendment would allow the appropriate committees, House and Senate Foreign Relations and Appropriations Committees, to determine if the resolution and the cre-

ated office meet all stipulations of section 401.

My amendment would not create outlay and scoring problems in this appropriations bill. Nor does it move the goal posts of section 401. I am not trying to alter the intent of section 401, nor am I attempting to place an unfair burden on the President to provide certification information a mere 15 days prior to his official certification.

This amendment simply affords Congress the ability to advise the President prior to a false certification. We have come this far. We cannot turn behind now and potentially have the President make an inaccurate certification. So, Mr. President, my amendment simply affords Congress the ability to advise the President to prevent a certification that is improper.

While I believe the United Nations recent action is a good first step, I am very concerned about the current U.N. resolution. I only want to make sure that all stipulations in section 401 are met. I am not Ambassador Albright's nor the State Department's enemy on this issue. I want the United Nations to get all of its assessed U.S. funds. However, I do not want to release U.S. money unless I am absolutely certain that an independent inspector general office is in place. We have come too far in this body to stop just short of our goal. I do not believe the President would act on anything but good faith regarding the certification. Nevertheless, I do not want this body to be without recourse in the event a false certification were made.

This amendment is only a safety guard for Congress. I am trying to do Ambassador Albright and the State Department a favor by helping to assure that all procedures for this office are in place. I wish to make sure our permanent representative to the United Nations has the strength of this reform office to back our U.S. efforts to end U.N. malfeasance.

This amendment is by no means an indication that I believe the State Department, Ambassador Albright, and President Clinton have not made every attempt to act in good faith to comply with section 401. I support their efforts. I will continue to support their efforts. I do not want my colleagues to view this amendment as an attempt to discredit the administration. Rather, it is an attempt to maintain and continue the progress made on behalf of the administration regarding U.N. reform.

I urge my colleagues to take one last step today to ensure that an independent U.N. reform office is established. As a friend and critic of the United Nations, I firmly believe this amendment is necessary to help guarantee U.N. reform.

Mr. President, let me state some things that my amendment does and does not do.

First of all, my amendment does not move the goal posts of section 401. All

it would do is give Congress 15 days advance notice of the President's certification pursuant to section 401 of the Foreign Relations Authorization Act.

My amendment would not change the intent of section 401. I am not trying to give Congress the ability to withhold funds until the President fully certifies that a U.N. reform office is in place. In fact, I wish to see the funds released if I am assured that all procedures are in place to create a functioning, effective, independent U.N. oversight and reform office. All this amendment would do is require the President to report to appropriate congressional committees 15 days before he certifies, if he certifies, that a U.N. reform office has been established and meets the specific criteria of section 401.

In this advance report to Congress, the President simply would need to provide an explanation of how his proposed certification meets section 401. According to my amendment, if the President cannot indicate to Congress in his advance notification that a certification meets all the requirements of section 401, Congress would not be able to withhold any obligation or expenditure of U.S. peacekeeping, assessed or supplemental funds. All the amendment does is to ask for an advanced notification and explanation. I have faith in the President to make a proper and legitimate certification, one that indicates that all stipulations in section 401 are met. My amendment in no way implies that the President would act in bad faith just to make the certification. This is not the intent of my amendment.

The intent of my amendment is to give Congress notification of the certification process and to give Members an explanation of how mandates in section 401 are being complied with. My amendment offers Congress one last opportunity to ensure that adequate steps are being taken to end flagrant U.N. waste, fraud and abuse so that our U.S. tax dollars are no longer wasted on mismanaged and fraudulent U.N. practices.

Mr. President, I conclude by saying that I am a strong supporter of the United Nations. I want it to succeed. I want it to be able to deliver medical supplies without having them stolen or lost along the way. I want the United Nations to be able to do its job, to be able to deliver food and services, to have a good management system, and to have a good personnel system that will enable it to accomplish its goals. That is the goal of this administration and of this Senator.

But we have found that our taxpayers have been reading stories over and over of waste, fraud, and abuse. We now learn that after this Congress has threatened to withhold a portion of U.S. contributions to the United Nations unless there is an independent inspector general to clean up some of

that waste, fraud, and abuse, the United Nations is moving toward adopting an inspector general that is really not an inspector general as we know it. There are indications that our President will certify on September 30 that this is OK. But that will not satisfy this Senator at least, and it will not satisfy the American taxpayers.

My amendment will give the appropriate congressional committees 15 days in which to comment or give feedback to the White House. Otherwise, we will have lost another year. We are finally on the verge of having an independent inspector general at the United Nations. We are finally on the verge of being able to say to American taxpayers, who provide most of money for the United Nations, that there is some system of checks and balances, that there is some system to account for personnel abuses, some system that allows whistleblowers within the United Nations to point out fraud and abuse, some system that allows the U.N. unbiased audits. We are on the verge of having such an office in place at the United Nations.

The adoption of section 401 and the reaction at the United Nations proves that the U.N. bureaucracy will respond to the United States if we ask. But we have not even asked. And if we allow an inspector general to be put in place as they have now defined it according to the committee, the will of Congress will have been circumvented. That is the purpose of this amendment, and I urge its adoption.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield? As I understand the Senator from South Dakota, assuming the President now has given the 15-day notice to the various committees, what action or penalties or process is taking place? He gives notice. Then what happens? Is there any penalty if we do not like the notice?

Mr. PRESSLER. The committees make their views known. But constitutionally we cannot add any force of law to it. As I understand it, constitutionally the President could still go forward. But it would give the committee a chance to comment on it 15 days before.

Mr. HOLLINGS. I thank the distinguished Senator.

I have read the amendment several times. The Department of State objects to the amendment. I understand that the distinguished Senator from Massachusetts [Mr. KERRY], has some concern about it, and was momentarily detained. I do not want to rush forward. To this Senator it seems like the amendment is not engaged in mischief.

I have been informed that this could be some Foreign Relations Committee

politics. Mr. President, they say over in the House it is the "Foreign Affairs Committee," but over here in the Senate it is the "Foreign Relations" because we do not have any affairs.

This Senator is not aware of any untoward interest or intent, and I think the Senator from South Dakota has expressed himself very well. I keep reading the amendment and trying to learn why others object. I think perhaps because the Department of State and the Clinton administration and Madeleine Albright, our Ambassador to the United Nations, have done an outstanding job. I think that is what maybe disturbs them, because rather than gratitude they are receiving formal legislation asking for reports when on Tuesday of this week, July 19, the Fifth Committee of the United Nations General Assembly adopted this resolution, a landmark resolution establishing an office with the function, responsibility, and powers of an independent inspector general to conduct investigations, audits, and inspections of the U.N. system along the lines of the IGs within the U.S. Government.

It will be known as the Office of Internal Oversight Services, and the office will be at the rank of undersecretary general, the second highest level rank within the U.N. system.

Incidentally, I understand this idea is even of a more stringent restrictive nature than the present IG system that we have here in the U.S. Government. That is just the committee, Mr. President, and then they have to go to the full assembly for approval. But having worked this out, it represents a major achievement for both the administration and Congress.

The Congress said here in our peace-keeping funds that they are fenced so to speak or conditioned upon the establishment of an inspector general. This Senator as the chairman of the State, Justice, Commerce appropriations subcommittee has been urging this now for the past 5 or 6 years. What was going on up there came out in the previous administrations. We are paying an inordinate amount, and they ought to be paying double the amount. As we look at it, the truth of the matter is they have had no real auditing and accounting for the moneys expended.

So I congratulate the Senator from South Dakota on his concern and leadership in this score. The members of our Foreign Relations Committee, Chairman PELL, Senator KERRY and others—let us make sure and understand that an independent inspector general has been the centerpiece of the United States reform efforts to improve the United Nations' management and its accountability to member States. It is part of a process by which the United States and other members of the United Nations can satisfy themselves that resources are not wasted, and that limited taxpayer dollars are well spent.

We are particularly pleased about the extent of the independence of the new office in the Secretary General of the United Nations, similar to the offices of Inspector General of the United States. The Clinton administration has fought hard to ensure that the resolution contains the provisions that will provide independence.

I talked yesterday to Under Secretary of State Richard Moose on this matter. He said that there is no question about the independence. It has all the features of independence, for instance that they cannot be removed unilaterally. But the independence of that office has been assured.

For example, the resolution assures qualified candidates appointed to the undersecretary general post by the Secretary General with the approval of the general assembly. It provides for the removal of the office head by the Secretary General only for cause; that is, malfeasance or corruption, and only with the approval of the General Assembly. It requires that the annual report and other reports deemed useful to provide insight into U.N. management effectiveness and the protection of assets will be forwarded unchanged to the U.N. General Assembly through the Secretary General.

The resolution provides for prompt and effective implementation of the recommendations made by the office. It protects the whistle blowers by establishing a mechanism that is designed to ensure due process and facilitate reporting by staff members without fear of reprisal. It mandates resources adequate to ensure the independent action of the office, and enables the undersecretary general to comment on the sufficiency of the office's budget resources.

Moreover, Mr. President, the implementing procedures and regulations for the office will be put in place by the Under Secretary General of Administration and Management, an American, Joe Connor, who used to be with McKenzie. We are confident that this reform package will meet the certification requirements set forth in the State Department authorization bill.

In this respect we will be working closely with Joe Connor and other U.N. officials to ensure that they will meet our understanding of how the new office will function. With the adoption of the resolution by the General Assembly, we look forward to an expeditious appointment of a highly qualified independent to fill the purpose.

This is a major achievement, Mr. President, for both the Congress and the administration. An independent inspector general at the United Nations similar to the U.S. Government inspectors general was a goal which both branches sought, and soon will achieve.

As I say, the amendment of the distinguished Senator from South Dakota just asks for the 15-day notice of what

I am reiterating here now relative to what has been adopted just Tuesday of this week. No doubt when it passes the General Assembly, the President would be ready, willing and able to easily give the 15-day notice provided for in the Foreign Relations authorization bill.

Mr. PRESSLER. Will my friend yield?

I praise the statement just made by my friend from South Carolina. I agree that Ambassador Albright is trying very hard. She has run into an immense amount of bureaucracy at the United Nations.

I thank my friend for yielding. The State Department believes my amendment will allow Congress to withhold funds after a Presidential certification. My amendment does not do that. It just does not give the committees this power. It is a matter of notification and explanation.

I twice served on the Fifth Committee as a delegate to the United Nations. They were talking about getting an office of inspector general as early as 1986. Nothing has happened. This is 1994; 15 years have passed.

Now, we are on the verge of getting an inspections office, and it seems the United Nations is not taking it very seriously. They just want the U.S. money. We want to send them another signal that we are serious about this. This Office does not have budgetary independence. The funding can be taken away from the Secretary General on a moment's notice. That is quite different from our inspectors general. There are a lot of other differences. I am rising in frustration. This amendment is a reminder to everybody that nothing has happened, nothing has changed at the United Nations. This was first proposed in 1986 by the U.S. Government. I was critical of the Bush and Reagan administrations for delaying actions. The Third World runs the United Nations, and they see it as a way to get money out of the United States. Our taxpayers are up in arms.

Mr. HOLLINGS. You and I are in agreement. This is the first administration that has really done it. It started in the late days of President Carter, and then Reagan and Bush, and now we are getting it done. I think the notification is well taken so long as there is an understanding that we do not put in a roadblock to the funds. As you say, you can point to the Belgian Ambassador or delegate. We can pass bills, but we will never pass measures to change personalities. There are all kinds of personalities in the Congress and in the United Nations. Comments are made, and sometimes they are not appropriate. But the fact of the matter is that this effort on Tuesday was really a resolution and a victory for the U.S. efforts to get that independent inspector general.

Mr. PRESSLER. Let me say that the Senator from New Mexico has done a

great deal of work on this, as has the Senator from South Carolina. I thank them both.

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. First, let me say to the Senator from South Dakota, your amendment is just a continuation of our excellent work in trying to make the United Nations responsive. That is responsive in terms of how it uses money that is contributed to them. Although we are the biggest contributor, all contributing nations should be concerned.

It seems to me that the sponsor of this amendment and others have been on the right track in trying to get some fiscal accountability in New York. I put it this way. At this moment, it would seem that the United States is going to rely on the United Nations more than it ever has before. It looks like peacekeeping is going to be involving the United Nations and some of their people more than ever before. That is now our President's policy.

All we need to turn the American people against these multilateral efforts is for a scandal to arise involving waste, fraud, abuse, or using assessments for unpropitious activities. We want to continue supporting the United Nations. The American people seem to want to support the United Nations. But let some reporter come forth and show the United Nations has been throwing money away, and that support will evaporate.

Some U.N. officials have been totally unaccountable to anybody. From this distance, it looks like there is somebody there playing games with our payments and those of Japan and Europe. I am not alleging that, although there seems to be some reason to be suspicious. We don't want that perception to become a reality.

The United States, through efforts like the managers of this bill undertook and efforts in the appropriations bill of last year, has tried to make the United Nations accountable. Last year, I asked our chairman and he wholeheartedly agreed, to put a condition on funds to the United Nations. In fact, the United Nations had to have begun working on an inspector-general-type arrangement in order for moneys withheld to be released. That was followed up by more severe restraint in the Foreign Relations authorizing bill, which increased the percentage to be withheld.

Yesterday, when the amendment was presented as an idea by our distinguished colleague from the Foreign Relations Committee, who is here this morning proposing this amendment, obviously we recognized that the initial draft of his amendment was a second bite at the apple by Congress in

terms of reprogramming of money. In other words, the administration could meet all of the congressional conditions, and the Senate could still have another opportunity to deny them funding.

Obviously, the State Department objected to that. The letter they have sent to us is based on the ideas incorporated in a draft amendment, not in the amendment that the Senator is offering here today. I believe the State Department ought to accept this amendment. Frankly, it is nothing more than the U.S. Senate saying that we have been working on this for so long, we are kind of "Doubting Thomases." Will it really happen?

The President is doing everything possible. Our Ambassador, Ambassador Albright, is doing a tremendous job on this matter, in order to secure the \$670 million in title VII before the authority expires at the end of September.

What is wrong with asking the administration to send a notification 15 days before they intend to certify that they have complied with the law we passed here earlier this year? Ambassador Albright tells us that she must have certain things in the procedures and regulations governing the inspector-general-type agency or department before she will recommend to the President that he issue the certification and release the supplemental money.

The President is going to have to certify that the conditions in the law have been met regarding a United Nations inspector general. Why can he not tell us precise how those conditions in the checklist have been met by the U.N. at least 15 days before certification?

At present, Congress has no rights and committees have no rights to review and understand the new U.N. procedures and regulations that will make the difference between substance and sham in the new inspector general's office. With this amendment, the President will just notify the committees, say here is how the United Nations is empowering the new inspector general, and 15 days later they certify, and \$335 million is released to pay our assessment. I think it is a way of making sure that Congress is on board.

If I were advising the President, this is what I would say: "Let us do it the way the Senate recommends. Because that way, Congress can take a look at it, and they cannot do anything, legally, to stop the release of the supplemental money withheld. But it would be good to have them totally on board."

So, I recommend to those who are sending the messages for the administration to us who are managing the bill, that they will see that this is a dramatically different approach than the ideas encapsulated in the draft amendment yesterday. This is a simple, forthright and, I think, fair-to-the-

Congress approach. While admitting that Ambassador Albright is doing a good job, let us help her through this effort by saying we are standing ready to accept this certification when the United Nations has done what it told her it will do with the procedures. We just want to look at them, and then you can go right on ahead with the certification.

I yield the floor.

Mr. HOLLINGS. Mr. President, perhaps I will ask for a quorum, but first I wonder if it would be all right with the leadership on the other side and the Senator from South Dakota if we accept this amendment on the understanding that if the Senator from Massachusetts, who has been detained, wants it back up, I do not mind moving to reconsider. Is that all right?

Mr. PRESSLER. That is fine with me.

Mr. HOLLINGS. He was unavoidably detained.

Mr. PRESSLER. The managers can accept it now without moving to reconsider, and later in the day we can move to reconsider.

Can we have the understanding that if he does strongly object, I can get a rollcall vote on this amendment?

Mr. HOLLINGS. Sure.

Mr. President, there being no further debate, I urge adoption of the amendment.

Mr. HELMS. Mr. President, I am delighted to co-sponsor amendment No. 2353 of the able Senator from South Dakota, which inserts a 15-day notification process into the President's decision to certify whether or not the United Nations has established an independent office of an inspector general.

I worked with the minority leader and with Senator PRESSLER, during consideration of the Foreign Relations Authorization Act this year, to push the United Nations into setting up an inspector general. Time and time again U.N. agencies and affiliated groups are found to be wasteful and fraudulent in their actions.

Regardless of these findings, the United States continues to pump hundreds of millions of dollars up to New York every year. One would think that an organization with a monthly spending budget of \$310 million would have established some sort of internal control mechanism years ago—but not the United Nations.

In this year's State Department bill, Congress finally got tough. As a result, if the United Nations doesn't have an independent inspector general in place by September 30, it stands to lose up to \$400 million. That's some incentive.

The U.N. General Assembly is expected to vote this week on a resolution that would move toward establishing an IG. From what the administration says, this resolution is a first step in a many-step process at the end of which it is expected that the United

Nations will have created an office that meets up to the requirements for an office as were set forth in section 401 of our bill this year.

The administration has also promised that it will not certify these requirements have been fulfilled until, among other things, the resolution has passed, the inspector general's budget has been adopted, the Secretary General has promulgated regulations and guidelines governing the new office, and the inspector General has been nominated and confirmed by the General Assembly. That is a lot to accomplish by September 30 but the administration thinks it can do it by then.

Four hundred million dollars is a lot of money. If the United Nations doesn't get everything done it says it's going to in a short 2 months, then the President will be unable to certify and they won't get our money. My colleague's amendment ensures that the Congress is allowed to scrutinize the President's determination for 15 days before we release the money. If we are talking that amount of money, that's the least Congress is entitled to.

Before I close, I want to reiterate the fact that Senator PRESSLER's amendment does not move the goal posts we have already identified in law. All it does is inject a bit more congressional leverage in a process that involves the transfer of a lot of money and, therefore, needs some legislative oversight.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2353) was agreed to.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, Chairman HOLLINGS and the Senator from New Mexico have been besieged by requests from fellow Senators that we expedite this matter. Many senators do not want to be here in Washington late into the day or into the night.

We do have more than 30 amendments. We have been looking through the list and we note that there are four or five that obviously, from past experience and what we have heard yesterday, are going to be debated at length with rollcall votes.

TV Marti, about which we understand Senator BAUCUS has an amendment, seems to us to be one of those. There is a Bumpers-Brown amendment on the National Endowment for Democracy. Senator CRAIG's amendment on law of the seas and the Northwest

salmon issue, which is Senator KEMPTHORNE's amendment, will take time to discuss.

The Senators who are the proponents of those amendments might be helpful to the managers and to the Senate if they would come here to the Senate floor as soon as possible and offer their amendments. We stand ready to talk with the Senators or their representatives to do some scheduling so we do not have all of them waiting in line.

But as of now, we do not have word from any Senator that she or he is planning to come down and offer one of these controversial amendments.

I repeat: Would the Senators who have the amendments that I have just described, begin to carry on a conversation with those who are managing this bill, so we can begin to allot some time to them and get these amendments before the Senate?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I tell the manager I am prepared to offer one of those amendments in a few minutes. I know the difficulty managers have trying to keep things going. I will be happy to start off, and ask my staff to do that.

I wonder in the meantime if I might use my leader's time. Was leader time reserved?

The ACTING PRESIDENT pro tempore. Leader time is reserved.

Mr. DOLE. OK. Could I use my leader time, and my statement not interfere with the ongoing debate?

The ACTING PRESIDENT pro tempore. The leader may proceed.

TRIBUTE TO ROSE KENNEDY

Mr. DOLE. Mr. President, I am proud to share my birthday with my colleagues, Senator ROTH, and Senator HUTCHISON. But all three of us know that today really belongs to the mother of our colleague from Massachusetts, Senator KENNEDY.

Rose Kennedy is 104 years old today. Her lifetime has spanned almost one half of our history as a Nation. And, of course, her lifetime has included witnessing and making quite a bit of history on her own.

She and her family have experienced great triumphs, and even greater tragedies.

Through it all, Rose Kennedy's courage, grace, and grit, have earned the admiration and respect of many Americans.

Rose Kennedy is a true American treasure, and I know all Members of the Senate join with me in extending our best wishes through Senator KENNEDY.

PIZZA HUT

Mr. DOLE. Mr. President, while I continue to believe that the health

care debate is all about the search for solutions, there are some who think it is about a search for villains.

The American Medical Association, the insurance industry, hospitals, pharmaceuticals, all have had their motives questioned by the White House or their supporters.

Maybe the American Medical Association is off the hook now since they apparently made their deal with the White House, unfortunately.

And now something called the Health Care Reform Project has launched a misleading and mean-spirited campaign against Pizza Hut. You heard me right. Pizza Hut.

What is Pizza Hut's crime? Why do they deserve to be singled out, dragged before a Senate committee this morning, and attacked in today's New York Times?

Well, Pizza Hut operates in Europe. And some European countries require by law that businesses must pay for health insurance to all of their employees. So Pizza Hut complies with the law. I assume that is the appropriate thing to do.

American law is a little bit different, at least for now. The Government does not mandate that all employers pay for health insurance for all employees.

The Health Care reform project claims that Pizza Hut "thrives in Germany and Japan where health care taxes are mandated by law. Therefore, mandates will work here, too."

Let me take a minute to introduce the folks over at the project to something they are not too familiar with, the facts.

Now and then it is hard to talk about facts. It is not required around this place.

The fact is that the expense of the mandates in Europe have helped to prevent Pizza Hut from expanding, and helped to prevent them from hiring more workers.

With mandates, Pizza Hut has built less than 50 restaurants in Japan and Germany combined in the last 5 years, less than 50 in both those big countries.

Without mandates, Pizza Hut has built over 1,700 restaurants in the United States in that same time period.

With mandates, Pizza Hut added only 224 jobs in Germany, between 1992 and 1993. In the United States, they added 14,652 jobs.

With mandates Pizza Hut is forced to charge \$19 in Germany for a pizza that costs \$11 in the United States. In Japan, that same pizza would cost \$25.

It is also worth noting that Pizza Hut has been a leader in bringing health care reform to the U.S. restaurant industry. It offers health insurance to all of its employees in the United States, full time and part time. It was the first restaurant chain to offer health care coverage to all its part-time workers.

Rather than a one-size-fits-all policy, however, Pizza Hut operates on a novel theory called choice.

You know, you ought to have a choice in what you buy. A full-time employees have a choice among benefit programs that fit their individual or family needs. Some choose health care coverage. Some do not.

In fact, when Pizza Hut offered health insurance to its part-time employees, who comprise 95 percent of their payroll, less than 10 percent signed up. Seventy percent said they already had coverage from parents, spouses, or schools, 10 percent said they did not need insurance; and 10 percent just were not interested.

I know the health care reform project is itching to make some more accusations, so let me save them the trouble. Yes, as the New York Times pointed out, Pizza Hut is headquartered in Kansas. Yes, some Pizza Hut executives are my friends, and probably have contributed to my campaigns. In fact, some have suggested that this may explain why Pizza Hut and not another member of restaurant industry has been singled out for attack. I hope that is not the case.

But I defend Pizza Hut not because it is headquartered in Kansas or because I know some of their executives and some of their employees. They are all their employees. I defend them because they are an outstanding corporate citizen. And I defend them because they are right.

I do not know what company or industry will be next to be attacked by the White House, the Democrat National Committee, or their allies, but from the arguments they use, I know that they like their pizzas with a lot of baloney. And that is precisely what we are hearing today.

COMMERCE, JUSTICE, STATE APPROPRIATIONS ACT OF 1995

The Senate continued with the consideration of the bill.

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

The Chair recognizes the Senator from Indiana [Mr. COATS].

AMENDMENT NO. 2354

(Purpose: To transfer funds to the Department of Defense to reimburse accounts out of which international peacekeeping activities have previously been supported)

Mr. COATS. 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.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2354.

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

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

The amendment is as follows:

On page 95, line 9, before the period insert the following: "Provide further. That the amount appropriated under this heading shall be transferred to the appropriate appropriations accounts of the Department of Defense to reimburse the Department for amounts expended out of such accounts in support of international peacekeeping activities".

Mr. COATS. Mr. President, during the past weeks and months we have spent many hours in this Chamber debating various aspects of administration defense and international security policy, especially with regard to peacekeeping and peacemaking, which is the intellectual centerpiece of the President's foreign policy.

We have haggled over funds. We have attached various strings or restrictions to aspects of the President's policy that represent causes for concern in this body.

Yet, in my view, we have not significantly questioned the underlying premise of a policy that fundamentally alters the way the United States has historically viewed questions of international security and vital national interests.

Frankly, with all the concerns that have been raised about the conduct of our foreign policy in Somalia, in Bosnia, and now in Haiti, I am surprised that the premise underlying the administration's policies has been accepted with so little question, without congressional hearings, with no focused debate on the particular underlying question, the premise underlying that policy. And I intend to question that premise now.

Mr. President, the President's policy, we have to understand, is a drastic departure from foreign policies of the past.

It assumes that all international conflicts pose or will pose a threat to U.S. national security. It assumes that all peacekeeping, in the President's own words, "serves United States interests by promoting democracy, regional security, and economic growth." It believes that all peacekeeping operations are good; that they will be ongoing and that they will grow in number and scope. The only decisions that we need to make, and I quote again from the President, are "about which operations to support." Not whether we should support, not whether we should be engaged, but which ones we want to be engaged in.

And it believes that since multilateral peace operations are in our national interests, the capacity to conduct them must be part of our national military security strategy.

Mr. President, I believe that that premise which underlies those assumptions is flawed.

It is flawed because, while sometimes necessary or useful, multilateral peace operations seldom represent a matter of vital national interests to the United States.

The real question that must be addressed is whether or not our foreign policy should continue to be guided by considerations of vital national interests or, as the administration seems to suggest and as many would have us believe, that our policies should be guided by a policy that says we need to keep the peace in places of war, wherever those places of war occur.

Mr. President, the cold war, for all of its attendant fears and problems, had a marvelous way of concentrating the national mind on our vital national interests. It neatly divided the globe into two camps—the free world and the unfree clients of communism. And that dictated pretty much what our vital interests were and what our policy ought to be.

But today, the picture is much less clear.

Since the fall of the Berlin Wall and demise of the Soviet Union, nations no longer stand simply behind or beyond the Iron Curtain. Each day, it seems new factions, new alliances, or countries struggle to assert their dominance or independence—often with violent result.

Since the end of World War II, more than 160 wars have been waged around the world. In this year alone, according to Jane's Defense Weekly, there are at least 70 hot spots—countries either engaged in full-blown conflict or on the verge of becoming so engaged.

And if current projections of future conflicts hold true, it will get worse before it gets better, if indeed it ever does get better.

Mr. President, rather than the peace and explosion of democracy many envisioned as a result of the fall of the old world order, the new world is a bloody place, and order, still a dream to be realized.

Not surprisingly, the United Nation's demand for peace operations has grown accordingly—and so has its budget. Since 1991, the annual price for peacekeeping has skyrocketed from \$700 million to more than six times that amount today. Nineteen peacekeeping operations are currently underway; a half dozen more have been proposed in many places that many Americans probably are not all that familiar with—the Sudan, Sri Lanka, the Solomon Islands, Zaire, Burundi, and Afghanistan.

The number of troops required for these missions has more than quadrupled, and if all of its new missions are accepted, the total number of U.N. troops deployed will rise to approximately 168,000, requiring an increase in annual outlays of more than \$8.6 billion.

Yet, we are told, it is still not enough.

While the White House's request for an additional \$175 million contingency fund for unanticipated future peacekeeping was canceled by Congress—and

I think wisely so—15 countries have agreed to set up an exclusive force of 54,000 troops, which the U.N. can call up—under its own command—for the express purpose of keeping the peace in places of war.

During the last 9 months, 170 United Nations peacekeepers were killed, 30 of them Americans.

Mr. President, it is time to ask, not only where are we headed with this policy, but what should that policy be and where might it end.

How many of those 19 missions will Americans be asked to protect or defend? How often will American men and women be called upon to fight and die in foreign lands for reasons that have nothing to do with America's vital national interest?

Mr. President, perhaps in the post-cold-war world it is inevitable that the use of multilateral force will increase. Maybe it should.

I am not arguing that there are not situations where the use of multilateral force is necessary or important or constructive in resolving a conflict.

But the United States should not drift into situations in which American forces are automatically incorporated into multilateral military forces without our having clearly assessed whether or not such action is in our own national interest.

VITAL NATIONAL INTEREST AND THE USE OF FORCE

Frederick the Great had a maxim for his generals: "He who defends everything, defends nothing." We would do well to remember that wise injunction.

The United States cannot, and should not, defend everything. The question then remains: What should our policy be? What should be our criteria for military intervention?

In 1984, former Secretary of Defense Caspar Weinburger said:

We cannot assume unilaterally the role of the world's defender * * * We have learned that there are limits to how much of our spirit and blood and treasure we can afford to forfeit in meeting our responsibility to keep peace and freedom.

"We should only engage our troops," Weinburger said, "if we must do so as a matter of our own vital national interest."

Weinburger also had a list of essential tests which he said must be met before any U.S. combat troops are committed abroad:

Number one, action should be taken only to meet a threat to vital national interests.

Number two, political and military objectives must be clearly defined, and strategies developed to accomplish them, prior to any deployment.

Number three, ample force must be committed, not only to fight but to win.

Number four, such a course must have the support of the Congress and the American people.

"These tests can help us avoid being drawn inexorably into an endless morass," Weinburger said, "where it is not vital to our national interest to fight."

The question we have to ask then is, what then constitutes a "vital or major national interest?"

Well, certainly defense of U.S. territory is a vital interest; defense of our allies or treaty obligations; support for historic commitments and interests, such as Israel, Taiwan, or the Monroe Doctrine; protection of economic interests, international waters, or U.S. citizens and operations abroad; aggressive challenges to regional stability in areas important to the United States; and the prevention of nuclear proliferation, particularly where it threatens democracy or regional stability such as in North Korea.

These are not all inclusive, but they are instructive and perhaps the heart of what we should use as criteria to define our vital national interests.

Mr. President, the situations we have recently witnessed in Bosnia, Rwanda, and other places are tragic. They offend our sensibility. They stir our passion. But they do not constitute a vital national interest.

It does not mean that we should not be engaged in humanitarian relief. I am proud of the many actions the United States has taken, supported by the Congress and supported by the American people, to provide help and human assistance, food and medicine, in times of crisis.

(Mr. CAMPBELL assumed the chair.)

Mr. COATS. These have been important contributions that we have made and these must continue. And we currently are, obviously, engaged in one in Rwanda just as we speak.

Mr. President, while moral force can be an important factor in war, moral judgment is not a substitute for wise statecraft and moral outrage is not a substitute for wise, sound policy. In the world of moral polity, any policy that is dominated not by strategic considerations but by absolute moral judgment is, by definition, indifferent to success. What matters most is not victory, but that it is right to intervene.

Let me quote military strategist Colin Gray who said:

Public debate on foreign policy is frequently cast in moral terms *** In our personal judgment, we are all authorities about behavior, but few of us are experts in the means-end issues that pertain to those judgments.

Gray goes on to say:

Public discourse is littered with the claim that Policy X is morally wrong, and by the way it will not work. Rare, indeed, is the claim that Policy Y is morally right—and by the way it will not work.

Until we establish clear, national interest before any international involvement, and rigorously apply the Weinberger criteria before any U.S. combat

troops are committed abroad, we will continue to find ourselves in situations with questionable purposes and tragic results.

Oliver Wendell Holmes wrote, "A page in history is worth a volume of logic."

When we examine a page of the peacekeeping history in just our recent time, we realize the truth of that statement.

On August 20, 1982, in the aftermath of Israel's invasion of Lebanon, the United States, Britain, France, and Italy dispatched an international peacekeeping force to Beirut to protect its citizens and help the fragile Lebanese Government secure the evacuation of hostile forces from Beirut.

Later, on September 29, 800 United States marines were deployed to the Beirut Airport to facilitate the restoration of the Lebanese Government's sovereignty and authority.

Their mission, as described in President Reagan's formal notification to Congress, was "to provide an interposition force at agreed location *** a multinational presence."

"American forces," he said, "would not engage in combat," and there was "no intention or expectation that U.S. Armed Forces will become involved in hostilities ***." Accordingly, U.S. military personnel were not equipped with any offensive capability, only M-16 rifles and other light weapons.

President Reagan also advised Congress that United States military personnel would be "withdrawn from Lebanon within 30 days."

Mr. President, on October 23, 1983, 241 American marines died on that "mission of presence" while they slept—by a terrorist bomb. That small 30-day mission simply to establish a presence lasted 17 months.

In describing the deployment of American forces to Lebanon, the President said:

We must continue to search for peace and stability in that deeply troubled country ***. You need only see the pain and suffering in the eyes of the Lebanese people, and particularly the children, to understand that we have a moral obligation not to abandon those people.

I voted to support that mission in Beirut—which is why, in 1983, I made a trip to the Beirut Airport where our marines were stationed, to see for myself just what kind of mission I had asked our men to undertake. I found that out in a very dramatic way.

Their position was so hazardous, their situation so dangerous, the limitations on their abilities so circumscribed, that when the helicopter carrying myself and Congressman WOLF set us down on the tarmac, not one marine would venture across that runway to escort us to a place of safety. We, like themselves, were targets for snipers, those with mortars, those with intent to do anything they could

to kill Americans and disrupt that presence.

I stood before that barracks that was bombed, where those Marines were killed, and I vowed that day never again to vote to send U.S. troops on a mission where there were no clearly defined objectives, no clearly defined strategy, and no means to secure their safety and reduce their risk.

The United States had no vital national interest in Lebanon, nor did we meet any of the other criteria justifying the use of force in that situation. Political and military objectives were unclear. There was no defined strategy to guide the military mission. And clearly we had no intention at the time of using whatever force was necessary to accomplish our stated goal. And the result, 240 young men needlessly lost their lives.

To paraphrase Senator HOLLINGS who is here on the floor: If they were there to fight, there were too few. And if they were there to die, there were too many.

Desert Storm is probably the best example of how to do it right. We acted out of vital national interest. Not only was Kuwait a friendly country and Saudi Arabia an old ally, but 25 percent of the world's oil was clearly threatened and the world's economy was clearly threatened by the actions of Saddam Hussein. We developed and we articulated a clear, achievable political and military goal. We built a coalition around those goals. We followed through with clarity and consistency. We acted decisively. Our coalition partners knew they could count on us to commit the forces necessary to fight and win. We had a plan to withdraw, and once our objectives were achieved, we did so.

President Bush defined why the United States needed to commit its might. He focused the American people on the issue, and he assembled an international coalition to accomplish the task. Most important, our actions met the criteria for a successful operation. These facts are the single most important lesson to be learned from the Persian Gulf war.

As my colleague Senator MCCAIN observed, it is the same important lesson which we and other countries have been learning and relearning since earliest history. Unfortunately, today in the conduct of United States foreign policy, it seems to be a lesson that we have once again forgotten.

Somalia was the opposite of the Desert Storm in almost every respect and a clear example of why U.N. military missions are inclined to fail. In national undertakings, military objectives generally flow naturally from stated political objectives. The two work in tandem. In United Nations operations where the mission is primarily political, and thus subject to intense political pressure, military action is

usually imprecise for the very same reason. Invariably, this lack of definition results in U.N. forces taking only minimal symbolic action in an effort to avoid action on a larger scale. When this timidity of action fails to produce the desired result, the mission's mandate as well as the nature of the force inevitably goes through a series of incremental changes.

In Somalia these changes lead to the death of 18 Americans. Even though the Bush mission of providing food and medicine to all starvation-threatened areas had been successfully concluded months before, the Clinton administration changed the political objective, or at least allowed it to be changed, broadened the military mission, yet at the same time drastically reduced our military presence.

Under President Bush, Somalia began as a tightly defined, humanitarian mission to be executed by the military. However after President Bush left office, the humanitarian mission became a nation-building mission; a nation-building mission dissolved into a combat mission; and no one in the current administration seemed to understand or define the difference.

Today, 4 months after the majority of United States forces were pulled out of Somalia, and almost 1 month after the remaining 58 American marines were scheduled to depart on June 30, we have learned not only that the administration decided to extend their deployment until the end of the diplomatic mission next year, but that the situation in Somalia has, once again, deteriorated to the point where another outbreak of hostilities is imminent.

According to the Defense and State Department officials who briefed the Armed Services Committee yesterday, peace negotiations have broken down with no chance of a political settlement in sight. U.S. FAST marines have already been subjected to small arms fire, mortar, and rocket attacks, and large-scale interclan fighting is expected with a high probability of spillover violence against U.S. and U.N. facilities and personnel.

This situation has not gone unnoticed by the military forces of General Cedras in Haiti who, according to published reports in today's papers, is organizing paramilitary fighters to attack United States military personnel in the event we are foolish enough to invade that country under another questionable U.N. resolution.

How did we get to this place? Let us look at Bosnia, as an example. While the mere presence of United States troops in Lebanon was viewed as sufficient to deter violence, today our mere involvement seems to have the opposite effect with regard to aggression.

In Bosnia, thanks to a series of foreign policy blunders; wishful thinking, and empty rhetoric, we failed to con-

vince either our allies or our adversaries of our resolve.

The Serbs, on the other hand, clearly understand vital national interest. In fact, from the beginning, the Serbs have been the only ones with a clear, consistent policy; not a policy I agree with, but a policy that, they have followed consistently. They know exactly what their goals are, and they are moving relentlessly forward in pursuit of them—establishment of a Greater Serbia.

One top administration adviser was recently quoted as saying, "We believe in the limited use of force for something short of total victory. I'm not uncomfortable at all with a good deal of adhockery in our foreign policy."

Mr. President, I do not have a problem with an *hoc* component to our foreign policy, if it means that we will remain flexible enough to match our resources and political will to the circumstances of each unique situation.

But I am very concerned if adhockery is the policy itself, especially when it concerns the use of force in the conduct of foreign policy. And that seems to be the case in Bosnia.

As President Nixon once so aptly pointed out: "A riot is a spontaneous outburst. A war is subject to advance planning."

We all know that this administration prefers domestic policy, over foreign policy.

But what troubles me is the fact that it does not seem to realize that while mistakes in domestic policy may result in a rise in interest rates, increased inflation, or prolonged joblessness, mistakes in foreign policy cost lives, American lives.

The truth is that U.N. peacekeepers serve very little purpose; they are merely observers of aggression. U.S. air strikes can achieve only limited results; they will not resolve any conflict. And neither this Congress nor the American people will permit the commitment of U.S. ground troops to a cause for which neither the President nor the Congress can demonstrate any vital national interest.

President Bush said:

Force is justified only where and when force can be effective, where its application can be limited in scope and time, and where the potential benefits justify the potential costs and sacrifice.

The fact that America can act does not mean that it must. A nation's sense of idealism need not be at odds with its interest, nor does principle replace prudence.

What we face today in Bosnia—and other places—is an open-ended situation, very much reminiscent of past situations—and past mistakes.

It is time we determined what types of peace-related missions deserve U.S. participation. It is time we defined under what circumstances U.S. troops will be committed to these undertakings. And it is time we decided what limits should be placed on both the

tangible and the intangible costs of these endeavors.

UNITED NATIONS: THEN AND NOW

ARTICLE 42 VERSUS 51

Mr. President, prior to the war in the Persian Gulf, all U.N. military operations were founded upon article 51, which enunciates the right of states to protect themselves, and permits third countries to participate if requested by the country under attack.

Desert Storm was the first military operation to invoke article 42, which states that when economic sanctions fail—as was determined in the case of Iraq—the United Nations "may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."

Under article 42, authority rests with the U.N. Security Council. It also forms the basis of a justification for a unified U.N. command structure.

At the time, Britain Prime Minister Margaret Thatcher expressed reservations about invoking article 42. She believed it would not only limit what individual member States could do in their own interests and restrict rules of engagement, but she also suggested that sovereign states lacked the moral authority to act on their own behalf. Out of similar concerns, President Bush insisted that the operation be carried out under national, not U.N., flags.

However, since the successful invocation of article 42 during the gulf war, reliance upon its provisions has become routine—with three unanticipated results:

First, it has fundamentally changed the way the United States deals with the Security Council of the United Nations;

Second, it has altered the way the United Nations builds and justifies military operations; and

Third, it has laid the groundwork for this administration's current foreign policy.

REINVENTING THE UNITED NATIONS

Mr. President, America has always been reluctant to put U.S. troops in harm's way, which is why U.S. Presidents have always had to build strong public support before sending any armed personnel overseas. They did this by establishing that the vital national security interests of the United States was at stake.

But under U.N. Secretary General Boutros Boutros-Ghali and our current President, however, the gulf war/article 42 precedent has become an ominous new vehicle for a new generation of U.N. peacekeeping functions, priorities, operations, and costs.

In fact, in foreign policy, the administration's only consistent theme has been its effort to upgrade U.N. military capabilities and to institutionalize U.S. participation in U.N. peacekeeping operations.

While many may believe that only U.N. actions are justified—that U.N. operations somehow represent a higher moral ground—I continue to believe that the United States is capable of determining for herself, and acting wisely to support, her own vital national interests.

And I do not believe that what the administration likes to refer to as “assertive multilateralism” should be the new standard for sending U.S. military men and women into conflict.

Trying to justify this approach, Mr. Clinton’s Ambassador to the United Nations, Mrs. Albright, has said:

We are facing increased ethnic and sub-national violence. Wherever we turn, someone is fighting or threatening someone else. These disputes may be far removed from our borders, but in today’s global environment, chaos is an infectious disease.

America’s task, Mrs. Albright said, is “to reform or isolate the rogue states *** to contain the chaos and ease the suffering.”

Mr. President, I respectfully disagree with that assessment of what our foreign policy should be. That is not America’s task. While I do agree that we cannot live totally apart from all the world’s problems righting all the world’s wrongs is not our responsibility. Nor is it our capability.

That is not to say that there are not situations deserving of international intervention. But that is far different proposition than making U.S. troops mere mercenaries for the United Nations.

In April of this year, during a visit to the NATO air base in Aviano, Italy, I received an outstanding operational briefing on the Allied air campaign taking place over Bosnia.

The brief described in detail the confused process of command during U.N.-directed operation. The procedure is literally a two-headed monster under which the United Nations, NATO, and U.S. forces are required to operate.

One head is the U.N. command structure which suffers from a lack of military experience in operational matters. The other is the NATO/U.S. structure which has performed operations together in and around Europe for 40 years.

This U.N.-imposed method of command has caused delays and confusion, and even direct vetoing of U.S. direction of its own operational forces.

As a direct result, the goals have changed, and the efforts of our forces have been looked at as indecisive and weak.

PRESIDENT AND NATIONAL SECURITY TEAM MUST GET BACK TO BASICS ON FOREIGN POLICY

Mr. President, the burgeoning ethnic conflicts that are erupting throughout the world make it more likely that, in the future, we will be facing challenges that looks a lot more like Bosnia than Iraq.

Will we keep drifting from one international crisis to another? Will we

have a foreign policy that defines our priorities clearly and consistently? Or will the new litmus test for U.S. intervention be whatever the United Nations determines to be the priority of the moment?

In other words, Mr. President, will our foreign policy be defined by the United States or the United Nations?

There was no United Nations in 1825, but the sixth President of our Republic, John Quincy Adams, clearly understood the importance of limiting the conduct of U.S. foreign policy to America’s vital interests:

Wherever the standard of freedom and independence has or shall be unfurled there will be America’s hearts, her benedictions and her prayers. But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.

She will recommend the gentle cause by the countenance of her voice, and the benignant sympathy of her example. She well knows that by once enlisting under banners other than her own, were they even the banners of foreign independence, she would involve herself, beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy, and ambition, which assume the colors and usurp the standard of freedom.

Of course, since President Adams’ time, the United States has committed herself to the defense of many allies, and to the support of various treaty obligations. But his point is no less apt today than it was in 1825.

Today, more than at any other time in our Nation’s history, we face wars of “interest and intrigue, individual avarice, envy, and ambition.” And today, more than at any other time, we risk involving ourselves “beyond the power of extrication.”

At the funeral of President Nixon, former Secretary of State Henry Kissinger noted that, after Vietnam, America as a nation passed from the position of one that could win by sheer dominance to one that must win by leadership.

For decades after Vietnam, America—like Nixon—rebuilt her credibility, and finally demonstrated both leadership and strength in the Persian Gulf.

That leadership and that strength have not been squandered. In its place is a policy of “ad hocery.”

As a result, Members of this Chamber, and others, are demanding that we now must intervene in the Bosnian conflict to preserve U.S. credibility; to challenge Serbian aggression; or because it is the right thing to do.

Mr. President, no one—most particularly, this administration—has yet made a convincing argument that intervention in Bosnia or Haiti is in America’s vital national interest, although with each new day’s batch of blunders, it could be argued, that is becoming more the case.

Mr. President, it is time our President and his national security advisers

stopped running foreign policy as if it were a campaign issue to be improvised on a daily basis, according to the latest polls.

It is time they realized that foreign policy is not just another item to be successfully navigated in daily press briefings, or avoided by holding a “summit,” or abdicated by passing it off to the United Nations.

Most of all, it is time they realized that foreign policy must, in fact, be a predetermined “policy”, not an ever-changing set of positions.

And they must realize that when America decides to act, America must lead.

QUESTIONS MUST BE ANSWERED

Mr. President the present course that this administration is following in foreign policy is no longer acceptable. Not in Bosnia, not in Haiti, not anywhere else.

While oversight of the executive branch is the responsibility of Congress, the formulation of foreign policy and the development of strategic national goals is not our prerogative. It is the administration’s prerogative.

We are not the Department of State. We are not the National Security Council. We do not speak for the United States at the United Nations.

Yet, because this administration has refused to live up to its responsibilities in these areas, we are now forced to deal with these matters, and to ask questions the administration has never even raised, let alone answered.

With each new diplomatic initiative, with each new foreign intervention, with each new proposal for multi-national missions, Congress is forced to ask:

What is in the national interest?

Where do our allies stand?

What are our political objectives?

Is force necessary?

Should that force be multilateral or unilateral?

What are the likely consequences of military intervention?

How do we achieve success?

What are the risks and costs?

How is it likely to conclude?

These are questions the administration needs to ask. These are propositions they need to put to us so that we can assess them and evaluate them and give them our best advice and consent. These are not the questions we should be asking of the administration. These are the questions they should be providing us their answers to and asking our advice and consent.

What we need is insightful analysis, decisive action, and strategic vision. What we have gotten out of this administration is bluster, bombast, and blunder.

Mr. President, what we have is ambiguity. What we need is leadership.

Before the United States commits herself to any more missions—before the President decides to intervene

militarily in Haiti, build a nation in Rwanda, or ask American soldiers to stand sentry on the Golan, the questions that have been raised must be answered.

Mr. President, we need more than a half-hearted nonpolicy. In the words of my colleague, Senator LUGAR, America needs "a game plan, and the world is looking at the President of the United States to provide one."

It is time that he did.

Mr. President, I thank the Chair for this lengthy period of time. In that we are dealing with an appropriations bill for the Department of State, I thought it appropriate to raise these questions and this issue. I have decided not to pursue my amendment at this time, but I hope that we can engage with this administration in formulating a foreign policy which clearly defines our national interests and which answers the vital questions which need to be answered.

And so at this time I ask unanimous consent to withdraw my amendment, and I yield the floor.

The PRESIDING OFFICER. Without objection, the Senator's amendment is withdrawn.

The amendment (No. 2354) was withdrawn.

Mr. DOMENICI. Mr. President, might I say to the junior Senator from Indiana that I listened attentively to his remarks, and I congratulate him on the thoroughness and thoughtfulness of the remarks he made here before the Senate today. Obviously, he knows what he is talking about and he has spent a great deal of time and effort in this field. And once again, this is going to be very helpful to a lot of people and, hopefully, to the President of the United States.

I yield the floor.

Mr. HOLLINGS. Mr. President, I have the greatest respect for the distinguished Senator from Indiana and some of his comments, but there are some differences. I think we are going to have to move along here to the next measure. I thank the Chair.

Mr. DOLE. Mr. President, first, let me thank the distinguished Senator from Indiana [Mr. COATS] for his well-defined and interesting comments, which I think clearly lays out some of the concerns many people have and have had over the years and not just this administration. So I thank him for that.

AMENDMENT NO. 2356

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 2356:

The amendment is as follows:

At the appropriate place, add the following: "Provided further, of the funds appropriated in Title V and in Chapter II of Title

VII, up to \$100,000,000 may be transferred, at the discretion of the President and subject to the regular notification procedures of the Appropriations Committees of the House of Representatives and the Senate, to support humanitarian relief in and around Rwanda."

Mr. DOLE. Mr. President, the scenes of the flood of Rwandan refugees are heartbreaking: husbands watching their wives die; children alone on the side of the road, next to their dead parents. The situation in Zaire is a humanitarian catastrophe of staggering proportions. Around 2 million Rwandans have crossed the border into Zaire, only to find severe shortages of food and water. And now, we hear news of an outbreak of cholera which could make the current death tolls skyrocket.

The international relief organizations were clearly not prepared for this massive flood of Rwandan refugees. And I certainly welcome the action taken by the Clinton administration to send AID Administrator Brian Atwood to assess the situation and the decision to commit an additional \$41 million to provide assistance to needy Rwandans. However, looking at our experience with the humanitarian crisis in Somalia and in Bosnia, these funds will be rapidly expended and more assistance will be needed. We are talking about nearly 2 million refugees in Zaire—with little food, little water, no shelter, and no sanitation.

And so, Mr. President, my amendment is intended to provide the administration with sufficient resources to respond to this colossal—and I underscore the word "colossal"—crisis. These funds could be used for any type of humanitarian assistance—food, water, water purification supplies, sanitation equipment, or medicine and medical supplies.

It seems to me that America has a responsibility to respond quickly and appropriately to this humanitarian nightmare. I have no doubt that the American people care about suffering, and support the U.S. Government providing the aid they so desperately need. I hope that all of my colleagues will support this amendment.

I might just add, as an aside, that I discussed, not this amendment but the general attachment with the President of the American Red Cross. The Red Cross is now attempting to raise the money because they understand. I think we can all try to think about when a calamity like this occurred last. Was it 10, 15, or 20 years ago when so many people died? So many people have been slaughtered, and so many people have been threatened with the loss of life and loved ones.

I have notified other of my colleagues who have primary responsibility dealing with Africa: Senator SIMON, Senator JEFFORDS, Senator KASSEBAUM, Senator CAROL MOSELEY-BRAUN, and others who have a direct interest in this.

I hope that, if they wish to make statements, their statements will follow mine later in the RECORD today.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, we are prepared to accept this amendment. It is in the spirit of a humanitarian effort. We all commend it. We are all disturbed about what we see happening in Rwanda.

I counsel that this is not a foreign aid bill, when we take money from the peacekeeping. The amendment of the distinguished Senator is really a discretion given to the President of the United States for emergencies of this kind. Perhaps discretion of that kind is in order.

So in that light, we are prepared to accept the amendment. But I counsel our colleagues that we are getting into different things. I was delighted that the previous amendment was withdrawn because it was taken from the State Department appropriations peacekeeping and put over to the DOD. It is a swapping between departments.

We put up walls, as you remember, budgetarily now have been removed relative to defense and domestic. Now we are coming with the matter of aid itself.

I just did not want the chairman to come down on the floor here later on and say you are getting into my particular bill. I think he would understand the amendment of the Senator from Kansas.

We are prepared to accept it.

Mr. DOMENICI. Mr. President, we are prepared to accept it.

As I understand, this amendment is calculated to give the President another tool, if he needs it, with reference to this catastrophe and calamity, as the distinguished minority leader indicated. He can, if he desires—I assume that means if he does not have enough resources elsewhere—he can use \$100 million out of the funds, as the distinguished minority leader, Senator DOLE, indicated—up to that amount.

We accept the amendment on this side.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. DORGAN. Mr. President, the goal of the distinguished minority leader, Mr. DOLE, is to help those poor people who are the victims of such an enormous tragedy in Rwanda, and now refugees in Zaire. These are goals that are critically important.

The minority leader suggests that we shift peacekeeping funds to pay for Rwanda relief. But the fact is we need funds. Our world is a troubled world. And the famine and human misery abroad in the world tend to come from conflict. So we need to use peacekeeping funds. And moving them—even to a

laudable humanitarian purpose—is a concern.

As was pointed out just a moment ago by the minority leader, Mr. DOLE, and as the President himself has stated yesterday, this is a tragedy unlike any we have seen in our lifetimes.

There are now over 2 million refugees in Rwanda and Zaire. Half a million people have died due to the ethnic strife in Burundi and Rwanda. And because a million people have descended on Goma, Zaire, a town of 13,000, in only 10 days, cholera is breaking out in the refugee camp there.

The scale of this disaster, which developed so quickly, is without parallel. The world cannot look into the eyes of these victims and say that it does not matter. It matters to all of us.

This morning we saw a young man holding his dying wife in his arms. She will probably die of cholera. There is not enough medicine and food for the million refugees.

No one on this Earth can say it does not matter. It does. If we are, in fact, going to help the refugees, we have to mobilize resources for this purpose.

The amendment of the minority leader, Mr. DOLE, would do that. He would devote \$100 million to help alleviate the misery in Zaire and Rwanda. People may say we have people here at home who need help. Of course, we do. But we cannot ignore what is happening in other parts of the world. We will forever regret it if we do not help with the means that we have. As the free world has substantial resources to help in this matter, we should do everything we can to save lives. I certainly share that goal of helping by transferring money.

I compliment Senator DOLE.

I yield the floor.

Mr. DOLE. Mr. President, I thank the chairman and the ranking member. I thank the Senator from North Dakota.

It is up to \$100 million. It is at the discretion of the President. It will come out of not only peacekeeping funds but all of the funds in this bill.

So we did not try to raise the peacekeeping funds. We say, OK, if the President needs \$30 million, \$40 million, \$50 million—he may come in at \$41 million—certainly we may need additional money. Hopefully we can get more money. I assume there will be a supplemental, also.

I thank my colleague.

I yield the floor.

Mr. HATCH. Mr. President, I rise as a cosponsor of the Dole amendment that provides the President with the discretion to transfer up to \$100 million in peacekeeping funds and use these funds for humanitarian assistance in Rwanda.

The current situation in Rwanda is a tragedy on a scale that is simply hard to imagine. Of the 8 million people that live in Rwanda, approximately half a million were killed in April and almost

2.5 million are refugees. The arrival of nearly a million refugees in a week crossing into Zaire constitutes the largest human migration ever in that time period. Cholera is rampant. Temporary shelters are needed, and proper sanitation is all but nonexistent.

We need to take some action as soon as possible. In this context, I am pleased to see that the Clinton administration decided today to speed up humanitarian relief operations as part of a multinational effort. It would have been helpful if the administration had moved more quickly in the early phases of the crisis, but it is imperative that we carry out this vital work as rapidly and effectively as possible at this stage. The most immediate health problem is to provide clean water to refugees in Goma, Zaire.

Providing humanitarian relief on this scale will be a large and complex undertaking. It will be difficult in terms of logistics and infrastructure, but there is no time to lose because the human costs is simply too high.

I thank the Chair and the distinguished Republican leader for offering this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2356) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I am going to offer an amendment on behalf of my distinguished colleague from Texas [Mrs. HUTCHISON]. I know the managers want to get this thing moving. She will be here very shortly.

It might be appropriate if I could offer the amendment, make a very brief statement, and lay aside the pending amendment, if that is satisfactory with the chairman.

AMENDMENT NO. 2357

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

The PRESIDING OFFICER. Without objection, the committee amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mrs. HUTCHISON (for herself and Mr. DOLE) proposes an amendment numbered 2357.

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

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

The amendment is as follows:

At the appropriate place, add the following: "Provided further, of the funds appropriated by this Act for Contributions to International Organizations and Contribu-

tions for International Peacekeeping Activities in title V, and for Contributions for International Peacekeeping Operations in title VII, not less than \$350,000,000 shall be made available until expended to carry out the provisions of section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), to reimburse States for the cost of incarcerating illegal aliens."

Mr. DOLE. Mr. President, I understand this amendment may be controversial. I hope it is not controversial. But understand that it may be. We will hear from the managers. But I think it is a sound amendment. I hope there will be some agreement that it is a responsible amendment.

It fully funds the administration's request of \$350 million, which is not funded directly in the bill. There can be little doubt that the needs are great. The administration's official communication on this legislation says:

The Senate is urged to support the separate request for the State Criminal Aliens Assistance Program to ensure that States most affected by the cost of incarcerating criminal aliens receive as much as possible of the \$350 million in requested Federal assistance.

That is the official communication from the administration. That is exactly what the amendment does.

We are here in an effort to support the administration's position. The administration may not like the source of the transfer of more than \$2 billion of the United Nations in this legislation. That is where we are going to get the \$350 million, out of that \$12 billion.

I have been told by the distinguished ranking member on the committee that this is sort of making up some of the arrearages. I think some of us at least—I am certain the managers do not disagree that \$2 billion from what most people agree is already a bloated, unaccountable bureaucracy, may be acceptable in a time of no budget constraints.

But when five vital programs, like Federal imprisonment of for illegal aliens are not funded, we need to make some tough choices. And I know the United Nations is having difficulty and we owe money that probably ought to be paid. We should support the States that are incurring the costs. This is important to the States of Texas, California, Arizona, Florida, and probably others I may not be aware of. I know that the Governor of California, Governor Wilson, is prepared to talk to anybody. He said he would get on the phone and stay on the phone all day to indicate how important this is to the State of California.

In fact, they are incurring the costs on a daily basis. You can imagine the burden placed on all of these States. The following organizations have endorsed full funding for this program: National Governors Association, National Council of State Legislatures, National Association of Counties, National Association of State Budget Officers, International Association of

Chiefs of Police, California Police Chief Association, and the California District Attorneys Association.

Mr. President, I think the Senator from North Dakota is prepared to offer an amendment. Does the manager want to set this amendment aside until Senator HUTCHISON arrives, or whatever may be the desire of the managers?

Mr. DOMENICI. I have no objection to setting the amendment aside. Does the chairman agree?

Mr. HOLLINGS. Yes. I think that is in order.

What we need is not only the distinguished Senator from Texas, but we will all have to be heard. With respect to the \$350 million requested by the President for the incarceration of illegal aliens, the money was not provided. The best recommendation that was made was about \$75 million, which comes from additional fees, spectrum fees in the broadcast section, and another \$270 million in law enforcement, FBI agents, DEA agents, and all. We listed those things.

On the matter of the spectrum fees, we raised last year, on a very close vote, \$95 million. We found that was not going to fly in any manner or means of increasing taxes. Otherwise, with respect to the alternatives, this is the crime bill, and we were not going to take it out. The House, faced with the same dilemma, put in, with respect to policemen on the beat—they set an increased amount for policemen on the beat, and that the money alternatively could be taken from that source. We decided, rather, that they got it out of the Byrne grants. We decided, on the matter of the policeman on the beat, the new initiative yet to be adopted in the conference on the crime bill.

So you can see that we were all looking for money, trying to find it, and the best judgment of the subcommittee and the Senate Appropriations Committee is that here was a new initiative of \$1.7 billion for policemen on the beat, to actually gear up the bureaucracy and hire the policemen. If there was any flexibility within the amount, it could be better found in that particular item rather than, let us say, the peacekeeping, or some of the other measures that we feel deserve higher priority.

I say that for the understanding of the colleagues, as we set this aside and wait for the Senator from Texas to come, so we can move on to the next amendment.

Mr. DOLE. 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.

The PRESIDING OFFICER. Is there objection to laying aside the amendment?

Without objection, the amendment will be laid aside.

Mr. BUMPERS. Mr. President, if there is an agreement over there about the order of amendments, I do not want to interrupt, but I do not see anybody else wishing to offer an amendment.

Mr. DOMENICI. We had agreed, and I passed it on to Senator BUMPERS, that the Hutchison amendment would be set aside temporarily, and Senator SMITH would be next, and you would follow that with your NED amendment. Obviously, Senator SMITH is not available now.

Mr. BUMPERS. May I go ahead and let Senator SMITH follow me?

Mr. DOMENICI. Why do we not do that, and we will send word to Senator SMITH that he need not hurry.

AMENDMENT NO. 2358

(Purpose: To eliminate the authorization of appropriations for the National Endowment for Democracy)

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 legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2358.

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:

At page 113, strike lines 16 through 21.

Mr. BUMPERS. Mr. President, I come to the Senate floor once again to try to torpedo the biggest boondoggle in the history of the Republic. By the standards of this bill, it is not very much money—\$35 million—but when I consider the benefits we get for the \$35 million, which is point blank zip, I ask why are we doing it and why do we continue to do it?

Here is the National Endowment, designed to spread the joys of democracy around the world. We have just passed a \$13 billion foreign aid bill, and most of it goes to countries that we want to be friends with; it goes essentially to countries that are democracies. It is intended, virtually all of that \$13 billion, not only to promote democracy but to keep it and to preserve our friendship with those nations. We have the U.S. Information Agency, which broadcasts the joys of democracy all over the world. I will come back to that in a moment.

Within the foreign aid bill, we have the Agency for International Development. Hundreds of millions of dollars go to spread the joys of democracy around the world.

Here we have “poor, pitiful Pearl,” the National Endowment for Democracy, with \$35 million to democratize the world.

Mr. President, the \$35 million is bad enough. But I will tell you what compounds the insult; that is, who gets

that \$35 million. Well, the CIPE gets it. They get 13.5 percent. The FTUI gets almost 30 percent. IRI gets 11.2 percent. NDI gets 11.2 percent.

The people who are watching this or listening to this are saying, “Who are those people? What is he talking about? CIPE? I never heard of that. I never heard of FTUI.”

Well, let me tell you who they are. Let us start here with FTUI. Mr. President, those are the initials for the Free Trade Union Institute. Who is that? Why, that is the AFL-CIO. That is right. The AFL-CIO gets 30 percent of this \$35 million. But we are not going to favor labor in a manner such as that. We are not going to give just labor over \$10 million of this \$35 million. We have to provide balance. So do you know what CIPE is? Why, CIPE is the Center for International Private Enterprise. Do you know who that is? That is the U.S. Chamber of Commerce. So the AFL-CIO gets 30 percent, and the chamber of commerce gets about \$5 million, or 13.5 percent.

What else is funded by NED? NDI. NDI gets 11.2 percent. What is NDI? That is the National Democratic Institute. Do you know who that is? That is the Democratic Party. That is right; \$3.5-plus million of this is going to go to the Democratic Party.

But that would not be fair, Mr. President, would it? If we are going to balance labor and the chamber of commerce, we have to balance the Democratic Party with somebody else.

So IRI gets 11.2 percent. What is IRI? That is the International Republican Institute. Do you know who that is? Why that is the Republican Party.

So here you have \$35 million of the taxpayers’ hard-earned money, and 65 percent of it is going to labor, the chamber of commerce, the Democratic Party, and the Republican Party to spread democracy. Can you not see the head of the AFL-CIO and the head of the chamber of commerce sitting down with Deng Xiaoping and giving him their version of democracy? Can you not just see the Democratic leadership or the Republican leadership sitting down with Kim Chong-il, the new leader of South Korea, and telling him about the merits of democracy?

If that is not an absurdity on the face of it, I have never seen one since I have been in the U.S. Senate.

Mr. President, this whole thing started in 1983. It started in 1983 with a paltry appropriation of \$18 million. It was designed to attract private money. It was supposed to be balanced with private money.

You will be happy to know this thing has been such a howling success in attracting private money that last year six-tenths of 1 percent of their budget was contributed by private donors not 50 percent, as we envisioned in 1983—six-tenths of 1 percent. You cannot stop anything around here.

The fact is the whole thing is a disaster. It is not being carried out the way we intended, and all these so-called core grantees of labor, the chamber of commerce, the Democratic Party, the Republican Party, what do they do to get the money? They wait until we appropriate it and it is handed to them. They do not even have to compete for it. There is no competition. The minute we pass this bill and October 1 arrives, we call these folks up and say "Come and get it." We don't even ask, "What are you going to do with it?"

Look at this chart. NED started out with \$18 million that was supposed to be matched by private contributions. We are all the way up to six-tenths of 1 percent in private contributions and look where the appropriation is. This huge increase is what has happened to it—the same thing that happens to every Government program.

If I had not stood on this floor and cut the authorization of this program back from \$45 million to \$35 million in January, we would be sitting here debating not \$35 million but \$45 million. Every single chairman of every single Subcommittee on Appropriations has labored endless hours and days trying to figure out how we were going to fund necessary, worthwhile programs and nobody even looks or questions this ineffective, useless program.

Some people might be listening and asking themselves, why? Why does Congress just routinely continue to appropriate this money with no accountability?

After the debate on the authorization for NED in January, I received an anonymous letter that said, "Please do not let up on NED. You ought to go down and look at that new suite of offices they just redecorated."

I have not been down to look at their offices, but I know how that works, too. But you ask yourself, how can a program like this survive when it has no merit? Here is the answer to that question.

You have \$35 million which is like a bird's nest on the ground. What do you do? Why you get every big name in Washington on the board. Those Senators are not about to cut a \$35 million appropriation for an organization with board members like these: Madeleine Albright, John Brademas, former Congressman; Bill Brock, former Senator; Zbigniew Brzezinski, former adviser to Jimmy Carter; Henry G. Cisneros; Lynn Cutler; Frank Fahrenkopf; Dante Fascell; Malcolm Forbes, Jr.; David Gergen; our very own Senator ORRIN HATCH; STENY HOYER, Congressman; Fred C. Ikle, former State Department official under George Bush and Ronald Reagan; former Governor of New Jersey Tom Kean; Lane Kirkland, head of AFL-CIO; Henry Kissinger; Winston Lord; our very own Senator DICK LUGAR; Charles T. Manatt, a fine man, former chairman of the Democratic

National Committee; Walter Mondale; our very own former Senator, Ed Muskie; Stephen Solarz, recently long time member of the House of Representatives; Albert Shanker, head of the American Federation of Teachers; and Paul Wolfowitz.

Mr. President, I did not read all the names. I just read the names that I know every Member of the Senate will recognize.

If you have not had a letter from at least one of those people, you are a nobody in the U.S. Senate. If you have not been lobbied by at least one of those people, you ought not to even be voting on this; you do not amount to anything. Every year just before this appropriation comes up, that crowd goes to work and everybody in the U.S. Senate gets lobbied. And here we go again—\$35 million of taxpayers' money right down the old tube.

It is incredible to me that this program has been able not only to survive but to prosper.

Thirty-five million dollars is not much. I had a terrible time cutting \$600,000 out of the foreign operations bill the other day, \$600,000 to democratize China. It was said some of the Chinese dissidents in Tiananmen Square favored that \$600,000, but I could not help wonder how Li Peng and Deng Xiaoping felt about it. I could not help wonder who in America was going to take this \$600,000 to China and be permitted to teach one of the great authoritarian governments of the world the joys of democracy.

You could throw that \$600,000 off the top of the Washington Monument and while you are at it gather up this \$35 million and throw it off the monument too, and I promise you that you will do as much to democratize the world as you do by spending this money the way it is being spent.

Mr. President, I am not going to belabor this. We are trying to finish this bill. I would like to get out of town myself.

Thirty-five million dollars is not much money. We do not pay much attention to appropriations of \$35 million around here. But when you add it all up, it comes to the tidy sum of a quarter billion dollars that we have sunk into this rat hole since 1983.

Do not talk to the folks back home about what a great budget balancer you are and how you would spend the taxpayers' money the way you would if it were your own. You can ask the Members of the Senate in their heart of hearts if they had all the money in the world how much of it would they put in this, and I can tell you the answer is zip.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. HOLLINGS, is recognized.

Mr. HOLLINGS. Mr. President, I wonder if the distinguished Senator

from Arkansas would enter into a time agreement. We talked last evening about the time agreement. I am not trying to cut anybody off. But if we could get a time agreement I say to the distinguished Senator, it would be helpful to all of us.

Mr. BUMPERS. Let me say this to the Senator from South Carolina. We are going to wrap this up shortly. I am reluctant to do so at this very moment. I will discuss this privately with the Senator in a moment. I am reluctant at this time to enter into a time agreement.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2359

(Purpose: To reduce the appropriation for the National Endowment for Democracy)

Mr. DORGAN. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. Is the Senator from North Dakota amending the pending amendment?

Mr. DORGAN. Mr. President, for clarification, I would say the Senator from North Dakota is amending the underlying language that the Senator from Arkansas is attempting to strike.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. BROWN, and Mr. BUMPERS, proposes an amendment numbered 2359.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be stricken by the Bumpers amendment the following:

NED

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$25,000,000, to remain available until expended.

Mr. DORGAN. Mr. President, this amendment is very simple. While I support the amendment offered by the Senator from Arkansas which would strike all funds, I have offered an amendment that will strike \$10 million in funds for the program.

I would like to strike all the funds in this program this second, immediately. The Senator from Arkansas and I have strategized this morning. We would like to win. We would like to cut some money. We think we probably cannot get a favorable vote to cut this program out entirely, but perhaps we can make a start today and save \$10 million. And I would hope the Senate will act favorably on this approach in my amendment.

Let me add to some of the discussion offered by the Senator from Arkansas. The chart offered by the Senator from

Arkansas shows authorizations and appropriations for the National Endowment for Democracy.

It is interesting that at a time when virtually everything else is being cut, virtually every other program in the discretionary area is subject to belt-tightening and greater public scrutiny, that the National Endowment for Democracy is growing. Over the past 4 years, it has doubled in size.

I would suggest that any Member of the House or the Senate who is worrying about spending the taxpayers' money go to a cafe anywhere in the Member's district. Find a small diner someplace and sit down and talk to the nearest group of people you meet who are having a hot beef sandwich with some gravy and potatoes and coffee and talking a little bit about life and probably complaining about politics, and more likely complaining about the politicians, and ask them: "What do you think of this proposition? What do you think of the notion of taking \$35 million and dividing it up, like cutting an apple pie in four pieces? We will give part of the it to the National Democratic Party. We will give another piece to the Republican Party. And we will give a piece to the AFL-CIO, the labor union. And then we will give a piece to the Chamber of Commerce." We will say, "You all take these millions of dollars and go around the world with a little program in which you promote democracy. We will not watch over your shoulder too closely. You just take this money and do good things with it. We have just divided it all up and you get it."

My guess is that almost anybody sitting across the booth in the restaurant from you is going to say: "Are you daft? Have you lost your senses? What are you talking about? We have got all kinds of problems, enormous deficits, the need to cut budgets in virtually every area, and you are talking about cutting \$35 million four ways and giving it to the Republicans, the Democrats, and the labor unions, and the Chamber of Commerce and telling them to send folks around the world to promote democracy? What on Earth are you thinking about? What kind of waste is this?"

Now, do I support promoting democracy? Yes. There is \$2.7 billion now spent in the Federal budget to promote democracy, spent by AID, spent by the State Department, spent by other agencies—\$2.7 billion is already spent promoting democracy in many, many different ways.

What about this notion of the idea of democracy and its need for promotion?

Does anybody here remember a young man who wore a white shirt one day in Tiananmen Square in China? When a line of five tanks came down the road, this young man in a white shirt stood in front of the front tank and would not let them cross. The tank

driver decided not to run over this young man.

I watched that happen on television. We all remember it. I wondered what on Earth exists in the breast of that young man that gave him the courage to stand in front of a line of tanks and as if to say, "Kill me, if you must. I'm going to stand up for freedom and democracy."

What is it that compels someone to do that? Nobody knows who that young man is, but he stands as a symbol of courage on behalf of liberty. He stands as a symbol of someone willing to die for freedom.

Does he need somebody to tell him he ought to be concerned about freedom? No, not that young man in China. Not the people in Tiananmen Square who built a papier-mache Statue of Liberty and were butchered for it. They understood freedom. They understood democracy. They did not need somebody from our Chamber of Commerce or our Democratic or Republican Party to go over on a plane someplace trying to convince them this is the right thing to do.

Look, the desire for freedom, the desire for self-government and democracy exists around the world. Lech Walesa taught us that. We do not need to concoct some wasteful expenditure of money to an organization like this to somehow alert people that this opportunity exists.

I mentioned last week Lech Walesa, who came and gave one of the most memorable speeches I have heard in the House of Representatives to a joint meeting of Congress. This guy walked down the aisle—he is a short, little guy, with a big mustache and kind of a ruddy face—he walked down the aisle and stood up, and wave upon wave of applause washed over him. What he said to us was one of the most powerful things I have had heard in a joint session of Congress.

This man was not a diplomat. This was not a statesman. This was not an intellectual who comes from the academic circles. He had been, 10 years previous, an unemployed electrician who on a Saturday was beaten senseless by the Communists in Poland. They threw him over a fence into the dirt because he was trying to lead a strike for democracy in Poland.

He told us that he lay there and thought about what to do next. He pulled himself back up, bloodied, climbed back over the fence, and marched back into the shipyard to continue. Ten years later, he came to this country as the President of Poland.

He said, "You know something? We didn't even break a window pane. They had all of the guns. They had all of the bullets, the Communists had all the arms, and we were armed with an idea, the idea of democracy, the idea that people ought to be free to make their own choices."

He did not need the Chamber of Commerce or the Republicans to tell him how important this idea was. He knew. All around the world people know.

Lech Walesa began a chain of events that led to a largely free Eastern Europe. There is no Warsaw Pact. The Soviet Union is gone. The Berlin Wall is down.

The fact is, we had not in our lifetime expected to see what has happened in the last 6 or 8 years.

Now, why has all of that happened? Is it because we have concocted some mechanism by which we provide money to people in the two political parties and the Chamber of Commerce and the AFL-CIO to go spread the word this would be a desirable thing? Of course not.

The fact of the matter is, while others exhibit enormous courage around the world to strive for what we have, to strive for freedom and democracy, we have plenty of problems here in this, the oldest democracy.

We hold an election, and half the people do not bother to vote. Maybe if we want to endow democracy, maybe if we want an endowment about how to improve democracy, we need to figure out how we improve ours as well. A democracy in which half the people say, "No, I do not care, I will not show up, it does not matter to me," is one that has real problems.

Contrast our democracy with democracies where people have just gained the very thing that we have always had, and have stood in lines for hour after hour to cast their first votes in their first election.

I describe all of that because I understand the stakes when it comes to democracy. The world needs it, the rest of the world wants it, some people are willing to risk their lives to get it. Today we are talking about \$35 million. It does not seem like very much.

But you cannot decide that it does not matter when you pick up the Washington Post this morning and look at the picture on the front page, at the eyes of a young Rwandan man holding his wife, who is dying of cholera, in his arms. We must find the resources to respond to that. We need to find the resources to give food to those who are starving and to give medicine to those who are sick and to help people in human misery.

Something of enormous proportions is unfolding in front of our eyes at this moment—probably one of the largest human tragedies in our lifetime right now in Rwanda and Zaire—and it is going to cost money. We just had a discussion a moment ago about where that money is going to come from. We do not have a lot of money, not discretionary money. Here is \$35 million of discretionary money that is being wasted.

The Senator from Arkansas has made the case persuasively. This program

has spent a quarter of a billion dollars over the past decade. God bless the people who volunteer to serve on NED's board. The people on that board have called me too. Some are good friends of mine. Some have gotten very angry because I do not see the light, I do not understand why they should not have this money.

I suppose if the Senator from Arkansas and I had our own foundation, maybe a National Endowment for Freedom—the Congress might fund it. That is a pretty persuasive name. It is hard to resist names like that.

The National Endowment for Democracy. How can you stand up and be against democracy? How about a National Endowment for Freedom? Is that not as good as democracy? How about a National Endowment for the Reduction of Crime in America? How about a National Endowment for the Improvement of Education in our country? How about a National Endowment to End Hunger in the world?

Do you want to promote democracy in the world? Then end hunger in the world. I guarantee there will be nothing more effective in promoting democracy than ending hunger. And \$25 million will essentially take the first big step to eliminating hunger in our time. But we do not have the money.

Now, opponents of my amendment will say that we do not see over the horizon, we do not get it, we do not understand foreign policy. This is wonderful spending. God love them, they have every right to make their case.

I just make this case. We have an enormous deficit. We have kids in this town cowering in closets, victims of child abuse, being starved, as a child testified before a field hearing that I held recently. We have plenty of needs.

But when it comes to NED, they say the sky is the limit. Tighten our belt in every other area of the budget, but let us double the amount of money that goes into this program.

I am sorry. I do not get it. This ought to be cut. It ought to be eliminated, but at the very least we ought to agree to my amendment that cuts it by \$10 million this year.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, after consultation with the chairman, our efforts now would be to try to get a time agreement on the Dorgan amendment. I want to list the Senators who have told either the chairman or myself they want to speak: Senator McCRAIN wanted 10 minutes; Senator BROWN, 5; Senator John KERRY, 10; Senator HOLLINGS—

Mr. HOLLINGS. Senator SARBAKES, 5; Senator HOLLINGS, 5.

Mr. DOMENICI. Senator DOMENICI, 5, and Senator LUGAR, 5. Senator DORGAN would like some additional time?

Mr. DORGAN. Mr. President, I would say I am sure the Senator from Arkansas would feel, as I do, we would want some time to respond. Yes, I would like some time. Five minutes will be sufficient.

Mr. DOMENICI. Senator BUMPERS, 5. Mr. HOLLINGS. The Senator from North Dakota, 5.

Mr. DOMENICI. All right.

Maybe we can just try that right now?

Mr. President, I ask unanimous consent that on the Dorgan amendment, Senator McCRAIN be given 10 minutes; Senator BROWN, 5; Senator JOHN KERRY, 10; Senator HOLLINGS, 5; Senator SARBAKES, 5; Senator LUGAR, 5; Senator DORGAN, 5; and Senator SARBAKES, 5; and Senator DOMENICI, 5; and Senator BUMPERS, 5.

I ask unanimous consent that be all the time on the Dorgan amendment and it be allotted to the Senators as described in this consent agreement, and vote at 12:30.

Mr. HOLLINGS. How about the vote occurring at 12:45, because the leadership is going to be at a meeting here and we want to convenience that particular demand?

So I ask unanimous consent the Dorgan amendment vote be set on an up-or-down vote at 12:45.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I need to add Senator SPECTER for 5.

Mr. HOLLINGS. Add Senator SPECTER, 5 minutes.

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

Mr. HOLLINGS. At 12:45.

Mr. President, I ask for the yeas and nays on the Dorgan amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, we need to ask unanimous consent we preclude second-degree amendments or amendments to the language to be stricken.

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

The Chair recognizes the Senator from Colorado [Mr. BROWN].

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

Mr. President, this issue has been debated over the years to a great extent, perhaps far more than other expenditures of money of this amount. I rise out of a concern for what I think is some waste in this area and in support of the Dorgan amendment. I commend both Senator DORGAN and Senator BUMPERS for their efforts here to save the taxpayers' money.

There are three points I would like to make.

One, some Members will believe a subsidy program of this kind is going to be effective in promoting democ-

racy. I do not share that belief. If travel, if conferences, if jobs for former politicians are effective in promoting democracy around the world, Members will want to vote for this funding. But if they believe democracy embodies something much more deep, much more solid, much more of substance than simply a travel budget for retired politicians, then they are going to want to be concerned about this kind of spending.

My own belief is that conferences in Switzerland or in Paris or in London or in the Caribbean are not the way to build democracy. I do not mean to imply that is the only place where these moneys are spent, and I would readily acknowledge that some of the expenditures have been good and helpful. But this is an insiders' ball game. It is a mistake to think that this is the way to build democracy.

Point No. 2. Whether you are for NED or you are against it, whether you like more money for this or less, one has to acknowledge that this is a very expensive and administratively burdensome process. The figures on the spending for last year indicate \$4.4 million of the \$35 million was spent simply in administrative costs alone, on offices, phones, and things that do not have a direct impact on promoting democracy. This is a very expensive and, I believe, inefficient way to promote the program.

Third, anyone has to acknowledge it duplicates other efforts. It is out of the ball game or out of line with our Secretary of State, and the people who advocate this acknowledge it readily. In fact, they believe it is one of its strengths. But it provides a duplicative effort that is not coordinated with our other efforts, and I think it should be.

Last, let me suggest my primary concern, which has always been the case, and that is funds that are administered in a noncompetitive way.

The conference committee last year on H.R. 2519 included in their report specific language that indicated that they expect NED to move toward a more competitive process.

What are the facts? Through the life of NED, only 29 percent of the money that they have handed out has been handed out in a competitive manner, and that is the problem. This is not a program to promote democracy, this is a program to channel money to insiders.

That is an unpleasant truth. The figures are in. It covers more than a decade. Only 29 percent go in competitive bidding.

The vast majority of the money is handed out to people who have either been directly represented on the board of directors or indirectly represented on the board of directors. This money has not been handed out to the projects that are the most helpful, the most effective, the most productive in promoting democracy. It has been a travel

fund for insiders, and we ought to be ashamed of it.

Last year was the best year they have had. Thirty-four percent went in competitive bidding and the balance to noncompetitive bidding, but that is my concern. If people are sincerely concerned about promoting democracy, let us give it to the projects that the board determines are the best at promoting democracy, but let us not hand it out to insiders. Let us not make this a travel fund for political retirees. Let us not make this an effort to hand out money to our friends. If we are really sincere to make this a project that promotes democracy, then let us hand it out in a competitive fashion with proper safeguards.

Now that is the nub of it. That is the nub of all of this. If you want to go with the political insiders, with the Democratic Party, with the Republican Party, with the AFL-CIO, with the chamber of commerce, if you want a cozy relationship where they do not compete for the money, then you are going to want to fully fund this. But if you believe that the best way to bring about an effective program is to compete for the money and look for the best alternative, then you have to be concerned with the way NED operates.

We have talked for more than a decade about the problem with insider funding, the failure to have competitive bidding, the failure to have the proper administrative followup, the failure to make sure the funds are spent efficiently, the failure to look for other projects by other groups that could be more effective, and each year gets lip service.

Mr. President, one thing stays the same, and that is every year the vast majority of this money ends up getting handed out to the leaders of the Republican and Democratic Parties and to the chamber of commerce and the AFL-CIO. How long does it take for people to realize that what we are doing is not promoting democracy, but promoting those four organizations?

That is wrong. It is wrong for them to take advantage of the enormous leverage they have over the political process. It is wrong for them to take advantage of their political contacts. It is wrong for them to take the public money in the guise of promoting democracy when instead what they promote is a travel fund. If we are really serious about competitive bidding, if we are really serious about promoting democracy, this ought to be changed and ought to be changed so that any projects that are awarded are awarded on a competitive basis. That is the nub of it. That is the heart and the soul of it.

Members have to decide whether they want money handed to insiders or they want it handed out for purposes of democracy. My belief is that it should be competitive.

I yield the floor.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Chair recognizes Senator SARBANES from Maryland.

Mr. SARBANES. Mr. President, I must say, it is almost like two ships passing in the night here. We hear what I regard as outrageous attacks on NED and assertions about their program and what they are doing with the money, and yet it is directly contradicted by the comments of people abroad who are the recipients or beneficiaries of the NED programs in what they say about it. Let me just quote from a few of them.

Lech Walesa's advisor and the parliamentary leader in Poland, Bronislaw Geremek says:

During the years of the underground activity when the struggle for Polish freedom was at stake, the National Endowment for Democracy provided the assistance to the free trade union movement, Solidarity, the independent press and underground cultural organizations.

NED, because it is structured as it is in a private way and because it can move quickly as it can, because it is a nongovernmental organization, it is able to work with grassroots movements abroad to promote democracy, removed from or free of day-to-day foreign policy concerns. In fact, it has been able to work in some of the most dictatorial countries in the world and is able to do it without, in a sense, being an official governmental organ.

It has been responding to legitimate requests for assistance from Democrats all across the political spectrum. It is committed to democracy. The substance of the party's position is for them to determine within the country. So it does not get involved in internal politics of a country. That is prohibited both by its charter and by law. Again and again throughout the world, you have people who have, in effect, been able to move democracy forward under very difficult and trying circumstances.

I must say, I find it disturbing. We live in a democratic society. We have had it for more than two centuries, and we tend to take it for granted. I do not think we fully appreciate the pressures and the dangers and, indeed, the oppression that committed people to achieving democracy in totalitarian or authoritarian societies confront.

Abdul Oroh, the executive director of the civil liberties organization in Nigeria says:

For us in Nigeria who are struggling to enthrone democracy and permanently end military dictatorship, the National Endowment for Democracy is like oxygen. If it is scrapped, the democratization process in Africa would be seriously in danger.

This is the lifeline for many of these people struggling against incredible odds in order to try to advance democracy in their societies. Obviously, we all benefit if they succeed. I do not

know anyone who would disagree with the proposition that a democratic world would be a more peaceful world.

The Dalai Lama, who has been here on a number of occasions, honored by Members of the Senate and Members of the House, says:

The National Endowment for Democracy furthers the goals of your great nation and has provided moral and substantive support for oppressed peoples everywhere. Its unique independent mission has brought information and hope to people committed to peace and freedom, including the Tibetans.

The chief of staff of former Chile President Aylwin, who is the one who accomplished the transition from the Pinochet dictatorship to a democratic society in Chile, says:

The Chilean people's struggle for democracy was sustained and enhanced by the timely, nonpartisan support of the National Endowment for Democracy. Your contribution was all the more welcome because you never pretended to influence our political decisions in any way.

All they sought to do was to help them achieve a democratic society. Within that context, the decisions on the politics of the day were, of course, to be made by the people of the country.

NED has the flexibility to move quickly, to gain advantage of transitional situations. Some say, "Well, that overlaps the programs of AID and USIA." I indicated why we needed a nongovernmental organization to work. There are many places where, in fact, government organizations cannot go in.

NED's efforts have been strongly supported by both Bryan Atwood, the administrator of AID, and Joseph Duffy, the director of USIA. I urge my colleagues to continue to support it.

The President asked for \$45 million. The committee gave him \$35 million. And I hope we will stay with the committee mark and allow this very important work, which has made a significant difference across the face of the world in moving towards democracy, let this important work continue.

Mr. McCAIN addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona, Mr. [MCCAIN], for 10 minutes.

Mr. McCAIN. I ask unanimous consent that I be given an additional 10 minutes if necessary.

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

Mr. McCAIN. Mr. President, it is very interesting to me that we are again addressing this issue of the National Endowment for Democracy. In little more than a year, we will now have addressed this issue six times in both Houses. I guess there will be another amendment from my colleague from Colorado which will make it the 4th time in this body this year.

Perhaps the Senator from Arkansas might even have to get some new

charts. I am always intrigued, of course, by one of his charts which shows the people who have served in the National Endowment for Democracy. In fact, I do not think there is a better advertisement, a better testimonial than the leaders of this country in both parties, Republican and Democrat, who have willingly served with no compensation, without pay, to further democracy.

I would like to address, first of all, some claims that are being made, although it is certainly not possible to address them all because they flew like snowflakes in a blizzard. Some of them I will not dignify with responses. Some of the characterizations of the people and the aspects of the National Endowment for Democracy I will not dignify with a response.

Claim: National Endowment for Democracy programs are ineffective. On one side, of course, is the Senator from Arkansas, the Senator from North Dakota, and the Senator from Colorado. Disagreeing with them are Presidents Reagan, Carter and Clinton, Lech Walesa, former President Landsbergis of Lithuania, Vaclav Havel, Benazir Bhutto, Oscar Arias, Fang Lizhi, Sein Winn, Sali Berisha, George Will, David Broder, A.M. Rosenthal, and others. You can make your own judgment as to who is right and who is wrong.

Claim: NED duplicates AID and USIA democracy programs.

Fact: According to the leaders of AID and USIA:

NED fulfills a critical role in promoting Democratic development. NED has a distinctive capability for providing early and critical [aid to] institutions and business and labor groups. There are some nations where assistance is desired, needed, and can have a measurable effect but where restrictions in law bar activities by USAID and USIA. NED is often the only organization that can establish a presence in such countries.

Given the sudden and dramatic changes of the last five years, it is understandable that there is an appearance of overlap in the work between NED and AID and USIA.

The NED is required by law to consult executive branch on any NED-funded program prior to its implementation. This procedure ensures that such programs are not duplicative of other efforts and do not contradict U.S. national interests.

Funding NED is an extremely cost-effective investment for the United States, our allies and the cause of freedom.

Claim. NED money pays political consultants. False. IRI, for example, used over 300 volunteer political trainers in the past year. Not one was paid for their services.

Claim: The foreign operations China provision was an attempt to circumvent Congressionally-imposed NED funding limits by earmarking money for NED.

Fact: NED's core institutes for years have been able to bid on competitive AID funding. The China provision removed by the Senate would allow AID to work in China. No where was the Na-

tional Endowment for Democracy mentioned.

Claim: NED money goes to the Republican and Democratic Parties.

Fact: National Endowment for Democracy is prohibited by law from giving money to the Republican or Democratic parties.

Two of NED's core institutes have Republicans and Democrats as volunteer board members and trainers but neither gets or gives money or direction from either party.

Claim: NED has its own uncontrolled foreign policy.

Fact: By law, NED must consult the State Department before beginning any program.

In practice, NED has refused to fund programs unless changes wanted by the State Department are made.

And finally, we have dragged up the old chestnut about NED being used to fly first class.

Fact: NED only allows an upgrade to business class if the flight is over 14 hours. At least one of the institutes pays only coach class fare for staff, trainers, and board members.

So much of this is repetitious, Mr. President, that it grows tiresome.

Now, Mr. President, as I said, we can take the word of the Senator from Arkansas, who is a renowned expert on foreign policy and national security issues, and the Senator from Colorado and the Senator from North Dakota, or we can listen to the following from Vytautas Landsbergis, former President of the Lithuania:

National Endowment for Democracy played a critical role in support of Lithuania's drive to reestablish democracy and national independence * * * Lithuania's democratic forces need NED's assistance today as much as they needed its help in 1989 and 1990.

Yelena Bonner, widow of Andrei Sakharov, that renowned person who, according to the sponsors of this amendment, gets into the trough and wants to get American money:

Material support for the new social structures on which civil society will be built is very important. Only a society that is mature, altruistic, and has an understanding of the inevitability of difficulties connected with rebuilding a new type of government on the former structure can render real and serious support for its Democratic leaders.

Yelena Bonner:

Practically speaking, the Endowment is the only grant-giving organization which focuses its activities in the post-totalitarian countries directly on supporting the work of nongovernmental organizations.

His Holiness, the Dalai Lama, another renowned politician who is associated with both the Democrat and Republican Party. The Dalai Lama:

The National Endowment for Democracy furthers the goals of your great nation and has provided moral and substantive support for oppressed peoples everywhere. Its unique independent mission has brought information and hope to people committed to peace and freedom including the Tibetans.

That is His Holiness, the Dalai Lama.

It goes on and on, Mr. President. From Iraq, a letter signed by Kanan Makiya, Iraqi author of "Republic of Fear and Cruelty of Silence":

I wish to convey to you my strong and deeply felt support for the work done by NED to promote democracy around the world, and in particular Iraq, the country of my birth.

Fang Lizhi, who is a Chinese astrophysicist, also one of the leading dissidents in China, who, by the way, again, my colleagues know better than because they are so intimately familiar with the situation in China:

The pro-democracy movements of many countries, including China, are directly encouraged by NED's efforts. It is true that the Cold War is over, but that does not mean that democracy has been achieved. In fact, many countries in today's world are still ruled by oligarchic dictatorships, still lack freedom of speech, still have no meaningful elections and still hold political prisoners. Therefore, NED's functions are still absolutely necessary.

President Que Me, Vietnam Committee on Human Rights:

The NED is unique in recognizing the necessity for democratic political development as a global and long-range project.

NED supports a wide spectrum of programs, large and small, provided that they are dynamic and original efforts which make a positive advancement toward the democratic progress.

The President of Albania, the President of that poor country Albania:

Countries making the transition to a democratic system of government—for many this being undertaken simultaneously with a move toward a market-oriented economy—face numerous obstacles which must be overcome. I have personally been involved in this struggle in Albania, where the National Democratic Institute and the International Republican Institute have been active since 1991. They were in fact the first democrats from outside our long isolated country to arrive to help us. They have proven to be the most reliable friends. Their activities and support have been extremely valuable in Albania's continuing emergence from communism to democratic governance. * * *

I again urge you to continue support of the National Endowment for Democracy and the extremely important work its resources accomplish around the globe.

The President of Albania, according to the sponsors of this amendment, does not know what he is talking about.

The Prime Minister of Pakistan:

The National Democratic Institute for International Affairs (NDI) has become an invaluable political resource in my country, helping us through these very difficult days of our transition from autocracy to democracy. I have spoken to my colleagues in other countries, notably Mrs. Corazon Aquino in the Philippines, and our experiences with NDI track almost perfectly. All around the world, from the emerging democracies of Central and Eastern Europe to the fragile democracies of South and Southeast Asia, NDI has proven to be an invaluable asset.

That is Benazir Bhutto, the Prime Minister of Pakistan.

Mr. President, the list goes on and on, from everywhere in the world where there have been representatives of the National Endowment for Democracy and the International Republican Institute and the other three organizations that are associated with the National Endowment for Democracy. People like John Brademas and Harry Barnes and Zbigniew Brzezinski and Senator RICHARD LUGAR, Lynn Cutler, Malcolm Forbes, Fred Ikle, Tom Kean, Congressman PAYNE, Stephen Solarz, Paul Wolfowitz, and others, who have agreed to serve at no compensation on the Board of the National Endowment for Democracy, as well as the other boards, are obviously, again according to the sponsors of this amendment, in it for some kind of personal gain.

Mr. President, I would hope that we can dispense of this issue this year, although I am not that optimistic. But the fact is that this organization, the National Endowment for Democracy, conceived in the Reagan years, now supported by President Clinton and every credible person that I know of in the media, ranging from George Will to David Broder, is an important organization and the funding for this organization obviously, although significant, is not a gigantic factor in a bill that is now going to obligate \$27 billion.

So, Mr. President, I reserve the remainder of my time which I probably will not use. If I sound a little weary of debating this issue, it is because I am. But I really regret more than anything else the impugning of the reputations and the character of the people who have been involved in this effort.

I do not mind if the Senator from Arkansas attacks the program itself. I do not mind if the Senator from Colorado on the basis of principle and philosophy opposes it. But to make allegations that somehow people in both parties are in it for some kind of personal gain or some kind of monetary association with people who have been associated with it, I resent that strongly. I grow very tired of it. I am sure that those people who have devoted so many countless hours on behalf of furthering democracy throughout the world resent it as well.

Mr. President, I reserve the remainder of my time.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY] for 10 minutes.

Mr. KERRY. Mr. President, I join my colleague from Arizona and others in opposing both the amendment of the Senator from North Dakota, Senator DORGAN, and also the Senator from Arkansas. Senator SARBAKES and Senator McCAIN have both cited some of the important international figures, ranging from Oscar Arias, Nobel prize winner, to the Dalai Lama, Yelena Bonner, to Vaclav Havel, and others, who have each of them signaled the importance of need.

It is interesting that our colleague from North Dakota talks about the impression and importance of Dr. Havel and of that effort, and yet he ignores the fact that Vaclav Havel supports the National Endowment for Democracy, and what it did for their movement for freedom. I would like to ask my colleagues to focus on a couple more specific examples of how NED works and why it is important so we can really bring this down to less than just testimony always from major figures, and think about how it really works. But I also ask my colleagues to measure this \$35 million expenditure against the overall budget reality in this area.

In the State Department authorization and appropriations effort, we cut over \$500 million. So it is not as if we are looking at the NED expenditure in a vacuum of some avoidance of responsibility to deal with the deficit. In fact, because the President of the United States asked the Congress to put more money into NED, we looked elsewhere in the budget to find cuts so that we could turn around and in fact put that money in. In the end, we did not put more money into it. Mr. President, we flat funded it, we level funded it.

So the President came to us, and said, "I believe in NED and believe its work is so important to what we are trying to accomplish that I would like to put \$50 million into it." But the committee said, "No, we don't think we can do that this year. We are going to fund it at \$35 million."

This year they came to us and asked for \$45 million, and again we said, "No, we don't think we can do that. But we are going to fund it at \$35 million, level funding." In order to justify putting the \$35 million into NED, which we made a judgment was an important effort, we cut in a host of other areas within our budget for a total of \$500 million.

So I ask the Members of the Senate, as they are so often asked to do when one committee makes judgments about the overall budget in 602(b) expenditures that we get, to at least allow some respect for the process of the committee that already cut \$500 million in order to fund this program.

Why did we want to fund this program? What does this program really do? Let us go beyond the testimonials that we heard from the Dalai Lama, or others, and examine what it does.

I ask colleagues to remember that while the cold war is over, or in some judgment is over, in many ways it is not over as we may determine in other regards. In most people's broad, sweeping judgment we are certainly not in the same tension and confrontation that we were in, but we obviously are living in a world that is a lot more complicated, and perhaps equally, if not more, dangerous.

So democracy building and the kinds of efforts that a nongovernmental or-

ganization can involve itself in becomes even more important.

I ask colleagues to really focus on that distinction about NED. We are not talking about Government expenditure directly where Congress has to specifically appropriate the program per se. We are talking about an independent organization that decides quickly and flexibly where a particular crisis may need response that the Government cannot respond to. So indeed, in NED expenditures there are a series of examples of places that NED has been able to respond because it can move quickly. Let me give you an example.

NED was able to get timely support in the long time grantees in Russia leading up to the 1993 referendum in April. We all know how critical that referendum was. That referendum helped to ensure the democratic transition in Russia. In fact, it was the IRI, the Republican Institute, that sponsored an observer mission to the Russian referendum. The IRI recommended changes in the process. Those changes were adopted in the Russia referendum for the 1993 election. And they also picked 30,000 Russian poll watchers.

A lot of colleagues here traveled to the countries for the purpose of election observer. I can remember being deeply involved in the transition process in the Philippines. I was the only Democrat appointed by President Reagan to be part of that observer group that went to the Philippines. I remember the questions that were asked us by members of the National Movement for Free Election in the Philippines. How do you have poll watchers? How do you organize the selection so it is beyond reproach? How do we guarantee that we know the people who are legitimately voting, and they only vote once? How do we guarantee that the polls are manned properly and opened?

These are fundamental questions, Mr. President. We take them for granted. But you cannot just go out and talk about moving democracy to countries just like that, and merely by the naming of an election anticipate that you are going to have an election that is either acceptable or even feasible. It takes an enormous amount of instruction.

I will say to you, Mr. President, that very few events in my life have impressed me the way that election day impressed me when the Filipino citizens stood in line in the hot tropical Sun for 12 hours, as we just saw, in fact, in South Africa where also there was help by NED. You understand the joy and the extraordinary commitment of people who are voting for the first time and exercising what we try so hard to market to other countries in the world. That is what NED does. But that is not all that NED does in a very practical and direct way.

Let me share a couple of other examples with my colleagues. A couple of

years ago, the total funding that NED was able to allocate to programs in Burma—one of the most repressive countries in the world, a country where it is in our interest to try to see the government change, where we have enormous drug trafficking taking place, repression, oppression, one of the world's harshest dictatorships—was \$225,000. That funding was used to provide the infrastructure to support the National League for Democracy, the exiled democracy movement headed by Nobel Prize laureate Aung San Suu Kyi. It was also able to support human rights transmissions on the radio. It was also able to support assistance to help the exiled National Coalition of the Union of Burma to inform the international community about conditions in the country.

I cannot believe that the Senator from North Dakota or the Senator from Arkansas cannot see, or will not believe, that \$225,000 to help the exiled community create and foster democracy in Burma is a worthwhile expenditure.

Mr. President, just recently, NED has begun to implement a two-tier program to assist in the development of democratic institutions and practices among Palestinian residents in the West Bank and the Gaza. Are we to believe that a \$246,000 investment in helping the Palestinians make a transition to democracy and to respect the law and to be able to govern themselves is not a worthwhile expenditure, after the billions we have been called on to spend to help Israel defend itself at war?

So when my colleagues come to the floor and say \$35 million is an excess expenditure, and somehow want colleagues to believe that this is a travel expenditure, they are misleading the colleagues of the Senate, and they are turning their eyes against the reality of what this program does. This is not a travel fund for "x" diplomats or public servants. Most of the money—\$19 million or 57 percent of it—goes to direct grants to the four core institutions. Another 30 percent of it goes into direct grants that are paid out by NED itself. Those are the types of grants that I have just cited.

Here is another example of that kind of grant: NED was able to put \$484,000 into supporting newspapers and publications in Russia and the Ukraine, independent of the old party apparatus. The reason it was so important to be independent of the old party apparatus is that the old party apparatus had the money, had the ability to control the media, television and newspapers, and therefore was able to actually put out news that was counter to the very efforts of the revolution and of the reform effort. Yelena Bonner, Andre Sakharov's widow, wrote about the impact of that money. She said:

In Russia and the other countries which emerged following the collapse of the Soviet

Union, an economic and ideological battle is being fought between the old Communists, or *Nomencatura, and the newly formed organizations of civil society. In this process, the former group has the advantage of vast experience working in society, as well as financial means accumulated in various ways during the cold war period. In this context, literally within a period of 1½ to 2 years, several publications that had proven to be democratic during the growth of perestroika changed their positions. The most typical example is "Nez Avisimaya." This newspaper began as one of the most democratic publications, but today is barely discernible from reactionary ultranationalist ones. In Russian television, changes are taking place which are not quite so overt but nonetheless definite.

I will skip through this. She says:

Under these conditions, support for the new social structures on which civil society will build is very important—possibly even more important than support for democratic leaders or politicians at other levels.

So I say to my colleagues that there are many examples in the Middle East or elsewhere of how NED, the National Endowment for Democracy, and the core institutions, serve our interests. So we have a choice. We can strip away these grants which our colleagues label as somehow the tools of the ex-foreign policy establishment, which has people who, I might add, most of us respect enormously, and people who have vast experience and who donate their time to this effort. There is nobody on that great chart the Senator shows who is being paid. They are not paid for this. They volunteer their experience and expertise. And there are countless examples of the ways in which they have been able to impact the lives of other human beings. There are countless examples in the way these programs have been able to enhance elections where they might not have otherwise been held.

It does not behoove us to invest billions of dollars in the defense of this Nation, to constantly be out in the world proselytizing about democracy, and then quibble about efforts that have been proven as viable as these efforts of NED for \$35 million, to enhance the very democracy that we encourage people to embrace.

Mr. President, person after person has articulated the importance of this program, from Fang Lizhi, who we all know as perhaps the most notable dissident in China. He said the following:

It is true the cold war is over, but that doesn't mean that democracy has been achieved. In fact, many countries in today's world are still ruled by oligarchic dictatorships, still lack freedom of speech, still have no meaningful elections and still hold political prisoners. Therefore, NED's functions are still absolutely necessary for the leadership of the U.S. in international affairs.

This is a dissident whose life has been on the line, Mr. President. Who are we to question when that dissident says this money makes a difference to their lives?

Vytautas Landsbergis said:

If the U.S. House of Representatives had voted to abolish NED because it is convinced of the triumph of democracy in Eastern Europe and the former Soviet Union, then it is making a tragic mistake. *** One need only look at the current situation in Lithuania to understand that the battle for democracy is only half complete.

I urge my colleagues, as they have in the past, to reject this effort to strip back the ability to help those in need for democracy.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, it is in our national interest to support the National Endowment for Democracy. It promotes programs to assist democratic development abroad because democracies lead to a safer and more secure world for the United States and its friends and allies, a world better suited to human rights, to economic development, and to better trade relations. A more democratic world is a world in which we could devote and redirect more of our own resources and energies away from weapons and defense and toward economic growth and social programs.

I make that point, Mr. President, because an impression is given, as we have in these debates each year, that somehow the pursuit of democracy is a boondoggle, that somehow those who pursue the building of democratic institutions must have some nefarious motive for doing so. The majority of the Senate has never felt that way, and I find it very difficult to understand why this debate persists each year.

Those of us who promote democracy can never be weary. Let those who try to attack the program every year know that a majority of us believe in democracy, believe that it is a good thing for Republicans, Democrats, business, and labor, to come together in something that we find not only a common interest, but a central focus of our being.

That is the genius of the National Endowment for Democracy, a way to bring volunteers to assist in democracy building from all four of these groups. This is not a power-sharing group of people dividing money. As a matter of fact, as the distinguished Senator from Massachusetts pointed out, all of the members serve on the NED board for no compensation and, as a matter of fact, consider it a great honor. I do. I have served on the board for the last 2 years. I can testify that a very small but talented staff, buttressed by hundreds of volunteers who spend their own vacation time and their own money to go to countries in behalf of the United States of America and our foreign policy, are inspiring.

This is something to shout and to celebrate about, not to apologize about and to suggest cuts.

Let me just suggest, Mr. President, there must be a critical misunderstanding on the part of many of our

colleagues about the activities that the distinguished Senator from Massachusetts described, for example, in the Philippines. I was there on that occasion with him. I saw the impact that Republicans, Democrats, labor, and business was able to make in a transition of government there. That was historically very important for all of us.

There is no way we could have appropriated money to have achieved that kind of historic foreign policy result. Other positive results have happened again and again in over 75 countries.

I would just say, let us once again affirm our belief that these four core groups can work together as Americans for ideals that we cherish. Let us reject the idea of a penny-wise-pound-foolish cut. Let me say also, Mr. President, because again in the annual ritual we have on this subject, that we have three issues here—the first amendment before the Senate is to abolish the whole business, the second is to nibble it down in some fashion, and the third will be to try to micromanage the process. An amendment may be offered by the distinguished Senator from Colorado, as it annually is, to try in some way to get more open bidding in the process.

Mr. President, this is a very competitive process. The board, on which I sit, reviews over 100 different proposals each quarter. They are reviewed, scrubbed, and changed before we see them by other staffs and specialists. We reject many as unworthy of support. We rewrite many. We support many. That gives additional impetus and quality to whomever brought the grant to the fore, whether it be Democrats, Republicans, labor, or business. It is an open process, open to the public, open to scrutiny, and fortunately open to the applaus of people around the world who have testified through the speeches of Senators this morning about the results for them and, more importantly for us, our security, our future, and our idealism.

Mr. President, I hope that Senators will once again reaffirm their support for democracy by giving a very strong vote on behalf of the National Endowment for Democracy and rejecting the cuts and rejecting the micromanagement.

I thank the Chair.

The PRESIDING OFFICER. (Mr. MATHEWS). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to use the time. Of course, I was going to use my 5 minutes in the wrap-up.

But as chairman of the subcommittee, I enjoyed the luxury of these expressions that I have been noting down—money down a rathole, money handed out, not competitive.

You would think this was a bureaucracy. This entity is not bidden. It is

mostly volunteer. And the criticism that I had in its early stages 10 years ago was, yes, it was a sort of party luxury, as I saw it. They were convening down in the Bahamas and the warm places in the wintertime when we had ice and snow. They would get a good meeting.

Madeleine Albright came in our office about 3 years or 4 years ago. We were going to have that election in Budapest. I will never forget it. And she was trying to get the money to get 13 printing presses from a newspaper that had changed over their equipment from what they considered used, old, unuseful and unproductive equipment. She needed that to print the fliers to help with that election. They did not have, of course, any telephones. They did not have any real radio contact. They did not have any way to broadcast and get the word out for a free election.

We worked on that, and I said: You know, I have been very critical of Carl Gershman directing this National Endowment for Democracy and Brian Atwood, incidentally, the Democratic Institute, who is now the head of AID. But it sounds like with the fall of the Wall we have a real role. She said we have, and it is working.

Now, the Senator from Arizona, the Senator from Maryland, the Senator from Massachusetts, and others, have quoted how useful it has been. I saw it again firsthand down in Chile at the beginning of this year and the end of last year when I talked to the ones handling that election from the changeover from Pinochet, and the head then had gotten their moneys, incidentally, from the chamber of commerce and said, as they characterize it: "We were the ones that sort of kept the peace and the calm and the stability during that particular changeover. Had it not been for NED, we never could have done the job."

So it is. They are doing an extremely useful job, and it is not money down a rat hole. You can look and debate and talk casually. Let us talk about Somalia. I mean, there it is. We went in there for a highly motivated initiative—to feed the hungry poor. We found out that the hunger was politically caused. We got run out of town. Maybe they talked then about billions that went down a rathole.

But for the present time that initiative has been sound and this initiative is becoming more sound every day.

The President asked for an increase of some \$10 million from \$35 million up to \$45 million. We could not do it. I had spoken and said what we ought to do now with the fall of the Wall is double the budget if we possibly can for the effective work. You cannot send in the Peace Corps. They have to do it. You cannot send in your State Department. This is a unique entity that really does their job.

And when the criticism comes about the AFL-CIO—look at one time, after I talked and watched this 3 years ago, and rather than opposing I started supporting. I said I would give all of the money to the AFL-CIO. And when they talk about Poland, talk to Lech Walesa. The international labor organizations of the AFL-CIO have done more to produce world peace and democracy than any other individual private entity that I know of in American society.

I come from a right-to-work State, and I voted against cloture on striker replacement. So I am not a patsy for labor. But I admire them. And I can tell you here and now I would have given double the money and everything else for the work they do.

So they have been out there working for the past 50 or 60 years, and it is working now, and we should not come, as the Senator from Arizona said, with these wise references about look at who they are, and everything else, like since they are public servants they are rag babies, or whatever. These are very, very highly motivated people doing it free of charge, and it is working. I wish we could give more money to it.

So in my 5 minutes' time, let me say that it is audited. I do not have the full GAO report. This is the last result. In brief, this is the entire paragraph:

The Endowment has initiated a number of steps to implement our recommendations to improve planning, evaluation, monitoring and financial controls. It also has plans to initiate others. These actions will take time to fully implement. Therefore, it is too early to evaluate the impact on the management of grants at this time. However, we believe that the Endowment effectively carries out the actions it has begun and plans to begin. Endowment planning, evaluation, monitoring and financial controlling capability should be improved.

That is January 1992.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. McCAIN. I ask the Senator from South Carolina if he would like to have a couple minutes on my time to finish up. I yield 2 minutes to the Senator.

Mr. HOLLINGS. I thank the Senator.

It is accountability to the U.S. taxpayers. We have annual audits by the USIA inspector general, periodic audits by the General Accounting Office, and an annual audit by a CPA firm published in the annual reports; annual budget review by the Office of Management and Budget; annual hearings before four congressional subcommittees with the frequent consultation with the State Department prior to implementation of programs and coverage under the Freedom of Information Act. This is not a political lark of a lot of

politicians being funded and partying. This is the real work with the falling of the Wall and spreading democracy.

And someone said, one of our colleagues, "But the idea is there." The idea is there in sum, but there is no way to implement it. There is no way to foster that idea except with an entity like our National Endowment for Democracy.

So I thank my distinguished colleague.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to start out by thanking my colleague from South Carolina for a very eloquent statement. I voted as he did.

But I would also make the same argument that the AFL-CIO has played an incredible role in the furtherance of democracy and freedom throughout the world, ranging in countries from Poland to El Salvador to Nicaragua to Hungary, all over the world.

And I also share his view that one of the ways that they have been able to do that is through the National Endowment for Democracy.

Mr. President, I am not going to go over the arguments again. I would just like to use the remainder of my time by telling a story that I think best illustrates what the National Endowment for Democracy is all about. It concerns this tiny country called Albania.

Mr. President, I think all of us remember that Albania was such an oppressive, repressed country, and that the leader of Albania, whose name is Hoxha, broke relations with China after Chairman Mao's death because of the evil influence of freedom and westernization that had crept into China.

Perhaps the most isolated country on this planet was Albania under the rule of Hoxha, whose statues, not unlike Ho Chi Minh, not unlike Kim Il-song, was everywhere throughout that country. This ruler was so insane that he spent about one-fourth of the gross national product building these concrete pillboxes that looked like rows of mushrooms all over that country. There was no concrete in Albania because of the fear. And this is the beloved, respected leader Hoxha who warned of an imminent United States imperialist invasion of Albania. There was only one radio station. Everyone was under the scrutiny of national security Gestapo-like forces. It was a terribly repressed country.

With the end of the cold war, with the tide of freedom and democracy that spread throughout the world, the people of Albania, after his death, rose up and demanded free and fair elections. The first elections were held. And, as happens so many times in these former Communist countries, the leadership of the Communist Party was elected in a so-called democratic election, which it was not.

Sali Berisha, then in the opposition party, could not get his message out to the countryside in Albania, where 70 percent of the population of Albania lives outside of the capital of Tirana. The National Endowment for Democracy provided him and his party with six Jeep Cherokees, six Jeep Cherokees, with which he and his party were able to carry their message to the people of Albania. They won an overwhelming victory and they are now on the road to democracy and freedom in still one of the most impoverished countries on this planet.

But there is hope, there is joy, there is optimism, and there is freedom in Albania. And it is there, in the words of the President of Albania, because of six Jeep Cherokees which he got from the National Endowment for Democracy.

Mr. President, all the stories about what the National Endowment for Democracy does is not that gripping or spectacular. But that is, I think, a telling and gripping example of what can be done by an organization of this sort.

And it still befuddles me as to why we should continue to have to go through this drill year after year. I hope that, after this ends, we could put it aside for awhile.

I note my colleague from North Dakota is here, who said in his remarks that the organizations with names that begin with national endowment always get votes. I notice that cuts in the National Endowment for the Arts, the Senator from North Dakota has consistently voted against those cuts. So not every organization that the Senator voted against has "national endowment" in the first words of it.

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

Mr. DORGAN. Will the Senator yield to me?

Mr. McCAIN. If I have any time remaining.

Mr. DORGAN. I would observe that my record on voting on the National Endowment for the Arts in 14 years would not suggest I voted against all cuts. The Senator ought to amend that. I am sure you have votes in instances where I have voted against it. But I would expect if you looked at my entire record over 14 years in Congress, you would not make that statement.

Mr. McCAIN. The Senator's record from 1993 and 1994, three different votes, most recent votes were opposed to any cuts in the National Endowment for the Arts.

And the Senator is saying, of course, you have to vote for anything that says "national endowment," then obviously he would not have voted the way he did in the last three votes.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, my recollection is that I have 5 minutes; is that correct?

The PRESIDING OFFICER. The Senator from New Mexico is correct. He has 5 minutes.

Mr. DOMENICI. Mr. President, if anybody watches these debates outside of Washington—and I think they do—I am sure they are wondering what we are doing this afternoon, because we have debated this endowment issue over and over the past few years.

Last year, we spent a full day debating the National Endowment for Democracy when this bill was on the floor. After all that debate, the Senator from Arkansas got 23 votes in his effort to eliminate funding for the National Endowment.

Now, perhaps doing it last year justifies doing it again this year on the same bill. But I think people are asking: What did we do on the State Department authorization bill? We had a full debate just a few months ago. We were talking about what should we authorize for 1994 and 1995. We had a full debate and, indeed, we put a ceiling on this program, which is \$10 million less than the President asked for. And that turns out to be a freeze. So in a sense we have already reduced it from what the President asked for, which was a modest increase, and now we are saying, even though it is a good program—and, indeed, it is—let us freeze it at last year's level.

I do not think we ought to cut NED any more. So I believe the Dorgan amendment appears to be less draconian because it is only a \$10 million cut in place of the total elimination proposed by the gentleman from Arkansas. I think a vote for it is a real vote against the endowment. I do not think anybody ought to think it is anything different than that.

Now, essentially, there are no other American programs like this one. What the Agency for International Development does is utterly different, although they occasionally use the NED to implement AID democracy programs. So to anybody that says, "This is duplication; we are doing the same thing in many different programs," I would respond that we are not.

I believe that the American people, contrary to what has been said here if they are listening, understand that a great nation like the United States has reason to spend \$35 million to support democracy in the world through this unique endowment. After all, our biggest claim to fame as a people is the attraction of our representative democracy.

Freedom is spreading in many parts of the world because of our holding to our ideals during the cold war. Capitalism, in its many local variations, is spreading, along with democracy, as a competitive system to produce wealth. We do not have any vision that the

United States wants to take over the world with armed might; 49 years ago we could have done that for a few years, but we didn't. We just encourage others to be free and develop their own democracy like we have.

Now, why would we not support a program, small as it is—\$35 million—that has been working? There are some who say it is too small for the giant job it has. And what is wrong with having the chamber of commerce undertake part of this task, and the AFL-CIO to use its decades of experience abroad in this endeavor? What is wrong with that? Does that mean anybody voting for NED is unequivocally supporting the Chamber? No. Does it mean Americans are unequivocally supporting the AFL-CIO? No. What it means is they, together with other cooperating institutions, have a proven way of getting grassroots programs going to support freedom and democracy.

It is pretty simple, a basic question. If we cannot do this, it seems to me, we cannot do anything in terms of helping democracy in an organized way and helping freedom abroad in an organized institutional way. I believe we can and I believe we should.

Various successes have been cited and I just want to tell the Senate of a success I participated in. Frankly, 5 years ago, the endowment—and I think it was under the auspices of the Democratic Party's portion of this—had an innovative program underway in Poland. The Poles were just moving toward democracy. Fritz Mondale went there as the leader of a delegation to meet privately for several days with the newly elected members of the Polish Parliament, their Senate, and their Sejm or lower house.

The National Democratic Institute, a part of NED, invited Senators Howard Baker and PETE DOMENICI to go. Baker was not a Senator then, but he had recently ended a tour as President Reagan's chief of staff. Other people from America who are familiar with the role of the legislature in a representative democracy went there, including Jim Jones, who is now our ambassador in Mexico City. Dick Spring, who is now a leader of Ireland was there, as were parliamentarians from Germany and France. And the exchange of views and the enthusiasm of those new, democratic Polish leaders was incredible.

As a matter of fact, from that little visit, the first important parliamentary exchange with Poland occurred. In fact, we came back to America, I say to Senator MCCAIN, and I introduced a resolution: America's gift to Poland's democracy. What we did was supply their parliament with training and with computers that we were not going to use in our offices anymore. Instead of turning them in and throwing them away, we started a major program for very little money to put computers in their new libraries they were forming,

and in their parliamentary offices. Joe Stuart, our recently retired Secretary of the Senate, and his staff and the Rules Committee staff made it work over several years.

All of this happened because the endowment spent a few thousand dollars of this NED money for a small, productive, and timely meeting with an inexperienced parliament in a emerging democracy.

That is going on in dozens of countries. Young men and women are representing NED and the institutes in some places with very difficult living conditions, at salaries that are a fraction of what our aid agency pays its contractors in the same places. David Nummy, a young friend and former Treasury official and staffer of mine, is in Ukraine. Probably much better examples are available everywhere. But we are not talking about a lot of money when the greatest democracy in the world, with a budget of \$1.5 trillion, says let us allocate \$35 million to this Endowment for Democracy.

I think we should defeat the Dorgan amendment. That will pull down the Bumpers amendment. And at least for a few months, we will have put this matter to rest.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I believe I was to be recognized for 5 minutes.

Let me first say to my friend from Arizona that I guess he misunderstood the point I was making. I was not making a point at all about the word "endowment." I talked about the Endowment for Democracy, and I talked then about how difficult it is to oppose a title that has "Endowment for Democracy." Maybe one could construct another endowment, Endowment for Freedom? How would one stand up and oppose that? So I think the Senator misunderstood. He thought I was using the word "endowment." I was actually using the words "democracy" and "freedom" to explain the point.

Mr. McCAIN. I thank my friend for correcting that. I was under a misimpression.

Mr. DORGAN. My voting record on other endowments is something he and I could discuss. I have voted to cut other endowments.

Second, I understand the larger point he has been making. And I respect those who disagree strongly with us. I hope they will respect our position. I view this as a duplication; you say no.

I say we spend \$2.7 billion through AID, through State, through a dozen other agencies, to build democracy around the world. I could spend a few minutes going down the list of these programs.

Some would say the National Endowment for Democracy is more flexible than other agencies. Yes, it probably is

more flexible. It is smaller; it uses many volunteers. I am sure it is more flexible.

We've heard testimonials for NED from all over the world. NED has all kinds of endorsements. I would endorse almost anybody who gave me money, I guess. If they spend \$35 million this year and cannot get endorsements from the people who got the money, these folks do not deserve to get any money. I can get endorsements from people I give money to.

Ten million dollars is not much, but the fact is we have an enormous Federal deficit. The Senator from Arizona has quite a record on dealing with deficit issues. I know he does not believe this is waste so he is not going to support this amendment.

I happen to view it as waste. I happen to view it as a duplication of public spending. I think one of the real ways to endow democracy in America is to effectively deal with this deficit. We are spending money we do not have every day. It used to be \$1 billion a day, 7 days a week, every week, every month, all year; \$1 billion a day we did not have. We were borrowing it from somebody else: Our kids and grandkids. Now it has been reduced. Now it is only going to be a half a billion dollars a day we are going to spend that we do not have. Every little opportunity we have, we ought to take a look at what we are spending and say, do we need this? Can we afford this? In this instance, I think the answer is we already spend this money elsewhere.

Somebody would say, this does not go to the political parties. This does not go to the Republican Party or the Democratic Party. That is the position that was taken a few minutes ago.

Literally speaking, no, it does not. The money goes to an institute created by the Democratic and the Republican Parties an institute. That is like saying if I create some sort of political action committee, the Byron Dorgan Leadership PAC—right? Then I give money to somebody from this PAC, and they say that is not BYRON DORGAN, that is his leadership PAC; that is different, that is separate. Well, that's ridiculous.

Look, this money goes to four sources. It effectively goes to the chamber of commerce, to the AFL-CIO, and to the two political parties. They have set up institutes and they have spent the money through the institutes. The position Senator BUMPERS and I take is that it is duplication and waste.

Are there good people, well-intentioned people, doing work they think is important? Yes, there are. There are good people, well intentioned, using this money in some ways that are effective, I am sure. But an enormous amount of this money is being wasted.

My point is it duplicates what we are doing elsewhere. You know the U.S. Information Agency broadcasts more

than 1,000 hours a week in more than 40 languages? Do my colleagues know that it has a program named Democracy In Action, a 173-part series of 5-minute shows carried in all languages? That is promoting democracy. I support that. I think that makes sense.

But to hand over \$35 million to the Democratic and Republican parties and AFL-CIO and the Chamber and say go ahead and travel around the world and do your thing—I think that is waste. The fact is, at a time when we are tightening our belts on virtually all funding programs, we are doubling this one.

I think it is perfectly fair to look at our needs and our spending in various areas. I just held a hearing in North Dakota a few weeks ago on the subject of child abuse. There was a young girl on an Indian reservation who actually started drinking at age 9 and was a confirmed alcoholic at age 14. She was locked in the closet without food, and she knew she was going to be beaten when her mother came home.

Another young woman named Tamara, age 2, was put in a foster home. Her foster parents broke her arm, broke her leg, and pulled her hair out by the roots. Do you know we do not have enough money to respond to that? People beat 2-year-old Tamara because there was only one social worker working on 200 cases, and that social worker put this 2-year-old girl in a home and had no idea whether this home was safe; and this young girl was beaten severely.

Why do I raise that? Because we do not have enough money in this country to protect Indian children on reservations. We do not have enough money to do that. And \$10 million would go a long way in helping those children; \$10 million is what I propose we cut out of here.

And I am not saying we take it and use it for that purpose. I am just saying we have enormous needs in this country. We have people in this country whose needs are not being met, children whose needs are not being met, and we are off here doubling a budget to \$35 million for the National Endowment for Democracy, which duplicates spending we already have in other areas? When NED gives the money in turn to the two political parties, the chamber of commerce, and the labor unions?

We may see it differently. I respect those who do. But to me, this is a waste of money. This \$10 million ought to be cut. We ought to endow democracy in this country by taking a step, every opportunity we get, to reduce this Federal deficit and especially to meet critical human needs of people here at home.

Mr. President, I hope Members of the Senate will respond and vote in favor of my amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HATCH. Mr. President, I am disappointed to see that we are once again debating the merits of NED and that we are undercutting a valuable organization whose sole mission is to advance American democratic ideals and free enterprise around the world.

Yet, if we are to debate this issue on the floor, I welcome the opportunity to speak on behalf of this important and effective organization and urge my colleagues to support full funding for NED.

I have heard for years Members of this Chamber speak on the need to promote democracy overseas. Members on the left and the right of the aisle have argued forcefully for human rights, democratic values, and market reform in countries around the world.

No one in this Chamber would dispute the fact that the spread of democracy is among the most important foreign policy objectives of the United States. Continuing the worldwide spread of democracy is in the interest of the United States and will ultimately pay important dividends at home.

To the extent that we foster the establishment of democratic states, we promote a more stable international environment. In the process, we are able to lower defense spending, reduce regional conflict, and limit the need to place American troops in harms way.

The democratic revolutions in East Europe and the former Soviet Union are instructive in this regard. Political reforms in these States ushered in a period of lower defense spending at home. By 1995, the defense budget adjusted for inflation will be less than half the level of the 1985 defense budget. That is a tangible savings that benefits all of us and made possible by the democratic revolutions that we applauded—and that NED supported.

While communism lost the cold war, the West has not yet won it. We can only claim victory after democracy and free market institutions are firmly entrenched around the globe.

The fundamental issue is that the battleground has shifted away from direct superpower confrontation and toward the subtle consolidation of democratic institutions in East Europe, Russia, and the Third World. The weapons used in this conflict are not tanks, but the free exchange of ideas and information.

The future of East Europe depends less on how many divisions that NATO is capable of mobilizing—although that it is vital—and increasingly on whether East European political reformers can mobilize voters at the ballot box. Only through the establishment of viable political parties, free trade unions, and private enterprise will these countries flourish. Only through continuing political reform can these States move

away from a history of internal authoritarianism. The democracy movement in East Europe is extremely fragile, and if we do not act now, we run the risk of providing revanchist leaders with an opportunity to move back into the political fray.

If we agree on the virtues of advancing democracy—and I do not believe that this issue is in dispute—then we have an obligation to provide the resources and institutional framework necessary to address these problems. NED is the organization tailored to meet this challenge.

I ask my colleagues: "What government agency has the ability to marshal the resources to forcefully advocate democracy around the world?" The answer is none.

The State Department lacks the independence and autonomy to consistently press for democracy around the world. In fact, editorials on the Voice of America expressing hope that someday Iraqis would live in freedom were shelved after the State Department received complaints from Saddam Hussein in 1990.

USIA is overly bureaucratic and does not have the ability to identify pro-democracy groups or finance these groups.

AID can only operate in countries with permission and it has enough problems trying to streamline development assistance.

Let us face facts: the U.S. Government lacks the experience and expertise in the field and there is not a single agency, either public or private, that is exclusively devoted to carrying this fight forward. The National Endowment for Democracy was created precisely because this vacuum existed in private and public sectors.

NED has a comparative advantage in the fight for democracy. NED can operate with freedom and flexibility overseas; and it can do so without apology to regimes that have little regard for individual freedom or pluralism. NED can also accomplish its mission without risking government to government contacts.

Lech Walesa was among the first to point out that NED was instrumental in keeping Solidarity alive during the 1980's, and notes that NED enabled him to make a bid for political power when the opportunity arose. Walesa told me personally in 1990 that NED played an indispensable role in breaking the Communist stranglehold on political power in Poland. I ask my colleagues whether it was a bad idea for NED to provide material support to Solidarity after the imposition of martial law in Poland.

Prior to the establishment of NED, the U.S. Government had only one serious option: to funnel covert assistance to prodemocracy groups. Such aid is still important where circumstances warrant. Yet, the goal of democracy

building is something that the United States should not attempt to do in the dark.

With respect a common criticism of NED, I have listened to my colleagues talk about the nefarious collusion of special interests that exists allegedly among the grantees that comprise NED, specially labor, the political parties, and the chamber of commerce. Critics assert that such collusive behavior among these groups is unhealthy. This smacks of conspiracy theory and the point is simply wrong. It ignores the fact that every single core group associated with NED possesses extensive experience in the grassroots institutions that serve as the building blocks of the democratic process.

Each of the core grantees have unique skills to bring to the task. I would like to just touch on two of the grantees briefly. All of us agree that you need political parties to function in a vibrant democracy. There was no dissent and no other party to join. It therefore makes eminently good sense to have the Republican—International Republic Institute—and Democratic parties—International Democratic Institute—through their international institutes, train groups in the grassroots organizations and other skills.

Mr. President, if we continue to undermine this organization, we will profoundly hurt a unique opportunity to shape the world in which we live. The stakes around the world are simply too high. I urge my colleagues to vote against this amendment and to support full funding for NED.

Mr. HOLLINGS. Mr. President, as I understand now, the distinguished Senator from Arkansas has 5 minutes, if I have checked correctly, and the distinguished Senator from Pennsylvania [Mr. SPECTER], has 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. Mr. President, while the Senator from Arkansas is momentarily approaching, we do have a time set at 12:45 for an up-or-down vote on the Dorgan amendment. The Senate voted 74 to 23 last year to continue the funding for the National Endowment for Democracy. On June 27, just a few weeks ago, the House of Representatives, after full debate, similarly voted 317 to 89 to retain the funding.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I have a resolution that I want to attach to this bill that Senator HOLLINGS has agreed to accept. I ask unanimous con-

sent that the pending matter be set aside temporarily while the amendment containing the resolution is presented to the Senate for adoption.

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

AMENDMENT NO. 2360

(Purpose: To express the sense of Congress that President Clinton should meet with the next President of Mexico to discuss immigration)

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 2360.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the 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 in the bill, add the following new section:

SEC. . . SENSE OF CONGRESS.—It is the Sense of Congress that the President of the United States and the President-elect of Mexico should meet as soon as possible following the August elections in Mexico to discuss bilateral issues of mutual concern with the objective of deepening and strengthening the ties between the two neighbors, with emphasis on cooperation to establish equitable and effective regulation of the flow of citizens across the border between Mexico and the United States.

Mr. DOMENICI. Mr. President, this is a very simple proposition. There has been a lot of talk about illegal immigration, and much of it centers around Mexico's border with the United States. We have considered amendments about incarcerated illegals at the State's expense, and we have had amendments for more Border Patrol. We have a constant turmoil on the border.

We have entered into a broadened trade arrangement with Mexico that has shown the affirmative side of our relationship. We have a much better relationship between our two countries than perhaps we have ever had.

This amendment is a sense of the Congress that urges the President of the United States and the President-elect of Mexico, whoever that is, to meet as soon as possible following the August elections to discuss bilateral issues of mutual concern, with the objective of deepening and strengthening the ties between these two neighbors, with a special emphasis on cooperation to establish equitable and effective regulation of the flow of citizens across the border between Mexico and the United States.

Essentially this says we would hope that our President and the new Mexican President will join together in some kind of a summit. We are asking them to talk together and see if we can reach an accord on some better ways of handling the illegal traffic on our common border.

There is an editorial in the Los Angeles Times that says: "Anyone for Adult Solutions to the Mexico-U.S. Border Problem?" A number of suggestions are included therein as to what the two countries might do to make this control of illegal immigration a much more practical and reasonable thing between the two countries.

I am convinced, until something like this summit occurs, we will continue to beef up our borders—and we have done that in this bill—until we get a better accord as to how we handle some of the underlying mutual problems. Both presidents need to do something to reduce the financial costs of illegal aliens from Mexico and elsewhere who come here through Mexico, who have committed felonies in the United States. They might ask, "is there some better arrangement between the two countries to incarcerate them in California's jails or Texas' jails or Florida's?" They might try to reduce the constant, dangerous, illegal crisscrossing of our borders by individuals who come back many, many times. There must be some way Mexico might be more cooperative and we might be more helpful to them and their needs.

It is not prescriptive. This amendment merely states a sense of Congress resolution that our President and the newly elected President of Mexico should meet shortly after their next election.

Mexico/United States border problems did not disappear with the passage of NAFTA. In some areas they are worse. In California and other States, and here on the Senate floor, the costs of illegal immigration have become a major issue. That has already been discussed here.

A new factor in United States/Mexico relations is the increasing number of Chinese and other third-country nationals being smuggled into the United States through Mexico. Some Mexican officials work with the smugglers. In return for cracking down on third-country illegal immigrants, Mexico wants better treatment of Mexican nationals who go north from time to time for temporary work; of course, many of our own citizens oppose any revival of a legal guest-worker program.

These immigration issues are real and immediate. We have provided a lot of money in this bill already for the Border Patrol. That is not enough. President Clinton has a lot of other issues on his plate during the rest of this year, but illegal immigration is a problem that cannot wait. As soon as possible after the August elections in Mexico, our President should meet with the new leader of Mexico to discuss the issue.

It is not enough to brag about the NAFTA agreement. While NAFTA was under consideration, many of these other problems were put aside. For the relationship contemplated by the supporters of NAFTA to work, it is time to

reduce the tension on both sides of the border as a result of border regulations that just are not working.

This is simple. It is something the President may already want to do. I urge Members to support my amendment calling for a United States/Mexico summit on immigration.

I ask unanimous consent that the Los Angeles Times editorial to which I referred be printed in the RECORD.

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

ANYONE FOR ADULT SOLUTIONS TO MEXICO-UNITED STATES BORDER PROBLEM?

Two recent investigations have confirmed fears that corrupt Mexican officials are cooperating with sophisticated smuggling rings that import illegal immigrants into the United States. To their credit, Mexico City authorities have begun a crackdown. But however successful that effort proves to be, it won't address the larger challenge—true and effective regulation of the flow of people across the open border.

Ominous corruption: According to a recent article by Times staff writer Sebastian Rotella, the regional chief of the Mexican immigration service in Tijuana and two of his deputies have been dismissed and charged with corruption. A dozen other Mexican border officials are also under investigation by the Mexican Interior Ministry, which oversees that country's immigration agency. The government probe grew out of an independent investigation by the respected Tijuana-based Bi-National Center for Human Rights.

That activist group documented what one of its leaders called a "scandalous and ominous" pattern of corruption in which regional immigration officials not only tolerated people smugglers but, in some instances, actively aided them in delivering groups of non-Mexican illegal immigrants across the U.S. border.

Non-Mexicans account for only about 10% of the illegal immigrants detained by the U.S. Border Patrol in its San Diego sector. But they are the most lucrative clientele for smugglers. Chinese pay up to \$30,000 for illegal entry to this country, for example, compared to the \$300 or so charged an illegal Mexican immigrant.

One can only hope that the crackdown by Mexico City will nip this sleazy but profitable enterprise in the bud before it becomes as entrenched as drug smuggling.

The larger issue: Mexico City and Washington could help enormously by noting that the illegal traffic in non-Mexicans is a problem for both nations—because the despicable activity not only flouts U.S. immigration laws but also undermines President Carlos Salinas de Gortari's effort to end official corruption in Mexico. That understanding should propel them to cooperate more closely on combatting the people smugglers.

It should, but it might not. Getting any Mexican agency to cooperate with the U.S. Immigration and Naturalization Service these days is highly problematic. The revival of illegal immigration as a political issue in the United States has led some U.S. politicians to be downright demagogic, and that has Mexican nerves raw. Even as popular and progressive a leader as Salinas would risk infuriating Mexicans if cooperation with the INS were seen by his countrymen as an accommodation to the anti-immigrant bandwagon.

What Washington could do for Salinas is to discuss a complex and admittedly controver-

sial Mexican proposal that has gotten scant attention in the U.S. immigration debate, yet could be a solution to perhaps 50% of the problem: a treaty to legalize and then regulate the flow of Mexican workers into—but also eventually out of—the United States.

Call it a guest-worker program, a new bracero program—whatever. U.S. officials have been reluctant to discuss it in recent years, even as the historic North American Free Trade Agreement was being negotiated with Mexico and Canada, because of political opposition from organized labor and some of our more strident immigration restrictionists.

The real challenge: Yet experts who have studied the flow of people between Mexico and the United States have long argued that it is largely, if not entirely, an economically motivated migratory flow of workers seeking jobs, not immigrants seeking U.S. residency or angling for social service or health benefits. If some way could be found to regulate that flow—making it aboveboard and legal, eliminating the exploitation that predictably comes with criminality—then it could be as efficient as the cross-border flow of goods and capital now regulated by NAFTA.

Sure, it's a provocative proposal. But certainly it is no more controversial than some of the proposals put forward in this country to "solve" the illegal immigration problem, such as ill-conceived notions of denying health care, education and even citizenship to the U.S.-born children of illegal immigrants. Indeed, a bilateral labor pact has a far better chance of working than some of those far-fetched ideas.

At a minimum a "North American Free Labor Agreement" could help the United States control that part of its immigrant flow originating from Mexico—anywhere from 50% to 60% of the problem, if INS arrest statistics are accurate. Surely this is a goal well worth pursuing as a start on crafting a rational immigration policy.

If it is not pursued, all we have are divisive anti-immigrant panaceas and periodic crackdowns on officials on both sides of the border who succumb to the temptation of easy profit in the trafficking of desperate human beings. The laws of economics and human nature being what they are, that approach is likely to prove only partially successful at best. And that is just not good enough.

Mr. HOLLINGS. Mr. President, I want to join in the sense-of-the-Senate amendment of the distinguished Senator from New Mexico. That is, after the election in August we should get together and move forward, now that NAFTA has been adopted with respect to free trade.

In fact, I am tempted to try to amend it to say let us get together ahead of that particular election because the concern at the moment is for a free and open election. We were concerned about this even earlier last year when I wrote the President of the United States suggesting that former President Carter be appointed as head of a delegation of observers to ensure a free election. We have had that work successfully in Panama, El Salvador, Nicaragua, the Philippines, South Africa, the Dominican Republic and other places.

Mexico, I think, under President Salinas has said they will have free and open elections and will have observers.

I will not amend his amendment. I want to see them get together before as well as after the election.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2360) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Utah [Mr. HATCH], and the Senator from Vermont [Mr. JEFFORDS], be added as original cosponsors to the amendment on Rwanda offered by the distinguished minority leader heretofore.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2358

Mr. BUMPERS. Mr. President, is the agreement now the vote will occur at 12:45 on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Mr. President, there are only 5 minutes left, and I probably will not take that. But I listened to various Senators read what Yelena Bonner said, what Lech Walesa said, what Oscar Arias said.

I want to ask the Senators, how many times a week do you get a letter from somebody saying, "Would you be willing to sign a letter supporting this?" Sometimes you do, and sometimes you do not.

Oscar Arias at one time thought the National Endowment for Democracy was the biggest disaster he had ever seen. So they dumped a bunch of money on him and, of course, he changed his mind. All of a sudden he sends a letter saying the National Endowment is the greatest thing since night baseball.

I do not criticize any of these people. Above all, I do not even criticize the board members, above all. They are very prestigious people. What I said about the board was not designed to impugn the members' integrity. It was simply to demonstrate that when you get people of national stature on your board like that, funding comes almost automatically. They put those people on their board so they can write letters to Senators. Who would not be flattened getting a letter from Henry Kissinger?

The Senator from Arizona has flattened me unnecessarily as being an expert on foreign policy. I am not an expert on foreign policy. I appreciate the

fact that he thinks I am. But I will tell you what I am an expert on. I am an expert on Government waste. I can spot a Government boondoggle as far as I can see. I spotted this one 5 years ago and have been trying to kill it ever since.

Mr. President, in 1989, the National Endowment made a grant to help the Federation of Korean Trade Unions improve their influence on government policy in Korea.

That grant was to help this trade union improve its influence on government policy. Now, that grant was probably made with the money that the AFL-CIO got from NED. Interestingly, just 1 year prior to that the State Department had commended the Government of Korea for breaking the monopoly of that same trade union group. Now, you talk about the left hand not knowing what the right hand is doing.

I think that the National Endowment may be doing a better job of whatever it is they do than they did initially. But I am going to make two points. No. 1, if you were to debate this issue before the American people on national television and everybody in America got a chance to vote as to whether they wanted to continue spending 65 percent of this \$35 million appropriation by doling it out without competition to the chamber of commerce, or their subsidiary, the AFL-CIO or their subsidiary, or the Democratic Party or the Republican Party, or their subsidiaries, if you were to ask the American people how they feel about giving those millions to the chamber of commerce, the AFL-CIO, the Democratic National Committee and Republican National Committee, 95 percent of the people would say "no".

Mr. President, unhappily, we do not get a chance to debate issues like this on national television. It is one of the reasons we have a \$4 trillion national debt, one of the reasons the people of this country are upset. They know something is wrong up here, and they cannot pinpoint it. This \$35 million may seem like small potatoes, but NED has received \$250 million since 1983.

Do you think the political parties in this country and the chamber of commerce and AFL-CIO do not know how to lobby this \$35 million through here? I doubt very seriously if the Senator from North Dakota will prevail on his amendment to cut \$10 million out of the NED. I know I probably would not get 30 votes to kill it. It is one of the most unbelievable expenditures the Federal Government makes.

And finally, the Senator from Colorado is going to offer an amendment, which I certainly intend to support, to require at least 50 percent of this money to be granted out on a competitive basis.

We have \$35 million here, 65 percent of which is going to be handed to those 4 core grantees with no questions

asked. What other program enjoys that luxury? To promote democracy, this bill gives \$35 million to the National Endowment for Democracy. We spend \$13 billion on foreign aid to promote democracy, about \$700 million of which is in the Agency for International Development. We have the U.S. Information Agency. We have Radio Marti. We are spending billions and billions trying to develop democracy around the world without a lot of success, but here we have to come with \$35 million more going to labor, the Chamber of Commerce and the two political parties. Sheer nonsense.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2359 offered by the Senator from North Dakota [Mr. DORGAN]. 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 Oklahoma [Mr. BOREN] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Texas [Mr. GRAMM] are necessarily absent.

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 224 Leg.]		
YEAS—39		
Baucus	Daschle	Leahy
Bingaman	DeConcini	Lott
Boxer	Dorgan	Mathews
Breaux	Exon	Murray
Brown	Faircloth	Nickles
Bryan	Feingold	Pressler
Bumpers	Feinstein	Pryor
Burns	Grassley	Reid
Byrd	Gregg	Roth
Campbell	Harkin	Sasser
Chafee	Helms	Smith
Coats	Kerry	Thurmond
Conrad	Kohl	Warner
NAYS—57		
Akaka	Hatfield	Mitchell
Bennett	Heflin	Moseley-Braun
Biden	Hollings	Moynihan
Bond	Hutchison	Murkowski
Bradley	Inouye	Nunn
Cochran	Jeffords	Packwood
Cohen	Johnston	Pell
Coverdell	Kassebaum	Riegle
Craig	Kemphorne	Robb
D'Amato	Kennedy	Rockefeller
Danforth	Kerry	Sarbanes
Dodd	Lautenberg	Shelby
Dole	Levin	Simon
Domenici	Lieberman	Simpson
Ford	Lugar	Specter
Glenn	Mack	Stevens
Gorton	McCain	Wallop
Graham	McConnell	Wellstone
Hatch	Mikulski	Wofford
NOT VOTING—4		
Boren	Gramm	
Durenberger	Metzenbaum	

So the amendment (No. 2359) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2358) was withdrawn.

Mr. HOLLINGS. Mr. President, we are trying to move along. The Senator from New Hampshire has a motion to recommit. I think that is next. He has been waiting on the floor, but is not here now.

While the Senator from New Hampshire is coming, we have a long list of amendments. I thank the colleagues because we have not really had to have any quorum calls. We will have, of course, the Dole-Hutchison amendment on incarcerated aliens. We have the Baucus amendment. We have the Gregg amendment and, of course, we have the motion to recommit of the Senator from New Hampshire. I understand there are also a couple of Helms amendments, a Dole amendment on racial justice, and another Senator Brown amendment on the National Endowment for Democracy. So we are moving them in as best we can. While we await the Senator from New Hampshire, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KERREY. Mr. President, I have a statement that I would like to make on the bill itself.

Mr. HOLLINGS. Mr. President, if the Senator will yield, we need that statement on the bill itself because pending is the motion to recommit. Anything the Senator can say in behalf of the measure itself we will appreciate.

Mr. KERREY. I thank the distinguished chairman of the committee. I will speak against the motion to recommit and will speak in favor of this bill and hope that my colleagues will join me in committing ourselves to this piece of legislation.

Mr. President, the distinguished Senator from New Mexico, the ranking member of the subcommittee, came to me, I believe a couple days ago, and said essentially, "This is the crime bill." I mean, this is where we have the opportunity to put our money where our mouths are. This is an opportunity for us to stand, essentially, and be counted. Are we going to fight the war on crime, or are we going to simply talk about fighting the war on crime?

I believe that the chairman and the ranking member have brought forward an extraordinary bill that provides law enforcement officers not only with the

tools to get the job done—that is to say, the tools to get the criminals off the streets, the tools to make the prosecution, the tools to make the convictions, the tools in fact to build the prisons we need in order to put the bad guys away—but this bill also provides resources to do the preventive work.

I will give this statement, Mr. President, but I would like to point out something as well.

There has been a lot of controversy over the Brady bill. I myself supported the Brady bill, but I must say I did so saying at the time and still today that we have to prove it up. I hope we provide the resources so that instant check can be done, because I believe in the end it is a lot more cost effective and a lot more reasonable way. We want to make sure, in short, that this new law gets to the people who are violating the people, not the people who are not violating the people. There are a lot of people out there who are concerned that all that Brady is going to do is make it a nuisance for law-abiding citizens to purchase guns and yet it will not do much in the way of getting people who would use those guns in an illegal fashion.

Mr. President, I ask unanimous consent that a story that appeared in this morning's Omaha World Herald be printed in the RECORD at this time.

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

BRADY BILL INDICTMENT STATE'S FIRST—PENALTIES STIFFENED FOR FIREARMS THEFT

(By Joy Powell)

In Nebraska's first prosecution under new federal gun legislation known as the Brady Bill, a federal grand jury indicted six men in connection with stealing guns from federally licensed firearms dealers, U.S. Attorney Tom Monaghan said Thursday.

Monaghan said he will use a provision in the Brady Bill to help fight the rising rate of violent crime in Nebraska.

"The weapons play a significant role in that," Monaghan said. "So we want to take a strong prosecutorial attitude in terms of violent crime, areas that U.S. attorneys have not gotten into much before."

The federal prosecution is aimed at people who steal guns intending to sell them to other people. The new statute is one attempt to get guns off the streets, Monaghan said.

Stealing guns from firearms dealers is now a federal offense under a provision of the 8-month-old Brady Bill. Until these indictments Wednesday, gun shop burglaries were prosecuted under state laws in Nebraska.

Federal sentencing guidelines and penalties typically are stronger than state sentences, Monaghan said.

Under the Brady Bill provision, the offense of taking guns from a licensed firearms dealer is punishable by up to 10 years in prison, a fine up to \$250,000 or both.

"There is no parole," Monaghan said of federal sentences, "so whatever time they are going to get, they'll serve."

President Clinton signed the law Nov. 30. It institutes a waiting period of five business days for all handgun purchases as well as time to check the buyer's background. Nebraska law already provided a waiting period

and background check, so Nebraska was exempt from those provisions.

The provision making it a federal crime to steal guns from licensed dealers, however, would make a difference in prosecution in Nebraska.

"It covers anything from a theft to a flat-out robbery to a night-time burglary," said Michael Norris, an assistant U.S. attorney who is prosecuting the gun cases under the new law.

A grand jury Wednesday indicted four Omaha men in connection with one gun shop burglary and two other men in connection with a separate investigation.

The Omaha case involved the burglary of P.J.'s Jewelry and Loan Inc., 4860 S. 137th St., on Jan. 26. The Omaha Police Department and Federal Bureau of Alcohol, Tobacco and Firearms investigated the burglary, in which 16 of 23 stolen guns were recovered.

Four Omahans in their late teens and early 20s were indicted on two counts each of suspicion of taking guns and conspiring to take guns. They are Kerry P. Conner of 13828 W. Circle; Gary T. Hughes of 14121 Margo St.; and Eric R. Cox, and Jamie D. Jones, both of 4873 Marshall Drive.

In the second, unrelated investigation, the grand jury on Wednesday returned an indictment charging two men with the July 11 burglary of Old West Guns in Kearney.

Kaneung Southivongnorath, 20, of Fort Smith, Ark., and Singto Poukhouanc, 21, of Nashville, Tenn., were indicted on suspicion of stealing the guns and conspiring to do so.

Poukhouane also is charged with the May 13 burglary and removal of guns from Wolfe's Cycle, a federally licensed firearms dealer in Hastings.

Mr. KERREY. Mr. President, the story is a story about a Federal grand jury bringing an indictment on a number of individuals, and the U.S. attorney in this case is using the new law in this case, the so-called Brady law, to bring the indictment. These individuals will be prosecuted under the new law that we passed.

This is a situation where individuals have acquired guns illegally. These are the criminals, the alleged criminals, the charged criminals. It is a case where we are using this new law to make our community safer. It is a piece of evidence, Mr. President, that the legislation in fact is working.

For those, and there are many in Nebraska, who asked me, Is this thing going to work? Is it going to be effective? Is it just a figleaf that you politicians have put over yourselves to provide some cover? Or is it in fact something that is going to get the job done? It is a piece of evidence, by no means all the evidence, but a piece of evidence that we are making progress.

Mr. President, Nebraskans, like most Americans, are increasingly very anxious about crime. A majority of us are old enough to remember when the playgrounds were safe for playing, when the schools were safe for learning, and when the streets were safe for strolling. Too often today that sense of safety in one's own neighborhood is evaporating, and for many it is already gone. Our grip on the basic right to feel

safe in our own home and neighborhood is weakening. Today, with this piece of legislation, we are taking action to restore it.

Because crime is a community problem, I believe we must look for solutions in our communities as well. When Congress first began to formulate the crime bill, many of whose provisions, as I said, are found in the bill before us today, I went to these communities, to their citizens, to their leaders and to their law enforcement officials simply to ask them what could we do to help. We are taking up a piece of legislation. We are going to authorize changes in the law. We appropriate the money. But you tell me. I will be the one elected politician, elected representative.

People will ask me: "Senator, what are you doing?" I would like to be able to say what I am doing is trying to help local communities solve their problems on their own.

Mr. President, our community leaders, as you know well, have creative, innovative ideas for fighting crime, but they need our help. They need a reliable Federal partner, a partner that helps them implement their own plan. This bill, Mr. President, gives them the partner they need.

Because this bill is only an appropriations measure, it solves only part of the problem, but a very big part of the problem. While crime is not going to be stopped by money alone, at least at some point we have to put our money where our mouths are.

Let me discuss a few ways in which Nebraskans plan to fight crime with the help that is contained in this piece of legislation.

First, Mr. President, the city of Lincoln received a \$1.1 million Federal grant to put 15 new police officers on the street to extend the city's community policing program. Mr. President, it seems like a small number, I assume, to many of my colleagues who represent States with large metropolitan areas, but 15 new officers in Lincoln, NB, makes a big difference. It translates into a lot more safety for each citizen of the city of Lincoln.

While that grant marked important progress, it must also be pointed out that another 15 Nebraska communities that applied for community-policing funding were turned away due to a lack of funds. To those individuals, we are not able to provide a Federal partner. To those communities this bill falls far short of what they need.

Many will come to the floor, and, indeed, the distinguished Senator from New Hampshire is asking that money be stripped away. But in this particular case for community policing there are 15 communities in Nebraska who have plans who are ready to go. I guarantee that all and every one of these individuals are conservative, red-blooded Americans who are concerned about their tax dollars. They want to make

sure their tax dollars are being well spent. And their requests for funding are being denied.

This bill provides, as well, the means for us to put another 100,000 policemen on the beat across our country in communities everywhere.

At the same time we put more cops on the street, we must give them the means to take more criminals off the street. This bill declares that our communities need our help to implement the tough anticrime measures they have crafted. It contains \$175 million to help build and expand prisons so that criminals can be put away where they can no longer threaten our neighborhoods. It contains \$25 million to implement a violent crime task force initiative that will see that the FBI, the DEA, and the ATF work with local authorities to fight violent crime. The bill provides another \$171 million above the budget request of the President to replenish the ranks of overburdened and overstretched Federal law enforcement officials.

Citizens across Nebraska are also alarmed, and saddened, by the shocking rate of increase in juvenile crime in our State. While the total numbers of arrests in our State have actually declined in 1993 and 1994, arrests of juveniles for violent crimes have increased by 10 percent. Nineteen percent more kids were arrested for robbery, 10 percent more for weapons violations, and other 21 percent more for drug crimes. From 1982 to 1992, arrests of our children for felony assaults skyrocketed a staggering 121 percent, while arrests of adults for the same crimes increased just 40 percent.

In Omaha, car thefts have risen from 1,000 in 1988 to 6,000 in 1994.

Increasingly, our citizens are not only afraid for their children, Mr. President; increasingly, we are finding ourselves afraid of them, as well.

Communities across Nebraska have crafted initiatives to help prevent violence before it happens and punish it when it does, but they cannot implement them without resources. This bill provides much-needed funding.

For example, the Edward Byrne Memorial Grant Program, which was cut in the President's initiative, provides States with formula grants to use as they see best to fight crime. The program recognizes that citizens at the community level know best how to use Federal resources to fight crime. Last year, Byrne program dollars provided Omaha with the Bigs in Blue Program, a project that provides youth with mentors from law enforcement.

In Lincoln, it provided the funds for a program under which inmates tell kids firsthand the perils of crossing the law. Across Nebraska, it funds multi-jurisdictional task forces that fight drugs. The administration budget had targeted the formula grant program for elimination, but the committee wise-

ly—and I thank sincerely the chairman and the ranking member, the distinguished Senators from South Carolina and New Mexico. They recognized the importance of this program and restored its funding at \$423 million.

Mr. President, again I point out, I have gone to community leaders and to law enforcement leaders in the State of Nebraska and this program leads the list. These are conservative individuals. These are not individuals that have a desire to waste money. These are individuals that know they have to get results. They are willing to hold themselves accountable. They are out there on the front lines. They not only have ideas, Mr. President, but they have courage to get the job done and the Edward Byrne Grant Program gets that done.

Again I say to the Senator from New Mexico and the Senator from South Carolina, I appreciate your response essentially to community leaders all across this country, to law enforcement officials all across this country, to making sure this funding was restored.

Mr. DOMENICI. Will the Senator yield?

Mr. KERREY. I am glad to yield.

Mr. DOMENICI. Mr. President, first let me thank the Senator for the analysis he made of the bill and the indication that he has given here to the Senate about what this bill really does. I thank you for your kind words.

On the Byrne grants, is it not true, in addition to keeping the program, we added \$65 million over last year's funding level, which sets this up as a very high-priority program, because the local law enforcement people really use it. It is their program money. It is that kind of thing that is right there at the grassroots.

So you support the \$65 million new funding for this program as we put it in this bill?

Mr. KERREY. I absolutely do, Mr. President, in answering the question of the Senator from New Mexico directly.

I appreciate that budget times are tough. I appreciate that we are being squeezed, in my judgment, as a consequence of rapid growth in entitlement programs. But this committee was able to provide \$65 million more. And I daresay that I suspect that my friend from New Hampshire, even though he is trying to recommit this bill, I suspect this is a program that works very well in New Hampshire, as well.

It is not one that even the distinguished Senator from New Hampshire is likely to be criticizing. It is one that, in fact, has met the tests of citizens who are concerned about how their money is being spent, who are increasingly being critical of those expenditures, who are asking us for results. They want to know not just that we are putting out a press release.

They want to know, are we putting out the fire of crime that is lapping up around almost every single community in our State.

This year, Nebraska plans to use Byrne funds to fight, in particular, juvenile crime. The funding in this bill means that many of Nebraska's ideas about youth violence can be converted into Nebraska's initiatives against youth violence.

The bill will help fight youth violence in another critical way. Many of the children committing crimes on our streets and threatening our neighborhoods—or being threatened themselves, it must be said, in fairness—are doing so because they leave school and enter an unsupervised world in which they lack controls, role models and structure. The Community Schools Program, funded in this bill at \$40 million, helps schools and communities in Nebraska and across the Nation provide kids a haven from the streets after school.

Rather than let them roam the streets to commit crimes or fall victim to them, communities under this bill will be empowered to provide supervised academic, sports and other programs for our kids after school.

The problem of youth violence is particularly potent in Omaha. Many of the relatively quiet streets that we once knew are now roamed by gangs of youth armed to the teeth with weapons and lacking the values that prevent the rest of us from using them. One group of dedicated citizens is helping to make a difference.

And I pointed them out, Mr. President. They have recently received substantial funding from the private sector. This bill will help them more. It is an organization called the North Omaha Bears. It is an academic and athletic program that is targeted at youth at risk of committing crimes.

Again, it is the sort of thing that, if you bring a flashlight to it, if you drag it out here on the floor of the Senate, every single one of us would say we are getting our money's worth.

Here is something you do not need to hire academics to come in and study. You do not need to have people come in and poke around and prod around, Mr. President. You can look at it.

There are 200 children—and I will say with certainty that unless this program is operating, were it not for the heroes that are extending themselves to these young people, there is no question a very high percentage of these kids would end up not only in trouble with the law but probably, in fact, indeed likely, causing us a considerable amount of money to incarcerate, as well.

Mr. President, we cannot put a price on the life of a child. But if we could, I believe we would find that the investments that we are making, the expenditures we are making in this bill, not

top down expenditures but bottom up expenditures, are expenditures driven by the needs, the dreams, the desires, and aspirations of the local community.

Mr. President, I believe that Members should be proud of this appropriations bill. The Senator from South Carolina and the Senator from New Mexico have produced a piece of legislation that have Republicans and Democrats alike saying, "Finally, we are able to stand with pride and say to community leaders, we are responding to your desires. You told us of the problem. You asked us to do something. Now we have something more to offer than merely the paper of press releases."

Mr. President, 2 weeks ago, I was given a packet of letters from a gentleman who runs a program called the Chicano Awareness Center in Omaha.

These young children had sent letters actually to the President of the United States. The individual who ran the program asked me if I would read them and respond to the letters. I wrote handwritten notes to each of these children that had written in. These are 9-, 10-year-old children in south Omaha. And I suspect that every single Member of this body has a similar kind of event to describe.

Well, Mr. President, these children would say to me, "Senator, what are you going to do? We are afraid to go out on the street." These are 9-year-olds that say, "I had a friend that was killed last week." These are 10-year-olds who say they are afraid to sleep in their bed. They prefer to sleep on the floor. These are children that are concerned in Omaha, NE, about walking home from school after school is out.

Every single one of these letters said, "Please do something."

I have to tell you that after reading the letters—I put the letters down after I had answered them—in my own heart, I said I do not know what I can do to help. I have been in elected politics for 9 years now and I have heard my own words over and over, talking about the problems of crime. And I wonder sometimes whether or not those words have been translated into action.

Mr. President, this bill translates words into action. This bill gives every single Member of this body the opportunity to go and talk to a 9- or a 10-year-old child in their community and say, "We have given your law enforcement officers the resources to make your streets safe." We are not going to tolerate violent criminals, drug pushers, preying upon you, whether that violent criminal is 16 years old or 36 years old. We have given your law enforcement officials and we have given your U.S. attorney, and we have given your local people the resources they need to make your streets safe. In addition, we can say with confidence, we

are providing community leaders with the resources they need to prevent crime from happening in the first place.

Again, I am proud of the work that has been done by the distinguished Senator from South Carolina and the Senator from New Mexico and I urge my colleagues, in as expeditious a fashion as possible, to enact this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO RECOMMIT

Mr. SMITH. Mr. President, on behalf of myself and the Senator from Delaware, Senator ROTH, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the motion for the information of the Senate.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], on behalf of himself and the Senator from Delaware [Mr. ROTH], moves to recommit H.R. 4603 to the Committee on Appropriations with instructions to report the bill to the Senate, within 3 days (not counting any day on which the Senate is not in session), with an amendment reducing the total appropriation therein to a sum not greater than its Fiscal Year 1994 level; provided, however, that such reduction in the total appropriation shall be achieved only from agencies funded under Titles II through VII of the bill.

Mr. DOMENICI. Will the Senator yield for a moment?

Mr. SMITH. Certainly.

Mr. DOMENICI. We are trying to get time agreements where we can. I have spoken to the two Senators who are co-sponsors of this and I believe they are agreeable to 20 minutes on a side, with Senator SMITH being in control of the time of the proponents and Senator HOLLINGS being in control of the opposition. I so put that unanimous-consent request to the Senate.

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

Mr. SMITH. Mr. President, first of all I thank my colleague from Delaware, Senator ROTH, who has been such a leader in the fight for deficit reduction and debt reduction in the Congress. Unfortunately, we lose most of these battles, which is why the debt keeps going up and the deficit is not improving very much either. But he has been a leader in his advice and counsel, not only on this motion but on other matters. He is very much valued and I welcome his support on this motion.

I also say to my friend from Nebraska, who spoke so eloquently a few moments ago about the need for some of the crime provisions in this bill, I agree with him 100 percent. Which is why Senator ROTH and I have exempted title I of the bill in the motion to recommit. We are not taking any of this money that we are trying to take out

of this legislation out of that section at all. The crime prevention, immigration, the prison construction—it is all there. We do not take a nickel of that. We exempt that. So I appreciate the statement of the Senator from Nebraska which, frankly, supports what we are trying to do rather than opposes it, ironically.

But what this motion does, very simply, is to send the bill back, to recommit it, to come back in at last year's levels. That is all it does. And it exempts title I of the bill.

So I have been down here on the floor now, this is the fourth time on the fourth different appropriations bill that has been over budget, offering a motion to recommit it back to committee to come out with the same amount of money we spent last year. The first three times we have done that I have lost. I expect to lose again.

I feel a bit like the swimmer out in the river who gets in trouble and needs help and flails wildly with his arms, trying to get somebody's attention on the shore for help before he or she goes under the second or third time and then never comes up. That is what we are doing now. Swimming in red ink, we flail and make noise and try to get somebody's attention but nobody listens. Everybody ignores us. And sooner or later America will sink under the water, under the sea of red ink, just as that swimmer would if no one could help.

But I will again make another attempt, along with the support of my colleague from Delaware. Let me point out here is the bill. I will not take much time.

Last year it was, fiscal 1994, \$23,665,631,000. This year as reported out from the Senate, \$27,817,141,000, for a net increase of \$4,161,510,000. Here we go again.

You will hear all these eloquent reasons why we should not cut a nickel of this. It is all needed. It is just what we said on every one of these appropriations bills. We cannot possibly cut a dime. We never can, which is why the debt keeps growing. It is now \$4.5 trillion. We are going to add another \$4 billion on this vote. And we are not going to cripple the crime fighting because Senator ROTH and I have exempted that.

But we, again, if we get 30 votes we will be very fortunate. I realize that. But somebody has to get the information out there. Somebody has to try to get the attention of our colleagues to what we are doing to America and what we are doing to the future of our kids.

Let me give the numbers. I had a motion to recommit on the legislative appropriations bill. It was \$91 million over last year and we lost on a voice vote.

I came up with the Treasury, Postal bill, that was \$1 billion over budget,

and we lost. I think I got 38 votes on that one.

We came to the transportation bill, \$740 million over budget of last year. We lost on that. We got 28 votes yesterday.

Today, Commerce, Justice, State, \$4.1 billion over budget and we will lose again today. And when you add it up just on these four appropriations bills—four—it is \$6 billion over last year.

We are going to hear all these eloquent statements in the future, perhaps from some of the people—definitely from some of the people who vote for these—about how we have to reduce the deficits. Reduce the debt. We cannot let America continue on this track. But when push comes to shove and it comes down to cut, nobody does it. We could not possibly do without this \$4 billion.

The interesting thing, I pointed it out on all three of the other votes, this is borrowed money. This is not \$4 billion sitting up there. The whole bill is \$27 billion. This is \$4 billion over—\$4.1. This is not sitting up there in a fund somewhere so we just reach out and spend it. This is borrowed money. We are borrowing it and we are borrowing at approximately 7.5 percent. If we take 7.5 percent of just this \$4.1 billion we are going to add \$307 million in interest on the increase—not on the whole bill. We are borrowing that money, too. Just the increase, \$307 million.

Let us do the math a little further. Let us add all those: \$91 million, \$1 billion, \$740 million, and \$4.1 billion and you come up with \$6 billion; and 7.5 percent of \$6 billion is \$450 million.

One of our former colleagues, Everett Dirksen, would say: A million here and million there, sooner or later you get real money. We amended that to a billion here and a billion there. Now it is a trillion here and a trillion there—I do not even know what comes after trillion. That is where we are headed. We are headed for economic ruin. That is where we are headed and nobody—nobody will come up here. We need 51 votes to stop this insanity. We do not have them. I know it, but that does not mean, as I pointed out yesterday, that we cannot point out it is wrong.

I am going to continue to do it, day in and day out. I am going to stand here on the floor of the Senate and tell the American people and my colleagues how much we are spending every time we overspend one of these appropriations bills. If we cannot stop an appropriations bill that is anywhere from \$91 million to \$4 billion over budget, how are we going to reform entitlements? That is the biggest joke I have heard around here. "We are going to do some entitlement reform." Entitlement reform? You have to be kidding me. Who is going to reform entitlements if you cannot even cut \$91 million out of the

legislative appropriations that we use to fund ourselves around here? You must be kidding.

Again, that is the scorecard. That is the bad news. Unfortunately, there is not any good news. I hope at some point in time before America goes down the economic drain we will find some way to bring ourselves to some fiscal sanity in this place. I know when the opposition speaks, you will hear it—everything is worthwhile. We are going to ruin everything. We would probably decimate the entire U.S. Government if we do not pass this bill. I will hear that I am irresponsible.

Let me tell my colleagues when the clock keeps ticking and those people who receive those entitlements in the future, our grandchildren, when they do not have anything, somebody is going to stand up and say: Where were you guys? Where were you 20, 30, 40 years ago when you bankrupted America? I am going to be able to look my grandchildren in the eye and tell them where I was. I was on the floor of the U.S. Senate trying to exercise some fiscal restraint.

At this point, I yield whatever time remains of the 20 minutes to my friend and colleague, the Senator from Delaware, Senator ROTH.

Mr. ROTH. Mr. President, I thank my distinguished friend and colleague, the Senator from New Hampshire. Just let me say, there is one bit of good news, and that good news is that there are leaders like Senator SMITH, who are willing to take what many consider an unpopular position. I thank him for his strong interest and what he is trying to do in this area of budget responsibility.

I rise as an enthusiastic cosponsor of the amendment to recommit the Commerce, State, Justice appropriations bill to committee with instructions to return all programs to their 1994 enacted levels, except for title I, the critical funding contained in the bill for all crime programs.

This pending bill is over 17 percent higher than the fiscal 1994 levels. All non-crime-related increases are 9 percent higher than the 1994 levels, or \$1.3 billion. These non-crime-related increases are unacceptable to this Senator. I agree that it is essential to fully fund the Senate-passed crime bill. However, Senators should not be forced to accept these dramatic increases in the Commerce Department, 16.8 percent over this year's level. Let me repeat, it is 16.8 percent over this year's level, and that is an increase of \$609 million. The Federal Judiciary, 8.1 percent over this year's level, or a \$222 million increase. The State Department, 4.6 percent over this year's level, or a \$185 million increase.

The amendment recognizes that crime is an area of specific concern where increases in funding are, indeed, justified. The American people are concerned about crime, and legitimately

so. In my home State of Delaware, violent crime has increased 55 percent from 1983 to 1992. Forceable rape was up 158 percent. Delawareans want tough action, not just tough talk, about crime, and the pending legislation does take some good steps in that direction.

The bill includes, for example, \$299 million for initiatives to protect our borders and enforce our immigration laws. I can tell you, based on hearings I conducted last year in the Permanent Subcommittee on Investigations, the criminal aliens are contributing substantially to our overall crime problem. We certainly need to fix the system to ensure that criminal aliens are promptly deported and that they do not come back.

My investigation found that only about 4 percent of the deportable criminal aliens in this country last year were actually deported. Investigating, prosecuting, and incarcerating criminal aliens cost the American taxpayers at least \$750 million each year. We have enough of our own criminals. We do not need to import more.

It is, of course, true that crime, especially violent crime, is primarily the responsibility of State and local officials. But at the Federal level, we can and should provide assistance where we can for community policing, drug courts and State correctional grants.

Mr. President, the Smith-Roth amendment allows for the first critical funding installment for the crime bill and highlights the need to set priorities and restrain funding in other areas.

I, therefore, urge the adoption of this amendment and yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I congratulate the distinguished Senator from New Hampshire, not on his particular amendment but on his election. I went up to New Hampshire and talked about a budget freeze. That is what the Senator from New Hampshire is talking about. He is just saying, take next year what you have this year. I tried that on, and roamed up and down at my expense for months on end. I had a delightful time, incidentally.

I talked about a budget freeze, and one of the opponents was talking about a nuclear freeze. And he won out. I told him, of course, down home they thought a nuclear freeze was a dessert.

But, in any event, I know the feeling that the distinguished Senator has. I have tried various initiatives, in addition to trying to cut, as we have to do, and hold up on the space station, and we all know about the super collider, the Osprey and all these other particular pieces of weaponry. I voted against

the National Service Program. Everybody was in heat about voluntarism. You cannot start these new super-duper spending programs. I helped initiate the Peace Corps. I know about voluntarism, but I conscientiously voted against that particular bill because I knew this was another unfunded initiative. And, on target, here is another unfunded mandate, namely health care.

I went to the President last February with a value-added tax, and we have introduced a value-added tax to pay the bill of health costs, the deficit, and the debt.

I only say that because these statements are not eloquent, they are just factual. I feel just as keenly as he does, and I hope that our colleagues will realize the sincerity of my comments.

Listening to him in round figures, of course, he talks about a \$4 billion increase. Three of it is what he has exempted, namely the Department of Justice. He did not exempt judiciary. You do not have 120,000 prisoners tried, probation officers, courts to try them in, and everything else of that kind at the judiciary—that is \$222 million; \$1 billion left.

I am certain the Senator does not want to cut that out because he felt very sensitive, and I agree with him, on this being a crime bill.

You can go to the disaster loans and pick up another 500 million of that \$1 billion and go right on down. Everybody agrees that we cannot control disaster—earthquakes on the west coast, floods in the Midwest or Southeast. So we have the disaster loans taken care of.

Yes, there is the Department of State. The Department of State is our front line of defense. With the fall of the Wall, we have many programs now aimed at democratizing former Communist countries. We are trying to get free elections in places around the world.

Right in the midst of it, my budget, when I look at it, is cut 10 percent by devaluation of the dollar abroad. I have only been able to give an increase—it is an increase—but it does not amount to a net increase, it amounts to a net cut. That is when I think of persons like the distinguished Barbara Shale, the Foreign Service officer, when she was trying to administer the program out there with the Kurds; when I think of the Ambassador David Dow, with only 9 people to administer 121 others that had been superimposed on him to administer from Agriculture and the IRS and the Federal Aviation Administration—a veritable disease at our foreign Embassies that are trying to get by without additional money. It looks like the State Department, and no one wants to support it. We have to; we should. Those increases in there are well conceived.

We have new initiatives in there with respect to Radio Free Asia and Radio

Free Europe. I saw Lech Walesa when he visited the United States and he was asked about the value of Radio Free Europe. He said: "What is the world without a Sun?" It worked. We will get into that with respect to Radio and TV Marti later on.

Now we are trying to communicate in Haiti with a plane flying around with a radio broadcast into Haiti.

Otherwise, we are trying to institute the Radio Free Asia, which has been so successful in the fall of the Wall.

We can go to the defense conversion funds in Commerce, not just the weather. They put in Nexrad, a modernized Doppler radar against wind shear in Houston yesterday where they are about a month late from my particular backyard, Charlotte, NC, where 376 of them got killed from one city in South Carolina, Columbia, on account of wind shear. These things cost, and we put them in, and they should be financed and they should be paid for.

And, yes, I go along with a lot of these cuts, and I go along with withholding. And, yes, I had a conference yesterday with the distinguished President. And I said, Mr. President, when you get the money, for whatever suggestion, whether it is overall, super-duper health reform with 100 percent coverage or portability, previous conditions, catastrophic illness and some cost containment, I am going to be looking at that bottom line. And if it is paid for, then I am going to look at it a second time and may support it. But unless I look at the bottom line, the first step, and find out it is paid for, it is out of the window, no matter how much—because I am not going to take a government that is suffering under the auspices of unfunded mandates and say the solution to the problem is another unfunded super-duper mandate.

So that is the way I stand with respect to spending, and I stand with the Senator from New Hampshire on that score.

But this is the wrong approach. We worked on these things. We did not come around and just cut and everything else. We denied; we cut. Senator DOMENICI and I worked around the clock. We worked with the staff. We had a 602(b) allocation, \$1/2 billion less than what the President had assigned us. We got a budget with no appropriation for the Securities and Exchange Commission. The President had red lined Byrne grants.

We could get into all of those things. The distinguished Senator has exempted the Byrne grants, but all these others are in a similar situation, and they were not casually included. I can tell you that the amendment should be defeated. When you look at the initiatives—defense conversion, they had a 14-member Republican task force on defense conversion. Now, we have fleshed that out in Appropriations just exactly how they said—and under Sen-

ator PRYOR, the Democratic defense conversion task force. I look at my backyard where they have cut out some 20,000 jobs; they closed the navy yard; they closed the naval base.

And there are two ways to go at that particular problem, Mr. President. You can put them all under welfare and let us pick it up under the unfunded mandate, or you can put in some initiatives for economic development and conversion so that they can become productive. The workers themselves are productive, but the installation has got to become productive. And so we put some money in here on defense conversion under EDA and some of the other programs. I can go down all of these particular programs. It is not the case that since we have increased it, we cut out the increase and let them go on welfare and let some other committee pick them up. I do not think the Senator from New Hampshire wants that done.

I hope his motion will be defeated. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, is there any time remaining on our side?

The PRESIDING OFFICER. Six and a half minutes remaining.

Mr. SMITH. Mr. President, I do not intend to use all of that time unless Senator ROTH might be interested.

I would just say to my friend from South Carolina we have now had nine appropriations bills. This is the ninth one, I believe. Some of them were under last year or equal to. This is one of those that is over.

The Senator said that my approach is the wrong approach. The national debt is now \$4.5 trillion. We have added \$6 billion with just these four bills—\$2 billion of it is out of this bill.

What is the right approach? If we are not willing to look at cutting, or at least freezing, the appropriations bills that come down before us, that is the only—that is the discretionary spending. We have a commission now set up to look at entitlements, as I indicated in my remarks. I do not know how anybody would want to deal with that, if they are not willing to deal with a very few billion dollars here on 13 appropriations bills. I just do not know what the right approach is.

The Senator mentioned walking the streets of New Hampshire, the communities of New Hampshire, when he ran for President, and people did not know—I think the implication was they did not support the Senator because he was talking about a budget freeze. I walked those same streets in those same towns and supported a budget freeze and got 65 percent of the votes. So maybe it was just the communicator. I am not sure.

But I think people in New Hampshire and people across America want the budget balanced. And I realize that

there are worthwhile programs here, which is why Senator ROTH and I exempted the crime portion, the justice portion. But I think, also, as the Senator well knows better than I do, in the Appropriations Committee that is the job, to shift moneys around, to prioritize certain things, and if crime becomes a priority, then make some adjustments somewhere else. That is the job of the appropriators. And, frankly, to the consternation of many of us in the authorizing committees, you do it frequently and sometimes we do not like the priorities. But somebody has to prioritize.

My only point is it would be great if we as Senators could sit down in a room and make one very basic premise, which we have never done, and that is that we are willing to balance the budget. Let us just make that decision. Then we will fight about what we do to balance it. And I may lose on some things that I would like to see remain, but so be it. We will balance the budget.

But we have not made that decision. We defeated a constitutional amendment to balance the budget in the Chamber of this Senate earlier this year by 3 or 4 votes because, the reason was given, well, we can do it; we do not need an amendment to do it. Well, here is an opportunity to take \$4 billion, and we are not cutting a nickel. We are going back to last year's level, that is all. We cannot even do that. So I think the point is made.

Mr. President, I am going to yield back the remainder of my time, but before doing that I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I say to the distinguished Senator from New Hampshire, that is why I congratulated him, because he did get 65 percent of the vote. I carried Dixville Notch, but I did not carry the Manchester Leader. The Senator probably had her support.

I do admit to a communications difficulty. I remember up there when "E.F. HOLLINGS" spoke, nobody listened. I knocked on a door up in Massachusetts—I never will forget it—in Woosta. I kept calling it "Warchester." And the lady said, "Who are you?" I said, "FRITZ HOLLINGS." She thought it was a German trucking company.

But in any event, the Senator is probably right; it was a communications problem.

But there is not a right approach or a wrong approach. It is every approach. The Senator and I have used freezes. I used Gramm-Rudman-Hollings until they repealed that here at 1 o'clock in the morning. I raised a point of order on it. And that is when we started going up to \$400 billion. And actually

we are now at a \$4.7 trillion debt. The annual cost is \$1 billion a day except Sunday—\$311 billion interest costs. So I call them "interest taxes." And those people who pride themselves on not increasing taxes are doing exactly that. That is exactly what we are doing. We are raising \$1 billion in taxes that have to be paid. We are putting it on future generations. But we are putting it on the debt, so that in turn increases again the interest cost on that national debt. So we have worked our way into a position of having to increase taxes as well as cut spending.

You can eliminate all nine of these appropriations bills and you would still be in a deficit. So let us understand that. Just eliminate them, do not just cut them or whatever it is. So with that, you need not only spending cuts but you need some revenues. That is what I hope to do, is cut the spending and raise some revenues and start us down the road toward fiscal responsibility again.

Let me yield the floor.

Mr. DOMENICI. Will the Senator yield?

Mr. HOLLINGS. I yield whatever time necessary.

Mr. DOMENICI. How much time does Senator HOLLINGS have?

The PRESIDING OFFICER. Eight minutes 44 seconds.

Mr. DOMENICI. I yield myself 4 minutes of that 8.

Might I first say to the Senator from New Hampshire, my hat is off to the Senator and my good friend, Senator ROTH, from Delaware, for all you try to do to reduce the deficit around here.

I can say that the Senator does not appear to me, based on his voting record, 1 day to be for a lot of spending and then another day for cutting. I think he is very consistent, and I compliment him for that.

First of all, I regret to tell the Senator that if this was adopted and we re-committed this as recommended, let me be sure that everybody understands what I am saying. We would not save one penny. Let me suggest why. Frankly, we saved some money when both Senators voted for the Exxon-Grassley amendment. I assumed they both did. That took the caps that bind us in terms of spending, and it lowered them. The two Senators should have taken full credit for all those appropriated accounts that could no longer be funded, and I think it was \$19 billion over 5 years. It went to conference. That was cut in half. So the two Senators can take credit for \$12 billion in savings. Those are real savings because the Senate and the House cannot spend above those caps. So that reduced the total amount of money available to be spent, and there were real savings.

But I regret to tell you that if this occurred, the money that was purported to be saved was not saved. It goes right back into the large chunk of

appropriated accounts to be appropriated at a later time.

So anybody that really thinks you get savings, the only way to do that is to add to this amendment caps that reduce by the amount that you want to save. I am not being critical. The Senators' intentions are absolutely forthright. But essentially it will not save any money. That is not all the argument.

If you want to know how to cut the budget, you have to get started on the entitlements, and I think both of my friends who offered this amendment know that. The entitlements are still growing at a pace that will bankrupt the country. We will be back up to \$450 billion in deficits, if we freeze all the domestic accounts for the next 4 or 5 years, we will be up to a \$450 billion deficit because of entitlements.

So your question is, If this is not the right way, what is? Lower the caps is the right way, and have an amendment down here and vote on it, and lower them. Then you really save money.

Second, get after the entitlements, and whenever we collectively bring some amendments to the floor, if you choose to, obviously reduce that entitlement spending.

Let me make one last point. This is a crime fighting bill, and I have to remind Senators that \$222 million of the reduction proposed comes from the Federal judiciary. It will be \$367 million below their request. It seems to me that we ought to help our Federal district courts and circuit courts who are engaged these days in the heaviest dockets of criminal cases that we have ever had, and we would be reducing the Federal judiciary over the request by \$367 million.

I also say that, in order to fund crime in this bill, we have already reduced the so-called related agencies by \$468 million in order to spend that money on crime. You will take another chunk out of that under this proposal.

So again, I understand this is a consistency issue with the Senator from New Hampshire, and he has been joined by one who takes a back seat to no one on deficit cutting. But I do not believe sending it back to committee with these kinds of cuts is the right way to do it. I am sorry that I cannot be supportive.

Mr. ROTH. Mr. President, may I ask the Senator, it is true that we could make the savings by lowering the caps and addressing entitlements; is it not also true that if we were successful in reducing this appropriation by \$1.6 billion, if we could get those votes, then maybe we could keep future appropriations from spending it? I realize that there is always the risk that someone else will try to spend it. But if this Senate would just show once that it has the courage to take these steps, then there is a third approach.

I ask my distinguished colleague.

Mr. DOMENICI. Mr. President, I say this knowing full well what the Senator has in mind, and the sincerity of his approach. But we have already in the past 3 years cut programs on the floor of the Senate without reducing the caps, and we have never saved a penny. Some of the Bumpers amendments have passed where we have cut this program or that, and if you did not reduce the caps, if you look at the year, we did not save any money.

So I do not believe you will ultimately save money that way.

Mr. ROTH. Nevertheless, it is a possibility?

Mr. DOMENICI. Of course, it is possible. I grant you that.

Mr. SMITH. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 3 minutes and 28 seconds.

Mr. SMITH. I yield 3 minutes and 28 seconds to Senator LOTT.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Mississippi [Mr. LOTT], is recognized.

Mr. LOTT. Mr. President, I wish to thank the distinguished Senator from New Hampshire for yielding me this time. I rise in support of his amendment. I know that bill managers have a tough job, and I know they work hard to do a good job. In fact, they did a good job; however, this amendment will make a significant improvement on their efforts. It ensures that the reductions are real and that they occur to other than the crime fighting provisions of this legislation. This makes sense.

Specifically, the motion says that any reductions in the total appropriation shall be achieved only from agencies funded under titles II through VII of the bill. So the way I read that, the Department of Justice, and related agencies would be exempted. I want to repeat; it would exclude the crime fighting portion of this bill. They would not be included under the motion by the distinguished Senator from New Hampshire.

But, even if that were not true, I mean, how many of you in this room think that the American people will shed tears because the bureaucracy within the Department of Justice does not get more money? Not very many. Granted, the Department of Justice may have a heavy load; however, the solution is to work a little harder; not spend more money.

I know of certain instances where the case backlog could be resolved if the Federal judges would just come in and really go to work. Dockets could be cleaned up. I am not particularly impressed by the argument regarding workload.

I did not intend to speak on this topic today. However, I read the bill and listened to the effort of the Senator from New Hampshire and was compelled to participate in the dialog

on this bill. In my reading of the legislation, I found some interesting things which need to be highlighted and challenged. If our Government's budget is tight, why do I see an appropriations bill filled with spending increases for a whole handful of Federal agencies. For instance, the Equal Employment Opportunity Commission, will get an increase of \$10 million above last year; the National Institute of Standards and Technology will get an increase of \$358 million over the previous year; the National Oceanic and Atmospheric Administration [NOAA], an organization that I generally like and support, gets a \$58 million increase; and \$98 million more for the Economic Development Administration. How about \$42 million more for the Bureau of the Census, and we are nearly a half a decade away from the next census. The list goes on and on, and it is starting to add up to real money. The index of agencies and accounts showed that 22 either increased or remained constant while only 7 were reduced. The appropriation increased by nearly 18 percent when compared to last year—this is not just keeping up with inflation—this is spending more.

One last thought on spending. It is just as interesting to examine what agencies were cut and ask why. The Small Business Administration's budget went down by \$147 million. To me small business is entrepreneurial America, and it should not be short changed at the expense of an international agenda.

The American people are not excited about what the State Department does. And yet, the State Department got an increase of \$185 million over last year. This bill recommends \$4.2 billion for the Department of State. I do not believe, if a vote were taken on this one item, that you could get 10 Senators to support this increase for the State Department.

Let us pause and examine one element within the State Department account, and ask the simple question—what is that? The Committee for International Organizations and Conferences, that is a strange sounding name. It gets well over \$1.3 billion annually. That is more than this administration budgeted for the Drug Enforcement Administration and the Small Business Administration put together. Put together. I ask you; are the priorities right?

I would like to conclude on the issue I started with—crime fighting. We all know this bill is not about crime fighting it is about spending at the Department of Justice. There is no other agency in this city that is so over populated with tons of lawyers, who ought to be out doing genuine work in the private sector. Do my colleagues think we cannot cut its bureaucracy? We are not talking about the Federal workers who deal with the criminal element on

a day-to-day basis, those making our streets and homes safer.

I know the job of an appropriator is tough. I know the bill managers have made an excellent attempt in many respects, but I would like to see some priorities challenged and more money invested in real crime fighting.

I urge adoption of the Senator's motion.

Mr. BIDEN. Mr. President, I rise in strong opposition to the motion offered by Senator SMITH and others that would recommit the Commerce, Justice, State, and Judiciary appropriations bill. I must oppose this motion for one overriding reason—this motion would be devastating to my home State of Delaware. Chairman HOLLINGS and the members of the Appropriations Committee have brought to the floor a tough and efficient bill, to recommit the bill at this late hour will have one result, and one result only—this bill will fall apart. Can we be sure that Chairman HOLLINGS and the other members of the Appropriations Committee will be able to start anew with a bill that is as complete, particularly for my home State of Delaware? Of course not.

The House of Representatives has already passed this bill, the Senate appropriations Justice Subcommittee has already passed this bill, and the Senate Appropriations committee has already passed this bill. And, I have been working with Chairman HOLLINGS for months throughout this process.

Chairman HOLLINGS and ranking Member Senator DOMENICI have been most responsive to my efforts to fight for the citizens of Delaware. Chairman HOLLINGS and Senator DOMENICI worked with me to adopt an amendment I sponsored that continues funding for Delaware's victims of crime. All told, I am gratified that our efforts will more than triple Federal crime-fighting dollars in Delaware, from \$3.5 million today, to at least \$10.9 million next year. These efforts will serve Delawareans who are victims of crime, particularly women victimized at the hands of a brutal spouse, Delaware law enforcement, Delaware's judicial system, and Delaware children who are at risk of falling prey to drugs and crime.

Make no mistake, adopting the Smith motion will destroy the sound, bipartisan efforts of the appropriations committee. And I urge all my Senate colleagues to vote against this motion.

The PRESIDING OFFICER. All time has been yielded. The question is on agreeing to the motion of the Senator from New Hampshire to recommit. 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 Oklahoma [Mr. BOREN], the Senator from California [Mrs. FEINSTEIN], and the Senator from Ohio [Mr. METZENBAUM], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Texas [Mr. GRAMM], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—24

Bennett	Grassley	McCain
Bradley	Gregg	Nickles
Brown	Hatch	Pressler
Coats	Helms	Roth
Craig	Hutchison	Simpson
Dole	Kempthorne	Smith
Faircloth	Kohl	Wallop
Feingold	Lott	Warner

NAYS—71

Akaka	Exon	Mikulski
Baucus	Ford	Mitchell
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Harkin	Murray
Breaux	Hatfield	Nunn
Bryan	Heflin	Packwood
Bumpers	Hollings	Pell
Burns	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Riegle
Chafee	Kassebaum	Robb
Cochran	Kennedy	Rockefeller
Cohen	Kerry	Sarbanes
Conrad	Kerry	Sasser
Coverdell	Lautenberg	Shelby
D'Amato	Leahy	Simon
Danforth	Levin	Specter
Daschle	Lieberman	Stevens
DeConcini	Lugar	Thurmond
Dodd	Mack	Wellstone
Domenici	Mathews	Wofford
Dorgan	McConnell	

NOT VOTING—5

Boren	Feinstein	Metzenbaum
Durenberger	Gramm	

So, the motion was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we are ready to move to the Dole-Hutchison amendment. The yeas and nays have been ordered.

Before we do that, we have one minor item here with respect to the Senator from Pennsylvania, [Mr. WOFFORD], and the Senator from Vermont. We are ready to accept that.

So if I could yield the floor and they be recognized, I think we could move that one along and then get to the other.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2361

(Purpose: To restore funding for Trade Adjustment Assistance Centers)

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of offering an amendment. The

amendment that I will be offering is the Wofford amendment that is set forth in the unanimous-consent request. The amendment is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. WOFFORD, for himself, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. SPECTER, Mr. MOYNIHAN, Mr. RIEGLE, Mr. DANFORTH, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. KOHL, proposes an amendment numbered 2362.

Mr. JEFFORDS. 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 64, line 20, after "realignment," insert ". Provided further, That of the total amount appropriated in this paragraph, \$10,000,000, shall be available for the trade adjustment assistance program and \$174,000,000 shall be available for grants pursuant to Title I of the Public Works and Economic Development Act of 1965 as amended".

Mr. JEFFORDS. Mr. President, I am pleased to sponsor, along with the junior Senator from Pennsylvania, an amendment to restore funding for Trade Adjustment Assistance Centers [TAAC's]. It is also cosponsored by Senators LAUTENBERG, SPECTER, MOYNIHAN, RIEGLE, DANFORTH, LEVIN, ROCKEFELLER, and KOHL.

Our amendment shifts \$10 million from the title I public works grant program under the Economic Development Administration [EDA] to fund the 12 regional Trade Adjustment Assistance Centers at their fiscal year 1994 level.

Even with the shift, title I is funded at \$174 million, which is \$14 million more than current funding, and \$42 million more than the administration's request.

Trade adjustment assistance is authorized under the Trade Act of 1974 to help manufacturers who have lost sales and jobs to imports. Affected firms undergo a certification process in which they document injury from imports. Once certified, they become eligible for cost-shared technical assistance to improve their competitive position.

Mr. President, Trade Adjustment Assistance Centers work. The 12 regional TAAC's have assisted 454 firms in the past 5 years, helping these firms to reverse declining sales and job losses.

Two years prior to entering the Trade Adjustment Assistance Program, these firms employed 55,737 people, and had cumulative sales of \$4 billion.

At the time of certification, their employment levels had dropped by 14 percent, to 48,070—a loss of 7,667 jobs. Their sales had declined by \$391 million—a 10-percent decline.

Since receiving TAAC help, these firms have boosted sales by \$804 million—a 22-percent increase. And they have hired back 3,369 workers.

Most important, productivity as measured by sales per employee has increased significantly, averaging \$72,499 prior to certification and \$86,572 since certification. Profitable firms stay open for business; they continue to employ people and hire new people.

In the last 3 years alone, 59 companies employing 8,930 workers have received approval for technical assistance projects totaling nearly \$6 million. The Federal Government will provide 58 percent of that amount; the firms themselves will foot the bill for the remainder. The Federal Government's cost per employee for this assistance is only \$380—an amount equal to a few weeks of unemployment compensation.

The New England TAAC currently is providing assistance totaling \$205,000 to 6 companies in Vermont that employ 206 workers. One of these companies, the Stowe Canoe and Snowshoe Co., has introduced a new aluminum snowshoe since receiving NETAAC assistance. It has doubled its work force to 30 employees and captured 30 percent of the growing metal snowshoe market.

An article appearing in the February 1994 issue of Nation's Business magazine highlights the Stowe turnaround and other TAAC successes. I ask unanimous consent that the article, entitled "Getting Help to Fight Back," appear following my remarks.

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

(See exhibit 1.)

Mr. JEFFORDS. Other Vermont firms helped include Moot Wood Turnings in Northfield Falls, Polymers, Inc. in Middlebury, Pulmac Ventures in Montpelier, Ski Tuner in Waitsfield, and Snow River Wood Products, Inc., in Brattleboro.

Mr. President, I will close by making a few observations. First, the administration zeroed out funding for the TAAC's because it intends to revamp and consolidate all of our adjustment assistance efforts. While I am not necessarily adverse to such action, I think it is imperative that we continue to fund the TAAC's until a satisfactory replacement is up and running.

Second, many argue that TAAC's only help dying industries. Two points there: First, look at the rebound our auto manufacturers have made. Trend does not have to be destiny. But also, the argument simply isn't true. TAAC's are providing assistance to several high-technology industries, including medical equipment and supplies, electronics, and communications.

Third, this program delivers a lot of bang for the buck. Each project is heavily cost-shared; each firm has to be viable enough to invest its own capital. So Federal funds leverage private capital.

Finally, the program saves money. If firms regain their competitiveness,

they don't lay off employees. The best social program, as we all know, is a good-paying job. And manufacturing jobs are good-paying.

One analysis suggests that the Federal investment in trade adjustment assistance has a return of nearly 700 percent in terms of the Federal and State revenue each job saved or created generates.

Mr. President, I ask unanimous consent that the analysis appear in the RECORD following my remarks.

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

(See exhibit 2.)

Mr. JEFFORDS. All in all, I think a \$10 million Federal investment in keeping the 12 TAAC's operating is prudent and fiscally responsible. I urge my colleagues to support this important amendment to maintain our manufacturing base.

EXHIBIT 1

GETTING HELP TO FIGHT BACK

(By Robert Sullivan)

Low-cost Canadian snowshoes threatened to drive Ed Kiniry's company, Stowe Canoe and Snowshoe Co., in Stowe, Vt., out of business. "We were being undercut by inferior-quality imports," he says. "Canadian maple was underselling our ash frames at 60 percent of our lowest price."

Rather than give up, Kiniry got help. He turned to a federal program designed to help small manufacturers recover business lost to imports. The Department of Commerce's Economic Development Administration, through 12 regional Trade Adjustment Assistance Centers, pays up to 75 percent of the cost of consulting services needed to turn around small firms adversely affected by foreign competitors. The regional trade centers can deliver help in as little as 60 days after a company applies.

The New England Trade Adjustment Assistance Center, in Boston, helped Kiniry get a \$40,000 grant from the Commerce Department to hire consultants. Upon their recommendation, Stowe Canoe and Snowshoe developed an aluminum snowshoe that became an instant market hit. Since introducing the product last year, the company has doubled its work force to 30 employees and has captured 30 percent of the growing metal-snowshoe market, which is projected to reach sales of \$5 million this year.

"If the business needs help, we provide it directly or contract with independent consultants for the expertise," says Richard McLaughlin, director of the New England Trade Adjustment Assistance Center.

Although the center covers only "the soft costs," such as consultants' fees, and does not pay for equipment or inventory, Kiniry says the \$40,000 grant made it easier for his company to spend \$110,000 of its own money to sell the snowshoe.

Under the program, participating companies are required to pay at least 25 percent of the cost of the consulting services. McLaughlin says New England area companies that complete the program realize an average 120 percent increase in profitability, a 10 percent increase in sales, and a 5 percent increase in employment.

The centers provide three levels of service: certification of a company's injury from imports, consulting services to prescribe a remedy, and help in implementing consultants' recommendations.

Certification is free. A company must demonstrate that imports threaten its sales, production, and jobs. The center handles all of the paperwork, and the program is confidential. In 1993, 249 small manufacturers nationwide received Trade Adjustment Assistance Center certification, clearing the way for the next level of assistance.

Once a company is certified, professionals spend two to four weeks determining the firm's strengths and weaknesses. A result is an "adjustment proposal," which is similar to a business plan. It outlines a strategy for recovery and includes a grant proposal for consulting services submitted to the Department of Commerce for approval. Proposal review takes about two weeks.

Last year, the Department of Commerce funded 143 adjustment proposals. Congress appropriated \$10 million for the program in 1994, down \$3.7 million from the previous year.

Once a grant request is approved, the company and the Trade Adjustment Assistance Center select consultants through competitive bidding.

A \$50,000 grant for trade adjustment assistance helped revive Roger Leib's ailing company, Add Interior Systems Inc., a Los Angeles manufacturer of upholstered institutional seating. In 1990, import competition cost Leib's firm more than \$750,000 in potential sales, and the company lost money for the first time in its 13-year history.

With help from the Western Area Trade Adjustment Assistance Center, in Los Angeles, Add Interior was able to redesign its production layout, install an incentive-pay system, nearly triple the pace of production, increase overall quality, integrate its management-information system, and enhance customer responsiveness. It also streamlined its product line.

"It was amazing how many cost and waste factors were identified and changed," Leib says.

He says sales have climbed 100 percent since he implemented the center's recommendations. Employment has risen to 73 from 52.

"During the past few years, our return on investment of federal funds has been 320 percent," says Dan Jimenez, director of the Western Area center. "Fiscally, socially, and practically, this program works."

For more information or to obtain the address and phone number of the center nearest you, call the Trade Adjustment Assistance Division of the U.S. Department of Commerce in Washington, D.C., at (202) 482-3373.

EXHIBIT 2

Return on investment—Trade Adjustment Assistance Centers

Investment per job:	
Funding, Federal fiscal year 1989, 1990, 1991, 1992, 1993 ¹	\$54,200,000
Total jobs impacted: ² ..	51,439
Investment per job	\$1,053.67
Economic impact per job:	
Income, average manufacturing job	\$25,000
Federal, State revenue on manufacturing job @ 22%	5,500
Income, multiplier jobs ⁴	8,000
Federal, State revenue on multiplier jobs	1,760
Annual Federal and State Revenue, per manufacturing job ⁵ ..	7,260

Return on investment

689.02%

¹ Funding covers 60 months of federal fiscal years 1989-1993, and includes only federal government expenditures.

² Includes the administrative costs of the Department of Commerce, as well as the funding for the 12 Trade Adjustment Assistance Centers.

³ Jobs impacted are those jobs retained and generated at firms completing at least one assistance project by September 30, 1993. It does not include the impact of assistance at firms that entered the program since mid-1993.

⁴ Multiplier jobs are those generated in providing the goods and services required by the employed manufacturing workers. Although often estimated at 2 or 2.5 for the purposes of this analysis a very conservative multiplier of 0.5 was used. Service job revenue is calculated at an average hourly rate of \$8, annual income of \$16,000, multiplier income per manufacturing job is \$16,000 x 0.5.

⁵ Annual revenue per job disregards local income or property tax revenue.

Mr. JEFFORDS. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, I thank Senator JEFFORDS and other colleagues on both sides of the aisle for joining in supporting this effort to help our country's small- and medium-sized manufacturers compete with increasing imports. And I thank Senator HOLLINGS for his help.

The rules of international trade are changing dramatically. U.S. companies face increasing international competition for even their traditional markets here at home. Although these changes can lead to benefits in the long run, they will only be realized if firms and workers have the tools to adjust to a rapidly changing world.

The trade adjustment assistance centers funded by the Economic Development Administration have a record of success in helping these firms across the country.

For example, the center in Pennsylvania has helped companies in a variety of industries, including apparel, textiles, wood products, metal casting. Since 1988, its estimated that this program has helped save 8,000 jobs and helped create 2,000 jobs. And right now, 15 firms are currently certified or awaiting certification for assistance. The funds made available by this amendment, will make it possible for 24 additional firms to be helped.

This success is in large part because the needs of business drive the program. Firms have to invest some of their own money in order to get the program's benefits. Because of this private match, we have assurance that public funds will focus on what the market needs not what some bureaucrat decides.

Mr. President, I urge my colleagues to support this amendment that means jobs and opportunity for American workers and American companies. If American businesses and their workers have access to the tools to compete, they will be able to thrive—rather than fear—an increasingly competitive world.

Mr. HOLLINGS. Mr. President, I ask that the amendment be agreed to.

Mr. DOMENICI. Mr. President, this amendment is found in the House bill. We have no objection.

Mr. MOYNIHAN. Mr. President, I rise to cosponsor the amendment of the Senators from Pennsylvania and Vermont to maintain funding for the Trade Adjustment Assistance firm program.

This amendment provides funding for the critical component of the Trade Adjustment Assistance program that aids companies by granting them technical help to improve their manufacturing, marketing, and other capabilities in the face of import competition. This program has been with us for more than 30 years.

First outlined in 1954 by United Steel Workers president David MacDonald, Trade Adjustment Assistance was enacted as part of the Trade Expansion Act of 1962. As Luther Hodges, President Kennedy's Secretary of Commerce, told the Finance Committee during consideration of that legislation:

Both workers and firms may encounter special difficulties when they feel the adverse effects of import competition. This is import competition caused directly by the Federal Government when it lowers tariffs as part of a trade agreement undertaken for the long-term economic good of the country as a whole. The Federal Government has a special responsibility in this case. When the Government has contributed to economic injuries, it should also contribute to the economic adjustments required to repair them.

The Trade Adjustment Assistance program for firms has done just that. In the past 5 years, it has helped more than 450 small- and mid-sized manufacturers suffering from layoffs and lost sales due to import competition. I have received numerous letters from New York companies urging us to continue funding the Trade Adjustment Program for firms. My State is home to one of the 12 assistance centers that administer this program. That facility, at the State University of New York at Binghamton, has helped New York companies increase their sales by more than \$110 million since 1989. Those added sales are all the more impressive considering that the same companies' sales had fallen \$8 million in the 2 years before the Trade Adjustment Assistance Program began.

Nationwide, the story is the same. The program's administrators calculate that it has created at least 3,000 jobs and saved another 45,000 nationwide since 1989—all at firms that had laid off thousands of employees before the aid commenced. It has meant \$800 million in added sales—a 20-percent increase—for companies that had lost almost \$400 million in sales in the 2 years before getting the help. Quite a record of achievement for a \$10 million program.

In fact, as we face intense and growing economic competition from Europe, Asia, and Latin America, the

need for a human side to our trade policy is even greater than it was 30 years ago.

For all of the above reasons, I urge my colleagues to support this amendment.

Mr. LAUTENBERG. Mr. President, I rise today with my colleagues, Senators WOFFORD and JEFFORDS to introduce an amendment to restore funding for trade adjustment assistance for firms.

Only trade adjustment assistance centers [TAAC] provide manufacturing firms with an effective strategy to help them compete with foreign companies. The 12 TAAC's located throughout our country provide assistance in the form of individualized turnaround strategic plans to small- and medium-sized manufacturing firms.

Over the last decade, my State has lost over 200,000 manufacturing jobs. Many of these jobs went overseas to countries that pay their workers a fraction of what our workers earn. Because of the lower labor costs, many foreign firms are able to import and sell their product at price below what a New Jersey company must charge. The New Jersey TAAC works with such import-impacted companies to devise effective plans under which the companies are able to again compete and thus, survive. The Federal Government's return on investment in the New Jersey TAAC is almost 400 percent Mr. President.

TAAC funding for fiscal year 1994 was \$10 million—which is the level that the House provided TAAC for fiscal year 1995. I know there is significant support for the TAAC program in the Senate and I hope that our colleagues will see the merit and cost-efficiency of this program and vote to restore TAAC's funding.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2361) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I now yield to the distinguished Senator from Texas.

Mr. DOMENICI. Will the Senator from Texas yield for just a moment?

Mrs. HUTCHISON. I will.

Mr. DOMENICI. This is the regular order. Senator DOLE had introduced this amendment in your behalf. We had temporarily set it aside. It is pending.

I would ask Senators on our side that have amendments that are listed by name if they could bring us the text of some of the amendments so we would know whether we can negotiate some of them out or not. There are about 15 on our side that still do not have the

text accompanying the proposal. I wish they would do that. It surely would be helpful to us.

I thank the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield 5 minutes to the Senator from North Carolina for the purpose of a couple of amendments that I am told are acceptable, and he just wants to make a statement.

Mr. HELMS. I thank the distinguished Senator from Texas.

AMENDMENT NO. 2353

Mr. HELMS. Mr. President, may I ask the status of Amendment No. 2353?

The PRESIDING OFFICER. Amendment No. 2353 was adopted earlier today.

Mr. HELMS. And the motion to reconsider was tabled, is that so?

The PRESIDING OFFICER. The motion to reconsider was not made.

Mr. HELMS. I move to reconsider the vote.

Mr. HOLLINGS. Is this the Pressler amendment?

Mr. HELMS. Yes.

Mr. HOLLINGS. The reason, Mr. President—if the Senator would yield—we kept it open for the Senator from Massachusetts. But I have checked with him now and he was trying to get momentarily to the floor.

So the Senator has moved to reconsider, and I move to table.

The PRESIDING OFFICER. If the Senator would suspend. Did the Senator from South Carolina ask that the motion to reconsider be tabled?

Mr. HELMS. He did.

The PRESIDING OFFICER. Without objection, the motion to reconsider is tabled.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2362

(Purpose: To prohibit funding for the issuance of visas to aliens who illegally confiscate property of a United States person)

Mr. HELMS. Mr. President, I have two amendments which have been cleared on both sides.

I send the first one to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2362.

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 in the bill, insert the following:

SEC. . INELIGIBILITY TO RECEIVE VISAS AND EXCLUSION FROM ADMISSION TO THE UNITED STATES.

None of the funds appropriated by this Act may be used to issue a visa to any alien who

illegally confiscates or has confiscated or has directed or overseen the illegal confiscation of the property of a United States person, or converts or has converted for personal gain property otherwise illegally confiscated from a United States person.

Mr. HELMS. Mr. President, this amendment proposes that if an alien illegally confiscates the property of a U.S. citizen in a foreign country, that alien should not be given a visa to come to the United States. There are scores of cases—more than 1,500 in Latin America alone—where foreigners have unlawfully taken property from American citizens without compensation. Some of these people are government officials, but others are merely petty thieves who bribe local officials to oversee the illegal confiscation of Americans' property.

Mr. President, U.S. officials who are helping Americans to resolve property claims have begged for the authority to deny visas to aliens who have confiscated property from U.S. citizens. They have told me that in many cases they can easily determine who has stolen an American's property making them ineligible to receive a visa. And they have told me that nothing will get the attention of these foreign offenders more than to pass this amendment.

I offer an example, Mr. President. In 1990, Sherril Haylock, the mayor of a small town in Honduras, confiscated without compensation land owned by George Drucker of California. Mr. Drucker traveled to Honduras on numerous occasions and spent endless hours with United States Embassy officials trying to resolve his case. Meanwhile, Mayor Haylock, traveled frequently to her vacation home in Tampa, Florida. If the U.S. Embassy could have prevented Sherril Haylock from traveling to the United States by denying her a visa, Mr. Drucker would have had his land returned long ago.

It is a nightmare for people like Sherril Haylock to be told by the U.S. Embassy that there will be no more shopping sprees in the United States. If you don't return property confiscated from U.S. citizens, you cannot come to the United States. It's that simple and that is exactly what this amendment enables State Department officials to do.

Mr. HOLLINGS. Mr. President, this has been cleared on both sides. I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2362) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

The Chair will advise that the motion to reconsider the previous amendment is still pending.

Mr. HELMS. I so move.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2363

(Purpose: To state additional conditions for the approval of exports of United States-origin satellites on launch vehicles of the People's Republic of China or Russia)

Mr. HELMS. Mr. President, the second amendment has been accepted by both sides. I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2363.

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:

On page 118, line 3, strike "and".

On page 118, line 9, strike the period and insert "and".

On page 118, between lines 9 and 10, insert the following new paragraphs:

(3) the Secretary of State, in consultation with the Secretary of Commerce, certifies that none of the entities dealing with the commercial launch service or their subsidiaries have been found by the United States Government to have engaged in any missile-related transfer prohibited by the Arms Export Control Act or the Export Administration Act of 1979, and

(4) the Secretary of State certifies that none of the equipment or technical data acquired by Chinese or Russian entities as a direct result of providing commercial launch services for United States-origin satellites will enhance the military capabilities of the People's Republic of China or Russia.

Mr. HELMS. Mr. President, this amendment proposes to close two loopholes in the current United States satellite export policy regarding Communist China and Russia. It does not ban the licensing of commercial United States-origin satellites for launch on Chinese or Russian rockets. Rather, this amendment ensures that the Communist Chinese and Russian militaries as well as foreign companies that violate missile-proliferation controls are denied benefits from such commercial launch services.

The pending amendment accomplishes this objective by adding two new conditions to section 609 of the bill. Section 609, as drafted by the Sen-

ate Appropriations Committee, prohibits any funds in this act to be used to approve any export license applications for the launch of United States-origin satellites on Communist Chinese or Russian launch vehicles unless certain conditions are met. The Helms amendment adds two more clarifying conditions.

Recent events underscore the need for clarifying and strengthening the statutory controls governing satellite exports to Communist China and Russia.

A year ago, the Clinton administration determined that Red China had sold restricted missile technology to Pakistan in direct violation of Beijing's own agreement to abide by MTCR standards. United States law required specific sanctions be imposed against both the Communist Chinese Government and the individual Chinese entities involved in this illegal transfer. As a result, exports to Red China of MTCR-listed equipment and technology, including satellite components and technology, have been prohibited for 2 years. Or so Congress and the American public have been led to believe.

In reality, United States satellites are being exported to mainland China and to the same Communist Chinese Government-owned entities sanctioned for violating the missile proliferation agreement. Four export licenses have been approved this year alone. Mr. President, how can this be?

The reason is that through a very questionable legal interpretation of the MTCR sanctions law, the Clinton administration has determined that satellites that are exported through the Commerce Department's licensing process are considered not to be MTCR listed items. Therefore, the above sanctions do not apply.

However, satellites that must be exported through the State Department's licensing process are considered MTCR listed items and are prohibited from transfer to Red China. This is confusing and makes no sense.

The result is that entities in Communist China, like the Great Wall Industrial Group, that have been found guilty of violating missile proliferation controls are receiving new, lucrative contracts for serving and launching United States-origin satellites. Instead of paying the price for illegal proliferation activities, these entities are laughing all the way to the bank with new contracts for activities supposedly banned by the MTCR sanctions imposed against them.

How can missile proliferation controls be effective if those who violate them are rewarded with the very activities they are supposed to be denied? If MTCR sanctions are to have any deterrent value and meaning, this loophole must be closed.

Let me be clear, the pending amendment does not prohibit satellite exports to China. It does, however, prohibit Communist Chinese entities that have violated MTCA controls from importing MTCA-controlled items and from receiving profitable contracts to launch American satellites.

The second part of this amendment requires the Secretary of State to certify that none of the technical data or equipment acquired by Communist Chinese or Russian entities as a direct result of servicing and launching American-made satellite will enhance the military capabilities of Red China or Russia.

There is concern that some of the technology that might be given to Communist China in order to connect the American satellite to the Chinese rocket booster has significant military applications. It has been reported that some of this kind of satellite integration data may provide Beijing with the know-how it very much wants to acquire in order to develop highly accurate MIRV—multiple nuclear warhead—capability for Communist Chinese strategic missiles.

In no way should the United States help the Communist Chinese military modernize and improve its nuclear warfighting capability. The certification contained in the pending amendment ensures that American national security interests are protected.

Clearly, the pending amendment does not impose onerous conditions on American satellite exports. And, had the Clinton administration not undercut the MTCA law through its questionable interpretation of MTCA sanctions, this amendment may not have been necessary. However, since the administration is unwilling to support the missile proliferation controls that are already on the books, Congress must do so. That is all the pending amendment does and I urge my colleagues to support it.

Mr. HOLLINGS. Mr. President, this language is relative to the Chinese transfer in accordance with the Arms Export Control Act and the Export Administration Act. It clarifies the language in the committee bill. We are prepared to accept it. It has been cleared on both sides.

I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2363) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2357

Mrs. HUTCHISON. Mr. President, I rise to speak to the Dole-Hutchison

amendment. What the amendment will do is to provide \$350 million from the present international peacekeeping operations portions of the budget and put it, instead, for the Federal contribution to the States for the expenses of incarcerating illegal aliens. This is a problem that our border States have been dealing with. It is a Federal issue. The Federal Government once again passes mandates to the States but we just do not pass the money to pay for these mandates.

I have a letter from Gov. Pete Wilson in support of this amendment. He says, "The annual cost of incarcerating illegal alien felons in California alone is nearly \$400 million." We are talking about \$350 million to be allocated to the States affected, and California alone is spending \$400 million.

I ask unanimous consent the Governor's letter be printed in the RECORD.

I also have the Budget Resolution of the Governors Association signed by two Republican and two Democrat Governors, saying it is time for the Federal Government to step up to the line and take over the responsibility for payment for incarceration of illegal aliens.

I ask unanimous consent that be printed in the RECORD.

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

STATE CAPITOL,
Sacramento, CA, July 22, 1994.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: I am writing to express my strong support for your amendment to H.R. 4603, the Fiscal Year 1995 Commerce-Justice-State Appropriations Bill, which would provide at least \$350 million to reimburse state and local governments for the costs of incarcerating illegal alien felons.

As you well know, the states of California, Texas, Florida, New York, Illinois, Arizona and New Jersey have engaged in a bipartisan campaign to get the federal government to take responsibility for the costs of illegal immigration. Immigration is a federal responsibility. Yet, federal policy continues to shift financial responsibility for illegal immigrants from the federal government to the states and localities. As a result, taxpayers in our states have been forced to bear a disproportionate share of the costs of this federal policy.

A key component of that effort is securing federal responsibility for the costs of incarcerating criminal aliens in state and local correctional facilities. Though almost every state prison contains illegal alien felons, California's prisons are home to the vast majority. By the end of my state's current fiscal year, California's illegal immigrant felon population is projected to exceed 18,000 inmates—five times more than any other state, and a population that would fill eight state prisons at design capacity.

The annual cost of incarcerating illegal alien felons in California alone is nearly \$400 million. The Congressional Budget Office estimated that the annual cost for all state and local governments is at least \$600 million. Clearly, the growing numbers of illegal alien felons in state and local facilities is

having a direct and negative impact on state and local law enforcement efforts to put police on our streets and keep violent criminals behind bars.

This is not a new issue. The Immigration Reform and Control Act of 1986 authorizes reimbursement to the states for these costs. In addition, both the House and Senate crime bills contain language calling for full federal responsibility for the costs of incarcerating illegal aliens. In fact, the House bill would make reimbursement mandatory. Even the President recognized the need for federal responsibility when he called on Congress to provide \$350 million to state and local governments for the costs of incarcerating illegal alien felons.

Senator, I appreciate your taking the initiative on this issue of critical importance to the people of Texas, California, New York, Florida and other states impacted by the tremendous fiscal burden of illegal immigration. You clearly understand that unless the federal government assumes responsibility for illegal immigration, affected state and local governments would have to make cuts in much-needed services to legal residents.

The time has come for the federal government to establish a new illegal immigration policy based on federal responsibility and fairness to state and local governments. Your amendment represents an important step toward that goal.

Thank you for your attention to this matter of critical importance to our states.

Sincerely,

PETE WILSON.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, April 15, 1994.
To Conferencees on the Fiscal 1995 Budget Resolution:

We are writing to express our support for Section 32 of the Senate-passed version of H. Con. Res. 218, the fiscal year 1995 budget resolution. Specifically, Section 32 says "it is the sense of Congress that funding should be provided to reimburse the costs associated with undocumented immigration and refugee policy."

The nation's Governors have been in strong agreement that immigration policy must be based on federal responsibility and fairness to state and local governments. As you well know, immigration policy is solely a federal concern. Yet federal law mandates the states to provide emergency health care and education to undocumented immigrants who reside in our states. State governments also are forced to pay for the costs of incarcerating undocumented alien criminals.

The policy of the National Governors' Association affirmed in February calls for the federal government to assume financial responsibility for the cost of providing health care and public education to undocumented immigrants, and for the costs of incarcerating undocumented immigrants in state prisons. We believe that Section 32 of the Senate-passed budget resolution is consistent with these policies, and we urge you to retain this language in the final version of H. Con. Res. 218.

Thank you for your consideration in this matter.

Sincerely,

Gov. CARROL A. CAMPBELL,
Jr.,
Chairman,
Gov. PETE WILSON,
Chairman, Committee
on Human Re-
sources,
Gov. HOWARD DEAN, M.D.,

Vice Chairman,
Gov. DAVID WALTERS.
Vice Chairman, Com-
mittee on Human
Resources.

Mrs. HUTCHISON. Mr. President, in my State the cost last year was \$56 million to keep over 2,000 felons who are illegal immigrants. We have a problem here. I believe the administration understands that we have a problem because they have said that they would agree to \$350 million that might be taken out from some other portion of the bill. The problem here is priorities. I think we really have two issues. We have the issue of illegal aliens, which is a Federal issue. Yet the costs are borne by the taxpayers of the States that are affected. Those States include California, Arizona, New Mexico, and Texas, and also Florida, Illinois, New Jersey, and New York. Many States have illegal immigration. Much of the time it is because the Federal Government has failed in its responsibilities to make sure that only legal immigrants come into our country. So it really is a Federal responsibility and we have yet to see the Federal Government step up to the line for these enormous costs.

In my State, the overall cost, estimated by a Rice University study, is \$1.2 billion. That takes into account taxes that are paid by these illegal aliens. That is the net, \$1.2 billion. That is a lot from a State budget.

The situation in California is even worse. Governor Wilson has asked for this amendment. He has asked repeatedly that we look at this problem. The State of California and the State of Florida have both sued the Federal Government, and rightfully so. I am an amicus curiae brief signer for that lawsuit, because the State of Florida is right, the State of California is right, as is the State of Texas. These taxpayers in our State should not have to bear this Federal burden.

So I hope my colleagues will take this opportunity to make things right. We do tend to step up for people who are in emergencies in other States. We have seen the emergencies with the earthquakes in California; we have seen the flooding in Georgia; we have seen the flooding in Missouri and the Midwest, where the Mississippi river was flooded earlier this year. We have seen so many instances—a hurricane in Florida. This, too, is an emergency, a crisis. The illegal alien costs are burdening not only our States but the cities on the border that are educating the children of illegal immigrants. It is a very costly burden. I think we need to begin to set a policy here that the Federal Government realizes this is their responsibility and the time has come to give equity to the taxpayers of the States that have really borne this cost for so long. But it has not gotten better, it has in fact gotten worse.

That is one issue. There is another issue here. Of course it is always dif-

ficult when you are trying to transfer money from one pot to another because then, of course, what you have to do is set priorities. What is the priority? It is very difficult, sometimes, if two programs are very good programs. But I think the priority is clear in this instance because we are asking it be taken from U.N. peacekeeping funds. I think, frankly, that the U.N. peacekeeping has really gone beyond what many of us in the Senate, many of us in Congress have felt it should do; just how much we should be putting into the U.N. peacekeeping when sometimes it has gone beyond what we thought the peacekeeping mission should be.

I think it really came home to me when I was approached by a man on a flight going back to my home of Dallas, as I do every weekend. He came up to me and said,

"I am Larry Joyce and I used to be from Texas."

I said, "Hi, Larry, how are you doing? What were you doing in Washington?"

He said, "I was burying my son in Arlington National Cemetery."

I said, "Did he die in Somalia?"

And he said, "Yes, he did."

And as a tear streamed down his cheek he told me about the fact he had been to Vietnam twice and he had come out without a scratch, and yet his only son, Casey, had gone to Somalia on his very first mission for the United States, his first foreign mission. He was very proud. And Casey was killed in his very first mission.

We talked and it became very clear that Colonel Joyce really did not understand why his son died. Had he understood, it would have made it so much easier. But in fact we have a situation where our young men and our young women were over there, under a mission to feed the starving people. That was a U.S. mission. But somewhere along the way the U.S. mission changed to a U.N. mission, and our young men and women became policemen. I think the second issue here is very important. That is, just what is our role in the U.N. peacekeeping missions? I think everybody wants to understand, before we spend our taxpayer dollars and before we spend the precious lives of our young men and women, that we know that those precious lives are being spent when we have a mission that is a U.S. mission that the people of this country understand and have a good feeling about. That is not the case. It was not the case in Somalia.

I have to say that I think the United Nations really does have a clear focus on just what is the peacekeeping role. How many times are we going to go into foreign civil conflicts and decide that we are the peacekeepers?

I had the experience of seeing the Vice President of Bosnia come and beg us to lift the arms embargo so they could fight, fully armed, for their coun-

try. And yet our peacekeeping mission does not really want that to happen.

So here we are trying to help that country, and yet we are keeping the people of that country from fighting with all the equipment that they need to fight to save their own country.

So I think we really do have a question here, and I just come down on the side right now of saying that as between an ill-defined peacekeeping mission versus a true crisis in this country that our taxpayers are living with every day and our States and our local governments are living with every day, my priority is with the States that are bearing the burden of this high cost of illegal immigration.

The time has come for us to say, if the peacekeeping mission can be clear and if we can understand it, then let us discuss it and let us know exactly what we are funding and how our money is going to be used. We do not need to keep getting bills in after things have happened, after we have gone in without approving a change in mission. I think we need a little more clarification for the taxpayers of America.

So I am offering this amendment with Senator DOLE to try to bring about equity for the States that are bearing their unfair share of the burden and, at the same time, say, "Look, if we are going to fund the peacekeeping operation, let us understand what it is and let us understand what our role is and let us make sure that we know what the role of our young men and women in the military is before we go forward and just give a blank check to the United Nations."

So I ask my colleagues to think about this very carefully. It is a matter of prioritizing. We have the money and we can take it from many different accounts. But I think this should be the priority. I would have liked to have it come out in a different way, but that was not possible.

So I hope my colleagues will support me on this. It is a very important vote. It is a very important precedent to set that the Federal Government will step up to the line, just as they do in earthquakes, just as they do in hurricanes. These States that are hard hit deserve a break and they deserve the help of the Federal Government, which is, in fact, responsible for illegal immigration.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold her request?

Mrs. HUTCHISON. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to ask unanimous consent to be added as a cosponsor of the amendment.

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

Mrs. FEINSTEIN. Mr. President, as Senator HUTCHISON said or implied, California is very much in a tier by itself when it comes to the problems of illegal immigration. The numbers are so much larger. I have been working with the committee, with the chairman, Senator HOLLINGS, and with others.

Yesterday, we entered into a colloquy that set us upon a course of trying to solve this problem. However, this amendment is here today, and as a Senator from California, I feel it is incumbent upon me to vote for every way that I possibly can to solve the problem.

I would like, if I might, to enter into the RECORD specific Department of Finance statistics which show that, according to the California Department of Corrections, there is an estimate of 17,900 illegal immigrants in California's State prison system in fiscal year 1994-1995, at a total cost of \$372 million. We have about 129,000 felons incarcerated in more than two dozen State prisons across the State.

It also points out that about 20 percent of the parole population is illegal immigrants as well.

I ask unanimous consent that the Department of Finance, plus the California Department of Corrections analyses of INS holds that are positive and then potential INS holds be printed in the RECORD.

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

[From the California Department of Finance, June 1994]

METHOD FOR CALCULATING CALIFORNIA'S COSTS OF INCARCERATION AND PAROLE FOR ILLEGAL IMMIGRANT FELONS

The State cost of incarcerating illegal immigrant felons in the California Department of Corrections (CDC) is calculated by multiplying the projected average daily institution population by the percentage of U.S. Immigration and Naturalization Service (USINS) potential and actual holds by the average per capital incarceration costs.

According to CDC, using Spring 1994 Population Projections, it is estimated that there will be 17,958 illegal immigrant inmates in California's state prison system in FY 1994-95. That number is then multiplied by the average annual per capita cost to incarcerate an inmate in the California prison system, which is \$20,761, for an annual total cost of approximately \$372.8 million.

Based on October 31, 1993 data, CDC incarcerated 118,995 inmates, and the undocumented population was 16,577. Of this population, 12,435 inmates had actual USINS holds. Additionally, CDC estimated that 65 percent (4,142) of the 6,372 inmates identified for potential holds would receive actual USINS holds. The combined potential and actual holds represent approximately 13.90 percent of the average daily population. This is the percentage that is applied to projected inmate populations to estimate the number of illegal immigrant inmates. However, the USINS has indicated informally that 85 percent of CDC's potential holds are likely to become actual USINS holds. CDC potential holds are defined as those inmates who have

an indication that they are foreign-born, either by self-statement, the probation report, the Department of Justice's Bureau of Criminal Identification and Information (CI&I), or another source.

According to the California Youth Authority (CYA), using Spring 1994 Population Projections, it is estimated that there will be 1,079 illegal immigrant wards in CYA facilities in FY 1994-95 with actual or potential USINS holds. The average annual per capita cost to incarcerate a ward in a CYA facility is \$32,500, for an annual total cost of approximately \$35.1 million.

According to CDC, over five percent of all parolees in California's adult population are illegal immigrants. Based on a total projected parole population of 92,943, CDC estimates the number who are illegal immigrants to be 4,889. This number is then multiplied by the average annual parole supervision cost (\$2,271), for an annual cost of approximately \$11.1 million. Next, the annual cost for the projected number of parolees who have been deported and are assigned to a CDC USINS Unit for monitoring (7.01 percent of the total projected population) is calculated by multiplying 6,515 by the average cost (\$179), for an annual cost of approximately \$1.2 million. The total annual cost for parole supervision is \$12.3 million.

According to CYA, approximately 4.4 percent of all parolees in California's ward population are illegal immigrants. Based upon a projected parole population of 6,293, CYA estimates the number who are illegal immigrant wards to be 277. This number multiplied by the average annual parole supervision cost of (\$4,041), for an annual cost of \$1.1 million for 1994-95.

Using CDC's estimates that 13.9 percent of the prison population are illegal immigrants, we assume that 13.9 percent of the cost of 1994-95 facility debt service (\$358.5 million), or \$51.2 million should be included in the annual cost of incarceration. Similarly using CYA's estimate that 12.1 percent of the youth authority population are illegal immigrants, the 1994-95 facility debt service (\$19.2 million) or \$2.3 million should be added to the cost of incarceration.

CDC's incarceration, parole costs and facility debt service, added to CYA's incarceration, parole and facility debt service costs, equal a 12-month State cost of approximately \$474.7 million.

The following costs are not included in this Reimbursement Request: State and local costs associated with arrest, prosecution, court proceedings and housing in county jails for illegal immigrants convicted of a felony.

DEPARTMENT OF CORRECTIONS FISCAL IMPACT OF INCARCERATION AND PAROLE SUPERVISION OF OFFENDERS WHO HAVE USINS HOLDS OR ARE ILLEGAL IMMIGRANTS (May Revision, With Three Strikes)

ASSUMPTIONS

1. Projected costs include both the cost of housing the institution population with actual or potential USINS holds and the cost of supervising the USINS parole population, based on the latest cost figures available from CDC Office of Budget Management for Fiscal Year 1993-94.

2. Potential USINS holds are defined as those inmates who have an indication that they are foreign-born; either by self-statement, the probation report, the CI&I, or another source. These inmates are designated potential holds until they are reviewed by USINS agents who then either assign an actual hold or release the potential hold. This

estimate assumes that 65 percent of inmates with potential USINS holds will eventually receive a hold.

3. Currently Eligible:

Factor	Parole population, Oct. 31, 1993	Institution population, October 31, 1993
Total population	84,771	118,995
USINS parole population	5,295	
USINS Institution actual holds		12,436
USINS Institution potential holds		4,142
USINS as percent of total	6.25	13.93
	FY 1993-94	FY 1994-95

ESTIMATE		
Institution impact:		
Institution ADP ¹	119,947	129,195
Percent USIN	13.90	13.90
Eligible ADP	16,573	17,958
Costs/inmate year	\$20,525	\$20,761
Total institution costs	\$342,213,325	\$372,826,038
	FY 1993-94	FY 1994-95

ESTIMATE OF PAROLE IMPACT		
Parole impact:		
Total parole ADP ²	85,843	92,943
Percent under active parole supervision	5.26	5.26
Net eligible ADP	4,515	4,889
Costs/parolee year ³	\$2,132	\$2,271
Subtotal	\$9,625,980	\$11,102,919
Percent under USINS unit supervision	7.01	7.01
Net eligible ADP	6,018	6,515
Costs/parolee year ⁴	\$179	\$179
Subtotal	\$1,077,222	\$1,166,185
Total parole costs	\$10,703,202	\$12,269,104
Combined fiscal costs	\$352,916,527	\$385,095,142

¹ Spring 1994 population projections.

² Spring 1994 population projection.

³ Average annual cost of parole supervision in the respective fiscal years.

⁴ Adjusted cost of supervision based on 500:1 supervision ratio.

NOTE: Estimating the number of active parolees who have USINS holds or are undocumented illegal aliens is hindered due to incomplete data regarding this population. In some instances, offenders were not deported even though they may have been released with an active USINS hold. There is no disposition information available as to why they were not deported. Others who would be eligible for deportation were never reviewed by USINS.

For example, of the offenders released to USINS custody from 1986 through 1993, there are 6,728 who are assigned to regular California parole caseloads. Of these, 1,927 were actually deported and were subsequently returned to a regular parole caseload.

The process of identifying and tracking undocumented illegal aliens once they are referred to USINS is not well established and lacks a clearly defined communication cycle between State and Federal officials.

DEPARTMENT OF THE YOUTH AUTHORITY BUDGET SERVICES BUREAU, MAY 12, 1994

FISCAL IMPACT OF INCARCERATION AND PAROLE SUPERVISION OF YOUTHFUL OFFENDERS WHO HAVE USINS HOLDS, OR HAVE BEEN REFERRED TO THE USINS FOR SCREENING

General Assumptions

1. Projected costs include both the cost of housing the institution population with actual or potential USINS holds and the cost of supervising the USINS parole population, based on the 1994-95 Governor's Budget (including the May Revision).

2. Potential USINS holds are defined as those youthful offenders who have an indication that they are foreign born; either by self-statement, the probation report, court documents, or another source. These youthful offenders are designated potential holds

until they are reviewed by USINS agents who then either assign an actual hold or release the potential hold. This estimate assumes that 65 percent of youthful offenders with potential USINS holds will eventually receive a hold (estimate based on USINS information).

Institution Population Assumptions

1. On April 13, 1994, there were 1,466 foreign born youthful offenders in the institutions (per OBITS data). INS had placed holds on 340 cases. Of the remaining 1,126 cases, it is assumed that 732 (65%) will eventually receive a hold. The total of actual and estimated potential holds is 1,072.

2. The number of illegal aliens (1,072) as a percentage of the total institution population (8,850) was determined to be 12.1 percent.

Parole Population Assumptions

1. On April 13, 1994, there were 1,015 foreign born youthful offenders on parole. Through a case file review it was determined that there were 261 parolees with Immigration and Naturalization (INS) numbers under active parole supervision.

2. The number of parolees with INS numbers under active parole supervision (261) as a percentage of the total parole population (5,952) was determined to be 4.4 percent.

Calculation of Fiscal Impact

Factor	Institutions and camps population, March 30, 1994	Parole population, March 30, 1994	
	1993-94 FY	1994-95 FY	
Total population	8,850	5,952	
USINS I&C actual holds	340		
USINS I&C potential holds	732		
USINS parole population		261	
USINS as percent of total	12.1	4.4	
Institutions and camps impact:			
Institutions and camps ADP ¹	8,731	8,920	
Percent USINS	12.1	12.1	
Eligible ADP	1,056	1,079	
Cost per year	\$31,600	\$32,500	
Total I&C costs	33,369,600	35,067,500	
Parole impact:			
Total ADP	6,027	6,293	
Percent eligible	4.4	4.4	
Eligible ADP	265	277	
Cost per year	\$4,159	\$4,041	
Total parole costs	1,102,100	1,119,400	
Total departmental costs	34,471,700	36,186,900	

¹ Spring 1994 population projections.

Mrs. FEINSTEIN. Mr. President, to make a long story short, I will continue to work with the chairman of the committee and with the Appropriations Committee to try to enable some recompense—I know I am joined by my colleague, Senator BOXER, on that—some recompense to the State of California. If it has to come from peacekeeping, it has to come from peacekeeping. If it has to come from some other account, so be it.

But I think it is clear to most of us that illegal immigration, in fact, is a Federal responsibility. It is also clear that this bill is a giant step forward in terms of meeting the need of border enforcement. If we take last year's addition of 600, plus this year's addition of 940 net new Border Patrol agents, about a 30-percent increase, and that is not too bad over a 2-year period of time, there is no way—and I stress no way—outside of voting for this bill that anyone is going to put an additional Border Patrol agent on the border.

So I am happy to support the DOLE-HUTCHISON amendment. I also urge an aye vote on this bill and, hopefully, sooner rather than later. I yield the floor.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator SMITH be added as an original cosponsor.

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

Mr. GRAHAM. Mr. President, I ask unanimous consent to be listed as an original cosponsor.

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

Mr. PRESSLER. Mr. President, I also ask unanimous consent to be listed as an original cosponsor.

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

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this, of course, is not the first time that the issue of Federal responsibility for the incarceration of criminal aliens has come before the U.S. Senate.

As we will recall, during the consideration of the crime bill, this Senate passed a provision very similar to one which was adopted by the House of Representatives stating that it is a Federal responsibility to assume jurisdiction for criminal aliens in our State and local corrections facilities. The Federal Government can discharge that responsibility either by actually accepting custody and responsibility for those individuals or reimbursing the States for their cost of incarcerating criminal aliens.

Why did the Senate take this position on the crime bill? It did so, I think, primarily in recognition of an issue of constitutional fairness. The Constitution of the United States, in article I, section 8, outlines the responsibilities of the Federal Government. These are the responsibilities which the original 13 States agreed to confer to the Federal Government and which the Federal Government accepted and, in accepting, accepted the responsibility to see that they would be faithfully discharged.

Two of those responsibilities which the Federal Government accepted as part of the United States Constitution were: "To establish an uniform rule of naturalization."

Since that time, it has been the total responsibility of the Federal Government to establish our naturalization and immigration policy. The State of Texas, the State of Nebraska, and the State of Florida do not have the equivalent of the Immigration and Naturalization Service because they are constitutionally prohibited from doing so. It is totally a Federal responsibility to carry out that function.

Also, in various sections of section 8 of article I, the Federal Government

has accepted the responsibility for the protection of our borders.

The Federal Government, for instance, has the responsibility to regulate commerce with foreign nations, and among the several States, and with Indian tribes. The Federal Government has twice accepted the key obligations which relate to the control of our borders, particularly the control of our borders in terms of the flow of human beings. Border protection and immigration are Federal obligations.

Now, what does a State do when the Federal Government, having accepted a responsibility which entails the denial of the individual State to protect itself against that particular venal activity or to engage affirmatively in a positive activity, then fails to fully carry out its obligation?

What is happening today, Mr. President, as it relates to illegal immigration, is that the States, and particularly those such as the State of California, the State of Texas, my own State, and others which are particularly affected by this, are forced to accept and pay the very substantial financial obligation that comes with large numbers of undocumented aliens in our population.

There are many ways in which that reflects itself—in schools, in hospitals, in housing, in social services. But one of the most dramatic ways is the number of people who are here as illegal aliens who then commit crimes, further perpetuating the difficulties which their presence entails, and are prosecuted and sentenced to our State and local correctional institutions.

This Senate decided in the crime bill that fundamental fairness was that the Federal Government, whose failure to enforce laws had allowed this flood of illegal aliens, should then accept the responsibility for the financial cost of that portion of illegal aliens who ended up as criminals.

Mr. President, I believe that this is a basic issue of fairness between the Nation and communities affected by the Nation's failure to enforce the law.

Mr. President, I am pleased to be listed as an original cosponsor of this amendment, and I urge its adoption, both because it will carry out the commitment which this Senate has already made, and because it will represent a statement of fundamental fairness in terms of how we treat our States within this Federal unit.

I thank the Chair.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. I thank the Chair.

First, I ask unanimous consent that I be included as an original cosponsor.

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

Mr. MACK. I thank the Chair.

Much of what has been said today covers the subject sufficiently, but I

feel compelled to add a few comments of my own in support. First of all, I think that President Clinton's initiative earlier this year indicated his recognition of the responsibility and the role of the Federal Government with respect to reimbursing States for the costs related to the incarceration of illegal aliens.

Second, several months ago, the Governor of the State of Florida filed suit against the Federal Government on the entire issue of its responsibility to reimburse States for costs related to illegal aliens.

Just last week, I introduced a brief in support of this suit in the southern district Federal court.

Finally, I would make the comment that Federal law prohibits States from being able to control their own borders. The Federal Government has assumed this responsibility for itself and has failed to do an adequate job. It is then logical to assume that it falls on the Federal Government to pick up the expenses related to that failure. So I support this amendment. I think it is an important initiative. It will only go a portion of the way of reimbursing States for the costs related to the incarceration of illegal aliens.

I thank the Chair.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let us walk through this particular problem and you will understand the opposition to the amendment.

The President said all right, as an afterthought in the budget, we ought to pay out \$350 million for the incarceration of illegal aliens, principally in California, Texas, Florida, and otherwise, and suggested to the Office of Management and Budget that we take \$72 million, raise that with fees, spectrum fees of the Federal Communications Commission, and some \$285 million from the Justice Department.

We first quickly looked at and understood that that was a nonstarter with respect to the FCC. We had great difficulty last year raising those fees. We could tell immediately they were beginning to characterize fees as taxes, and there is a disciplined opposition ready, willing, and able to fight to the death, and Senators viscerally opposed to any kind of thing that smells like a tax, like a fee, and it was not going to do anything. That was just \$70 million.

We looked at the \$285 million that was in the Justice Department and we said, well, we made this a crime bill so let us look at the amounts that we raise over and above the President and over and above the House, which was substantial amounts and intentionally provided for. And we said if we got the \$350 million by taking back what we had given, so to speak, as we worked this appropriation, we asked the staff to work it out and see how we best

could try to suffer that particular cut and not quite raise that much more than the President or quite raise that much more than was provided from the House.

And so they came back with a worksheet, as suggested by the administration: Taking it out of the Justice budget, you would have to cut \$126 million from the Immigration and Naturalization Service that hired 550 new Border Patrol agents, 220 new land border inspectors, two 800-bed detention facilities and \$50 million in the new border facilities. You would have to cut \$79 million from the FBI which hired 436 new FBI agents and 550 support staff, which was to restore the agent strength back to 1992's peak year. You would have to cut \$40 million from the Drug Enforcement Administration, which provided for 311 new DEA agents, restoring agent strength to the 1992 peak year, and it restored a cut in the domestic enforcement and State and local task force program. You would have to cut \$13 million from the 123 assistant U.S. attorneys and support staff. And going right on down, the Bureau of the Prisons, \$52 million to expand the capacity of the Federal prisons, and then for security of the courts, \$38 million from the U.S. Marshal Service to meet the critical needs there in courthouse security.

Well, when we saw that, we went back to the boards again and said we really ought to quit debating; we ought to do it. And so now we are doing it. So we were not going to cut it and we looked at the other appropriations and said where is the elbow room, flexibility, and what have you.

And with respect to the new programs, we looked at \$1.3 billion that we had appropriated for community policing, and we know how these appropriations go and we would be lucky to get this one all approved and to the President's desk by the beginning of the new fiscal year. Here we are in August. So put out the guidelines, rules, bids, and everything else to be administered by the attorneys general, the communities, to qualify for the payout. It is a lot of money, and we said maybe that whole \$1.3 billion would not necessarily be expended during the fiscal year, maybe we had some running room on that particular measure. And we otherwise said to ourselves it would not be the entire \$350 million, because I wished to call the attention to everyone to the hearing that the distinguished chairman of our Appropriations Committee, Senator BYRD, had. I am quoting from the testimony of Commissioner Meissner, Chairman of the Immigration and Naturalization Service.

On page 67, she says:

Well, we are working a very active agenda. We are running on several parallel tracks. So the effort to put forth the proposal where reimbursement for States are concerned in in-

carceration costs depends also on our being able to take a set of measures within our other criminal alien programs to be able to identify who the prisoners are. As you have pointed out, we do know among the prisoners who are the foreign born, and we then need to determine from the foreign born who actually are illegal aliens and, therefore, subject to deportation.

We are working with each of the seven large States to develop a mechanism to do that matching, and we have worked out . . .

Then I asked a question:

Senator HOLLINGS. I do not mean to be interrupting. But let us assume it has been done. When will that happen, so we will know?

Answer by Mrs. Meissner:

We are doing that State by State as we speak. A great deal of our ability to do that quickly depends on the funding package that we have given you for the next year which will automate the data bases that we use to check the States' data. So what we are doing at the present time is a much more labor-intensive process and takes more of our resources to complete. Next year, as we bring our data systems up into a more automated atmosphere, we would be able to be doing that much more efficiently.

Senator HOLLINGS. And can you give the committee some idea then when the automation will be completed, and when will the . . . Illegal aliens in prisons otherwise be identified?

Mrs. MEISSNER. I would have to give that to you State by State. It will be a gradual process, and it will not be a totally automated activity from the INS standpoint until about a year from now.

Then her deputy seated at the witness table, his answer: "I would say closer to 24 months."

We have been saying that necessarily under the inspector general's order and the Comptroller's exercise that we just could not put out the money because State X said we have so many. We had to identify them. Here we had the realistic practical problem of the agency itself saying, wait a minute, it is going to be 12 months to 24 months.

We hope, in the Congress handling this particular emergency, that it is going to be much closer. We have the amounts in here for the automation. But if you gave them the \$350 million this afternoon, it will not start paying out tomorrow morning. They still have to go and get this automation in. They still have to identify to make the checks valid so they can properly reimburse the States for the incarceration of illegal aliens.

There is a little bit of what I call elbowroom or flexibility in the INS needs there. There is a little bit. Perhaps the cops on the beat is how we solve the problem.

Now, with respect to the Dole-Hutchison amendment and their solution, they go right to what has been most sensitive.

We have a letter here from the distinguished President. I ask unanimous consent that the letter, dated July 22, be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, July 22, 1994.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to express my strong support for peacekeeping funding in the Fiscal Year 1995 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Bill.

As you know, this bill contains funds to pay a substantial portion of our peacekeeping arrears to the United Nations along with assessed contributions for peacekeeping operations in Fiscal Year 1995. Without this money, the UN will face a serious cashflow problem and find it increasingly difficult to continue current peacekeeping operations in such places as Bosnia, the Golan Heights, Kuwait, Cyprus, El Salvador and Lebanon.

UN peacekeeping, as one element of the broader foreign policy, is an important tool to help prevent and resolve conflicts before they directly threaten our national security. UN peacekeeping is also valuable as a means to ensure that the costs and risks of maintaining international order do not fall unfairly upon the United States.

I am committed to reforming UN peacekeeping so that it is used selectively and more effectively. My administration is working hard to achieve important cost-saving reforms at the UN, including the immediate establishment of an independent UN inspector general and a reduction in the U.S. peacekeeping assessment to 25%. However, it will become considerably more difficult to achieve such reforms if we do not pay our bills. For the UN to function effectively in service of U.S. interests, it must remain solvent.

The funds for UN peacekeeping in the Commerce, Justice, State bill are essential to that purpose. I ask that you and your colleagues defeat any effort to condition or eliminate peacekeeping funding from this legislation.

Sincerely,

BILL CLINTON.

Mr. HOLLINGS. Mr. President, I also have a letter from the Director of the Office of Management and Budget, Alice Rivlin, dated also July 22. I ask unanimous consent that it be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET.

Washington, DC, July 22, 1994.

Hon. ERNEST F. HOLLINGS,
Chairman, Commerce, Justice, State, the Judiciary Subcommittee, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate considers H.R. 4603, the Commerce, Justice, State, and the Judiciary Appropriations Bill, I wanted to provide you with the Administration's views on the Hutchinson-Dole amendment. The Administration strongly opposes the amendment.

The Hutchinson-Dole amendment would provide \$350 million for the State Criminal Alien Assistance Program. On April 22, 1994, President Clinton asked Congress to provide \$350 million to help States pay for their costs associated with incarcerating illegal aliens convicted of a felony.

Regrettably, the Hutchinson-Dole amendment pays for this amendment by reducing funds for United Nations Peacekeeping. By

the end of FY 1994, the United States will have accumulated about \$1 billion in unpaid UN peacekeeping assessments. The FY 1994 supplemental of \$670 million provided in the Committee bill will pay a significant portion of these arrears.

Without the \$670 million payment, the UN will face a serious cashflow problem and find it increasingly difficult to continue current peacekeeping operations, many of which were initiated by previous administrations, with bi-partisan support. These operations are in such places as Bosnia, the Golan Heights, Kuwait, Cyprus, El Salvador and Lebanon. A \$350 million cut to this supplemental could force the UN to begin eliminating or scaling back operations that serve important American interests.

The Administration remains committed to working with the Congress to identify offsets for funding the State Criminal Alien Assistance Program.

Sincerely,

ALICE M. RIVLIN,
Acting Director.

Mr. HOLLINGS. The letters will be available.

So you can see already this morning, Mr. President, with the Senator from South Dakota, and the particular concern that we had with peacekeeping, we also had the concern with the United Nations and the inspector general. So we say to Ambassador Albright, let us get going. Let us do a better job. We say to the Secretary of State, let us start bringing the pressure. And then with an amendment of this kind in a way we just cut the ground from under them because we are trying to get up to our arrearages and at the same time pay our dues to the tune of \$1.1 billion. About the time we are ready to do it and get an inspector general and start moving down from our 31 percent to about 25 percent as committed for our portion of the United Nations funds and everybody moving down in the same direction, then we come from behind and with this particular amendment take the money away.

But I think that is significant. We did not just casually say, here it is. The majority might feel otherwise disposed to take the money out of peacekeeping. But therein I think would really be a bad initiative. We have not been able, as chairman of the subcommittee—and I know it better than any as the Senator from Kansas, Senator KASSEBAUM was here. That is one thing I always feared because I knew I had not given all the amounts. And the Senator from Kansas, Senator KASSEBAUM, would come with an amendment that we live up to our commitments, and there would be a modicum of an increase but not quite the full amount. And so we are very sensitive about the feelings of leading Senators like Senator KASSEBAUM and others, saying, "Mr. President, get yourself a foreign policy. Lead, lead, get yourself a policy." And when the poor President tries to get a policy going, we come here and cut the money out.

I do not think we want to do that this afternoon. I want to make it clear,

pending the attendance of the distinguished chairman of the committee, that this is the rationale. We went through and worked, and the House, to sum up, took it from Byrne grants. We took it from the community policing program. We think that is the better way to approach this particular program.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I oppose the pending amendment. This amendment attempts to reimburse the States for the cost of incarcerating illegal criminal aliens by transferring money from the account to pay overdue U.S. assessments to the United Nations. The President attempted to accomplish the same effect by offering an amendment to his proposed budget.

The Appropriations Committee looked into the President's request very carefully. His amendment required offsets to fund the \$350 million in reimbursement moneys, which the administration suggested come from a combination of \$73 million to be generated from additional FCC fees and from cuts totaling \$285 million in the judiciary. The committee reviewed that proposal. Senator HOLLINGS, in subcommittee hearings and then in full committee hearings, pointed out the problems and the unfairness of funding the reimbursement to the States by raising FCC fees or by cutting the judiciary.

Additionally, I chaired a lengthy, day-long, full-committee hearing on the costs of illegal immigration to the States and on what steps the Federal Government was taking to reduce illegal immigration. That hearing was well attended by Senators from both sides of the aisle. In that hearing, Miss Doris Meissner, the Commissioner of the Immigration and Naturalization Service, responded to questions that were posed by Senator HOLLINGS and by me concerning the ability of the INS to discriminate between the numbers of illegal aliens incarcerated and the statistics on those who were simply counted as foreign born incarcerated in State prisons. That hearing has been published and is available to any Senator who wants a copy. I would like to read from that hearing this question and Commissioner Meissner's reply:

On page 159 my questions begin:

On April 26, in testimony before our Subcommittee on Commerce, Justice, State and the Judiciary, you indicated that the INS has information on whether or not criminals

incarcerated in State prisons are foreign born, but not whether they are illegal aliens. Has that ability changed?

The Commissioner replied:

We cannot do the matching yet on an automated basis, but we are, through working with the individual States, developing programs whereby our people are located in the State prisons where the foreign born are incarcerated. And, in turn, the States are agreeing to consolidate their foreign-born prisoners in a few locations so that we can efficiently work there. Our people then go through all of those records with corrections officials, interview when the need be to determine who is illegal, and that really constitutes the front end of what we call the institutional hearing program, because that information that is then developed on who is illegal is the basis for the deportation hearing in the State prison. That is a much more efficient process than has been the case before. Nonetheless, it is, as I say, a labor-intensive process, and it can be done on an automated basis in the future as we bring up our automation plan.

So what this means, Mr. President, is that neither the States nor the INS is yet in a position to accurately estimate the numbers of illegal criminal aliens in State prisons. Section 501 of title V, State Assistance for Incarceration Costs of Illegal Aliens and Certain Cuban Nationals, in the Immigration Reform and Control Act of 1986 carefully defines illegal aliens for the purposes of State reimbursement. This definition is as follows:

Any alien convicted of a felony who is in the United States unlawfully and, (1) whose most recent entry into the United States was without inspection, or (2) whose most recent admission to the United States was as a non-immigrant and, (3) whose period of authorized stay as a nonimmigrant expired, or whose unlawful status was known to the Government before the date of the commission of the crime for which the alien was convicted.

Legal immigrants—legal immigrants—who are foreign born and who commit crimes are not included in this definition; nor are foreign-born U.S. citizens who commit crimes. Most States only keep statistics on the place of birth of their prisoners, not on their immigrant status. This is why the Immigration and Naturalization Service must go through the time-consuming process described by Ms. Meissner to discriminate between foreign-born criminals at the State level. Ms. Meissner stated in the full committee hearing that I referred to earlier, that it might take up to 2 years before the Immigration and Naturalization Service had statistics that will support any implementation of this legislation.

Thus, just as the President's request was premature, so, I believe, is the request embodied in the amendment offered by the distinguished Republican leader and the distinguished Senator from Texas.

In short, the accuracy of these numbers is in dispute. The accuracy is in dispute. We should not get into the business of doling out Federal dollars

on the basis of disputed evidence. If we are going to appropriate moneys, we should know what we are talking about here.

The administration, despite its support for reimbursement to the States for the costs of incarcerating illegal aliens, opposes this amendment, as the distinguished chairman of the subcommittee, Mr. HOLLINGS, has stated. I have a letter from Alice Rivlin, the Acting Director of OMB, which the distinguished chairman of the subcommittee has already read into the RECORD.

Finally, Mr. President, I note that the amendment before us would pay for the costs of reimbursement by transferring the money out of the amounts allocated to pay the United States' current and past-due peacekeeping assessments to the United Nations. This is the wrong way to do it. It is the wrong way to do this. If the real intent of the sponsors of this amendment is to cut funds from the peacekeeping, they should attempt up front to keep the United States or the United Nations from getting involved in peacekeeping operations.

I have been on their side on that. I am sympathetic with such an attempt. But once the United States has assumed a debt, I believe that we should pay that debt.

By the end of this fiscal year, the United States will owe the United Nations almost \$1 billion in overdue peacekeeping assessments.

I did not sign on to the international adventures, wherever they took place. But Uncle Sam's name is signed on—not through my fault, but his name is signed on—and we have to honor that commitment.

This bill appropriates these funds so that we are not faced with emergency supplemental requests that add to the deficit in order to pay for peacekeeping arrearages.

I thank Senator HOLLINGS and Senator DOMENICI for their painstaking work. This is not an easy job. It is a tough job. There are plenty of ways to spend the money if we had it. But I congratulate them on their workmanship, and I congratulate them on the steps that they have taken to deal with illegal immigration. They beefed up the Border Patrol, and they would put more money, if they had it, where it counts most. I am very supportive of that effort. But in this case, Mr. President, I think it is premature.

I can appreciate the problems that the States are having. The Governors came before the committee and made their statements. Governor Chiles himself spoke of the inaccuracy of data, the lack of certitude that he could speak with respect to the data as to this population we are talking about. And he was very up front and stated it honestly. His State needs the money. He has a real problem. But he said, "I am not sure of the data with respect to

the population that we are talking about."

So there is a real problem. Senator HOLLINGS and Senator DOMENICI have bent over backwards and utilized their best judgment based on their long experience in the subcommittee dealing with this problem and based on their desire, which is equal to the desire of any of us, to deal with this problem, to bring it under control.

I hope, Mr. President, that the Senate will reject the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. DECONCINI). Is there further debate on the amendment?

Mrs. HUTCHISON. Yes.

Mr. President, I am happy to yield to the Senator from California, who is an original cosponsor of this amendment and a very strong supporter, and then I would like to be recognized.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I listened very carefully to the distinguished chairman of the Appropriations Committee, on which I am proud to serve. I do not believe, and I hope he is not saying, that there are no illegal immigrants convicted of felonies serving in State prisons, because there are. The documentation that I submitted earlier for the RECORD shows that, if there is a problem it is an INS problem, because INS is very spotty in their interviewing. And, as this documentation will show, sometimes inmates are released that the INS has not even interviewed.

The fact of the matter is that, according to the California State Department of Finance, if you look at actual INS holds in 1993, there were 12,436. Now that is when the INS had actually interviewed the inmate and made a judgment that the individual was likely to be illegally present in the country. There are also what are called potential holds. That is another category. And if you take 1993 in California, there were 4,142 identified as potential holds.

If I understand the data correctly, there were 12,435 California inmates with actual INS holds on them, which means when they are released they will be deported, if the INS, of course, cares to do so.

So I do not think we are talking about the fact that there are no inmates serving time. That is absurd. Everybody knows that there are illegal immigrants serving time in State prisons.

The only issue is how do you precisely define that they are here illegally and, therefore, that the State is due to be reimbursed. The only way we have to do it at the present time is for INS to come in, interview the inmate, make a precise finding, and identify those individuals.

I certainly take Chairman BYRD's point—and agree with it—that Congress should not allocate resources to

problems that have not been shown to exist. That is not, however, an accurate description of California's—and I expect a half dozen other States'—situation. The real issue here is not—or at least should not be—what size California's illegal felon population is.

The State of California's numbers make that clear. Even if we assume that the State's estimated alien felon population is only half of what it was estimated to be in 1993, Mr. President, we're still talking about almost 8,300 prisoners maintained in State prison at State taxpayer expense, more than \$172 million. Indeed, going further, even if the State's estimate turned out to be off by 90 percent, California's cost in 1993 alien felons in State prison would be \$34.4 million.

Frankly, I don't think the numbers, once refined by the Urban Institute and others will go that low, but the point is made. California's criminal alien costs at the State level are at least large and more likely enormous. That does not, of course, factor in county or local costs, which add million and millions more to the total.

I say with respect and admiration to the Chairman, the real issue in this debate, on this amendment, is whether Congress—through the appropriations process—will finally honor with actual appropriations the commitment made in law in 1986 to reimburse States for the Federal Government's failure to control our borders. I believe that the answer must, as a matter of law and as a matter of equity, be a resounding yes and urge my colleagues to support this critical amendment.

I thank you, Mr. President.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from California has stated that she hopes that I am not saying that there are no illegal aliens serving in the State prisons. Of course, I am not saying that. She knows I am not saying that.

What I am saying is we do not have the accurate data on which to base this decision at this time. I am saying it is premature to take this action.

I yield the floor.

Mr. HOLLINGS. If we could move to the vote.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. DOMENICI. Will the Senator yield me 2 minutes?

Mrs. HUTCHISON. I am happy to yield 2 minutes to the Senator.

Mr. DOMENICI. Mr. President, I understand we are in a hurry and I will be very brief.

I really wish I could be supportive of this amendment, I say to my good friend, the junior Senator from Texas,

and the senior Senator from California, but I really cannot.

I just do not think this is a way to pay for a new program that is reoccurring. If we do this once, we have to continue to do it.

We really are taking a whole different part of our American budget and applying it to this activity. Frankly, \$947 million of the funds that can be used are arrearage payments due by the U.S. Government—\$947 million. \$670 million, I say to Senator BYRD, are from 1994 supplementals for that purpose incorporated in this bill which, if it passes before the end of the year, we use the end of 1994 money and 1994 to catch up.

There is only \$222 million in this bill for future peacekeeping. So for those who think we are really putting peacekeeping of the future in and short-changing these border States, \$222 million is what is in this bill which is surely not a major new commitment on our part.

So I think the Senators who are seeking this have their States' best interests at heart and it is clearly understood by this Senator. But I do not believe this is the right way to do it. I hope we do not do it this way.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to say that I listened to the distinguished chairman of the Appropriations Committee, the distinguished ranking member from New Mexico, and the distinguished chairman of the subcommittee from South Carolina. And they are right. This is not the way to do this.

I respect the Senator from West Virginia. I ask his advice and counsel. I voted with the Senator on all of the Somalia amendments. I believe that the Senator from West Virginia and I agree totally on our philosophy about our role with the United Nations. I support him on that and I respect him greatly, greatly, for the very tough job that being chairman of the Appropriations Committee is.

I also respect the members of the committee, who have always that wish of where are we going to get the funds for all of the things that we need to do.

This is not the way to do it, but it is the only way we have.

We have to pay our bills. There is no question about that. We have budgeted, I think, over \$400 million. We have supplemental budgets for peacekeeping operations. We will put the money in that we owe once it is determined that we really do owe it.

But maybe, just maybe, we will think before we do a supplemental appropriations in the future about what our role is with the United Nations, and is the United Nations doing what we expect

for our very substantial contribution. And, you know, there are some disagreements about what our contribution should be right now. So I think we have to iron that out.

I do very much respect their position. But the fact of the matter is, if you put a priority of paying for the illegal aliens in prison or putting police on the streets, I do not know what my priority would be there. But putting the \$350 million out of police on the streets is not going to be an option I am going to be willing to make. That is very difficult.

So I went the route that I thought was an easier route, because I do not think we have a clue about the U.N. peacekeeping mission.

I think it is time for us to say, as between these two priorities, the priority should be making it right with the States that have borne this Federal burden long enough. I hope that in the future we will not have to do it this way, because I do respect the committee process and I respect the very difficult job the committee has.

But when you are backed against the wall and you see your taxpayers, year after year after year after year, being saddled with this Federal responsibility and not getting the relief for it, you just ask where in the budget can I find something that I think is a reasonable place to take this money from, and let us do start the policy and make it right with our States.

Mr. DECONCINI addressed the Chair.

Mr. HOLLINGS. Madam President, I move to table the amendment.

Mr. DECONCINI. Will the Senator yield me 2 minutes?

Mr. HOLLINGS. One?

Mr. DECONCINI. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. DECONCINI. Madam President, I almost hesitate to come to the floor in opposition to the distinguished Senator from South Carolina because he has, indeed, as has the Senator from New Mexico, given plenty of understanding and concern to the Southwest border, and this is the best year we have ever had.

Quite frankly, the Senator from West Virginia pointed out that our Uncle Sam's name is on the line on the U.N. obligation, and I do not disagree with that. But Uncle Sam's name is also on the line on our borders.

Whose responsibility is it to stop the flow of undocumented people into the United States? Not the State of Arizona; not the State of Texas; or the States of West Virginia, or South Carolina. It is the Federal Government's obligation, and they have not met this obligation.

Although States like Arizona may get the brunt of this undocumented flow first—we are only the first. Undocumented immigrants come to Minnesota; they come to Illinois; they

come to West Virginia. Some undocumented immigrants take jobs from Americans, some commit crimes, and some are incarcerated. And who pays for that? The State of West Virginia, the State of Arizona, the State of Texas.

The Federal Government's name is on the line. That is why we are here. We are not here to be critical at all of the Senator from South Carolina for his very fine effort. But we are stuck.

The Senator from West Virginia held hearings on this issue. He heard from the Governor of my State and from the Governor of Florida about just how costly undocumented immigration is to some States.

The State of Arizona just does not turn around and sue the U.S. Government on a whim. It does it out of desperation. It does not have the money. It does not have the space to incarcerate these people. That is why I have to rise in support of the amendment of the Senator from Kansas and the Senator from Texas.

I thank the Senator from South Carolina.

Mr. HOLLINGS. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Will the Senator yield for a unanimous-consent request?

The PRESIDING OFFICER. This is a nondebatable motion.

Mr. HOLLINGS. Yes.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that Senator BRYAN be added as a cosponsor.

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

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The question occurs on the motion to lay on the table the amendment (No. 2357).

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Ohio [Mr. METZENBAUM], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Texas [Mr. GRAMM] are necessarily absent.

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—44

Akaka	Exon	Johnston
Baucus	Feingold	Kassebaum
Biden	Ford	Kennedy
Bumpers	Glenn	Kerrey
Byrd	Harkin	Kerry
Chafee	Hatfield	Kohl
Conrad	Heflin	Leahy
Dodd	Hollings	Levin
Domenici	Inouye	Lieberman
Dorgan	Jeffords	Lugar

Mitchell	Packwood	Sarbanes
Moseley-Braun	Pell	Simon
Moynihan	Pryor	Specter
Murray	Riegle	Wellstone
Nunn	Rockefeller	

NAYS—52

Bennett	DeConcini	Mikulski
Bingaman	Dole	Murkowski
Bond	Faircloth	Nickles
Boxer	Feinstein	Pressler
Bradley	Gorton	Reid
Breaux	Graham	Robb
Brown	Grassley	Roth
Bryan	Gregg	Sasser
Burns	Hatch	Shelby
Campbell	Helms	Simpson
Coats	Hutchison	Smith
Cochran	Kemphorne	Stevens
Cohen	Lautenberg	Thurmond
Coverdell	Lott	Wallop
Craig	Mack	Warner
D'Amato	Mathews	Wofford
Danforth	McCain	
Daschle	McConnell	

NOT VOTING—4

Boren	Gramm
Durenberger	Metzenbaum

So, the motion to lay on the table the amendment (No. 2357) was rejected.

The PRESIDING OFFICER (Mr. REID). The question recurs on amendment No. 2357. The yeas and nays have been ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

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

The question is on agreeing to amendment No. 2357.

The amendment (No. 2357) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The amendment now recurs on the committee amendment on page 50, line 6 and 7.

Mr. HOLLINGS. Mr. President, we will momentarily have an amendment of the Senator from Delaware, which will be agreed to, and then we are going to take up the TV Marti amendment of the Senator from Montana.

We have amendments that will take us into the evening. The majority leader said that is his will. We will move right along to try to complete this bill tonight so we can present the Interior appropriations on Monday. That is the intent of the managers of the bill, and we will continue to move right along.

AMENDMENT NO. 2364

(Purpose: Expressing the sense of the Senate regarding the case of United States versus Knox)

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I send an amendment to the desk for myself, Senator GRASSLEY, and Senator HEFLIN and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Delaware is advised there is an amendment now pending.

Mr. ROTH. Mr. President, I move to set aside the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. GRASSLEY, and Mr. HEFLIN, proposes an amendment numbered 2364.

Mr. ROTH. 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 insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE CASE OF UNITED STATES V. KNOX.

(a) DECLARATIONS.—The Congress declares that—

(1) the Congress has passed legislation to protect children against the evils of child pornography, including the Child Protection Act of 1984, and provided for the enforcement of those laws;

(2) on November 4, 1993, the Senate, by a vote of 100-to-0, and on April 20, 1994, the House of Representatives, by a vote of 425-3, rejected the Justice Department's new, narrow interpretation of the Federal child pornography statutes as delineated by the Solicitor General in the case of United States v. Knox and implored the Justice Department to properly enforce the law and protect our Nation's children;

(3) on June 9, 1994, the United States Court of Appeals for the Third Circuit in the case of United States v. Knox rejected the Justice Department's narrow interpretation of the Federal child pornography statutes and reaffirmed the conviction of Stephen Knox; and

(4) the Court of Appeals for the Third Circuit properly interpreted the Child Protection Act of 1984.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Justice Department should accept the decision of the United States Court of Appeals for the Third Circuit in the case of United States v. Knox;

(2) the Justice Department should vigorously oppose any effort by the defendant in that case, or any other party, to overturn the decision in that case; and

(3) in the future the Justice Department should exercise its prosecutorial discretion in accord with that decision.

Mr. ROTH. Mr. President, the amendment I am offering today states the sense of the Senate in urging the Department of Justice to accept as binding the recent decision by the Third Circuit Court of Appeals protecting children and rejecting the administration's attempt to weaken Federal child pornography laws.

Last November, the Senate by a vote 100 to zero passed the Roth-Grassley amendment to the crime bill. In that amendment, we denounced the Justice Department's proposed new narrow interpretation of the Federal child pornography statute in the case of United States versus Knox. We implored the Justice Department to enforce the law and to protect our children. The House of Representatives passed a similar

amendment by a vote of 425 to 3, but the Justice Department did not listen to us. Fortunately, the third circuit has stepped up where the Justice Department fell short. In a decision handed down on June 9, 1994, the third circuit rejected the Justice Department's narrow interpretation of the Federal child pornography statute and reaffirmed the conviction of Stephen Knox.

Having now heard from both the court of appeals and the Congress as to the proper interpretation of the Federal child pornography laws, I sincerely hope the administration gets the message and recognizes that we need to protect children, not pedophiles and pornographers.

To underscore the importance of the third circuit decision in this case, the amendment I am introducing today urges the Department of Justice to accept as binding the third circuit's persuasive opinion in the Knox case and to vigorously oppose all efforts by this convicted child pornographer to overturn this decision. Since such an appeal is likely, I would urge my colleagues to support this amendment to ensure the administration gets the message when it needs it, which is now.

Mr. President, I yield.

Mr. HEFLIN. Mr. President, the Department of Justice, in my judgment, has made a mistake and is not carrying out the intent of the Child Protection Act that we passed back in 1984. The act is designed to protect children from pornography.

This man Knox was convicted, and then it went up, and there was a change of position by the Department of Justice. Then the Third Circuit Court of Appeals, however, upheld the decision to convict Stephen A. Knox.

This amendment by Senator ROTH seems to me to express the intent that we have already expressed back in 1984, and to express the idea that children should be protected from pornographers. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. I urge adoption of the amendment.

Mr. GRASSLEY. Mr. President, I am pleased to be a cosponsor of the amendment offered by the Senator from Delaware. This amendment follows an amendment that he and I offered in November concerning the Justice Department's unduly narrow interpretation of the child pornography laws.

That amendment rejected by a 100-0 vote two Justice Department arguments regarding those laws. First, we rejected the view that nudity was required for depictions of children to be illegal. And, second, we repudiated the notion that the child herself must act lasciviously.

The amendment arose from the Government's changed position in the case

of United States versus Knox. That case concerned the conviction of a repeat child pornography offender for knowing possession and receipt of child pornography. The depictions for which he was charged showed scantily clad girls as young as 10 in various poses.

More than 200 members of Congress, including 40 Members of this body, filed an amicus brief in the court of appeals where the Knox case was pending. We argued that the Government's litigation position ignored congressional intent. And the third circuit agreed. It rejected every facet of the Government's argument—by a unanimous vote.

The Knox litigation is not over. Since the Supreme Court agreed to hear his appeal before, it can certainly be expected that Knox will file for review in the Supreme Court again. That will present the Justice Department with a choice. It can continue to argue an interpretation of the statute contrary to congressional intent and support Knox's petition, or it can change back to the original Bush Justice Department view that supports the conviction.

The amendment before us expresses the sense of the Senate that the Justice Department should vigorously oppose any effort by Knox to overturn his conviction.

When Knox files his petition in the Supreme Court, the Justice Department should oppose it. If that petition is granted, the Department should strongly support the conviction and argue for the interpretation of the statute that comports with congressional intent.

Moreover, there will be future cases where the illegal child pornography involves children who are not completely naked. The amendment of the Senator from Delaware will put the Senate on record—and the Department of Justice on notice—that we expect that Knox will govern the exercise of prosecutorial discretion in future cases involving scantily clad children.

Mr. President, all children deserve protection from exploitation. The Department of Justice still has not agreed with that proposition. It has not stated that it will accept the ruling of the third circuit in the Knox case.

We should make clear that we expect the department to recognize that its change in position was wrong, and that it must act in the future in accordance with congressional intent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 2364) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2365
(Purpose: To prohibit the use of funds for TV Marti)

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. The Senator from Montana is advised there is an amendment pending.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. DORGAN, and Mr. FEINGOLD, proposes an amendment numbered 2365.

Mr. BAUCUS. 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 118, between lines 9 and 10, insert the following:

SEC. 610. (a) Notwithstanding any other provision of this Act, no funds appropriated in title V of this Act under the heading "UNITED STATES INFORMATION AGENCY" under the subheading "BROADCASTING TO CUBA" may be used for any activities relating to the provision of the TV Marti program or otherwise to broadcast TV Marti.

(b) The amount appropriated in title V of this Act the heading "UNITED STATES INFORMATION AGENCY" under the subheading "BROADCASTING TO CUBA" is hereby reduced by an amount equal to the amount otherwise appropriated under such subheading for activities referred to in subsection (a).

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent that the time on this amendment be 25 minutes and equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I would like to object until we determine the number of persons who will be interested in speaking on this amendment. I know of at least two persons who wish to speak on this amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, let me begin by making clear exactly what this amendment is and what this amendment is not.

This is an amendment to eliminate funds for TV Marti—only TV Marti. This is not an amendment that in any way touches funds for Radio Marti. Radio Marti is entirely distinct and separate from TV Marti.

Mr. President, to simply get to the point here, I believe that we are wasting money today on TV Marti. Why?

This bill budgets about \$12 million a year for TV Marti.

What is TV Marti money spent on? It is spent on a big balloon hanging up in the air off the Florida coast to receive signals, TV signals—not radio, just TV signals—and then sending them down into Cuba.

Who benefits from any of these signals? Who watches any television as a consequence of this? Mr. President, virtually no one. No one. Why? Very simple. What time do you suppose these TV signals are beamed? What time of the day do you suppose? Between 3:30 in the morning and 6 o'clock in the morning.

That is the only time TV Marti is on the air, 3:30 in the morning and 6 in the morning. I ask you how many people in the world are up at that hour of the day watching television in Cuba between 3:30 in the morning and 6 in the morning?

Second point. What about those few insomniacs who happen to be up watching television, trying to watch television, between 3:30 in the morning and 6 in the morning? They cannot see anything either. They cannot see any TV Marti. Why? Because Cuba jams TV signals.

Radio Marti is different. Radio Marti is around the clock. There are about 10 million people in Cuba. They listen to the radio. They can hear Radio Marti. It is more difficult to jam the radio. TV is different. We are spending \$12 million down a TV rat hole. Nobody is watching it between 3:30 and 6 in the morning. It does not take much effort to jam TV, and TV Marti is effectively jammed.

Is that my opinion? Yes. It is my opinion. Is it also the opinion of others? Yes. An independent advisory panel appointed by the director of USIA studied TV Marti. Let me just read what that panel has concluded:

The Cuban Government jamming prevents TV Marti broadcasts from being received by any substantial number of Cubans.

TV Marti cannot now be considered cost effective. That is what the panel concluded. An independent panel concluded that it is not received by any substantial number of Cubans because of jamming; and, second, it is not cost effective.

Mr. President, you might hear some say, "Well, gee, the panel made another recommendation. The panel recommended moving from VHF, very high frequency, to ultrahigh frequency." What do you think the consequence of that is going to be? More wasted money down a rat hole. Why? Let me give you a couple of reasons.

First, most TV sets in Cuba are Soviet TV sets. They are Soviet-made TV sets. Guess how many channels are on Soviet TV sets? They go up to channel 13. Guess which channels are very high frequency, and which are ultrahigh frequency. Channel 13 is very high fre-

quency. Ultrahigh frequency is above channel 13. These are Russian TV sets in Cuba that do not have ultrahigh frequency. It will not work.

Second, the Association for Maximum Service Television, an independent group of TV broadcasters, reaches this conclusion:

Proposed use of ultrahigh frequency channels by TV Marti will cause serious interference to presently received domestic television service.

So, if Cuba tries to jam, it takes more power to jam ultrahigh frequency, according to the independent group of TV broadcasters. It is going to start to have an adverse effect on domestic TV. Cuban television reception will be very low grade, if received at all. If service is available, it would be susceptible to jamming user lower power, unsophisticated transmitters, and the ongoing effort to provide the U.S. public with superior television service will be adversely impacted to a substantial degree.

That will not work. Why? By and large, what this comes down to is a feel-good \$12 million annual expenditure. It sort of feels good to beam these TV signals up in space, and then hope that somehow they come down and somebody in Cuba is watching. Nobody is watching because few people are awake in the middle of the night between 3:30 in the morning and 6 in the morning. They cannot watch anyway because it is jammed.

Moving to ultrahigh frequency is even more money down a bigger rat hole.

It really galls me, Mr. President, that we are spending this money. I know it is kind of an old sort of Communist relic that we are doing this. But if we really want to get the American message to Cuba, we could still do it with Radio Marti. Radio is effective. TV Marti is not effective. It is a waste.

I can think of a lot of programs in our country for Americans where we could spend \$12 million. Think of the American programs we have cut. I can think of just in my own State, just yesterday or a few days ago, an agricultural research station, \$750,000 a year for agricultural research, was cut, eliminated while we spend \$12 million down a TV Marti rat hole. It does not make any sense.

Mr. President, I strongly urge the Senate to come to its senses. We have to tighten our belts where it should be tightened. Let us not forget. There are some decisions that are tough to make whether to spend money on certain programs or not. We become anxious over them. Is this a good use of money? Is it not a good use of money?

Then there are others which are very simple to make, very simple, black and white decisions where it makes no sense. This is one of those. There is one of those cases where it makes no sense to spend money.

Again, I remind my colleagues, this is not Radio Marti. There is TV Marti. USIA will still beam radio signals to Cuba around the clock to 10 million Cubans, and probably most of them have radio sets and can hear them. TV does not work. It is a waste.

I submit that Fidel Castro would think that we would be kind of smart to stop wasting money. Let us stop wasting \$12 million a year. He might respect us a little more. I have to think that he does not respect us very much now when we are spending money down a rat hole. He knows Cubans are not watching it, cannot watch it, and do not watch it.

I think, therefore, Mr. President, it is just a little bit, this \$12 million, but it is a very proper reduction to make in spending.

I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Thank you, Mr. President.

Let me first say to my friend and colleague from Montana that I appreciate the opportunity to speak on this issue today. I do not appreciate his amendment, but I appreciate the opportunity, frankly, to be able to focus the Senate once again on the tyranny of Fidel Castro.

Is it not somewhat ironic that 9 days after a massacre is committed at sea by Fidel Castro and his henchmen on a tugboat filled with 72 refugees seeking freedom in the United States that the Senate is being asked to cut off the lifeline of information to the people of Cuba. Feel good? Insomniacs? I suggest to my colleague that, if the only pipeline to the voice of freedom occurred at 3:30, 4:30, 5:30, or 6:30 in the morning, he, too, might be awake. He, too, might be trying to hear true information about freedom and opportunity in the world.

Let me address some of my comments first to the issue of TV Marti. I think most people around the world have understood that one of the most significant things that happened with respect to the former Soviet Union is that in an information communications age, the dictators and the tyrants of the world no longer can control information. And as that information flowed across their borders, they found that their foundations were rocked, and it ultimately led to the demise of the regime. Information is a dagger to the heart of totalitarian regimes.

There was a special commission that was referred to a moment ago which made recommendations to improve TV Marti, which strongly endorsed the concept. But I would say, probably more importantly, is the understanding that TV Marti along with Radio Marti is in fact a message for hope and that freedom is the message of hope. There were many people over the years

AMENDMENT NO. 2366

Mr. MACK. Mr. President, I send a perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] proposes an amendment numbered 2366.

Mr. MACK. 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:

Strike all after the word "SEC." and insert the following:

(A) Findings.—

(1) There are credible reports that on July 15, 1994 Cuban government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.

(B) It is the Sense of the Senate to—

(1) condemn the Cuban government for deliberately sinking the "13th of March", causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that—

(a) condemns the sinking of the "13th of March";

(b) provides for a full internationally supervised investigation of the incident; and,

(c) urges the Cuban government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is an amendment which has very strong emotions on both sides. I think it would be more appropriate if I were not to press the amendment at this time. And at the appropriate time, I will ask that the amendment be withdrawn, and that would include the perfecting amendment which has been added.

I respect the views of the Senator from Florida very much. I know how deeply he is involved in this subject, as well as the other Senator from Florida, and I know, Mr. President, that the

that indicated the problems that we had with Radio Liberty and Radio Free Europe, the attempts to jam those radios. How fortunate it is that the Congress of the United States did not listen to those siren sounds that we could save money by eliminating those radios and not continue to deliver the message that the message of freedom is the message of hope.

Mr. President, it is my intention, in a few moments, to offer a perfecting amendment. But before I do that, I want to return to the comment that I made a moment ago with respect to a massacre at sea. I would like to read an editorial from the Miami Herald entitled "Murder at Sea."

Has our hemisphere grown so used to the Cuban regime's savagery that it cannot summon a cry of outrage for the nearly 40 Cuban refugees sent to their watery deaths by Fidel Castro's government? The "prudent" silence over Cuba's murderous sinking of a tugboat loaded with escapees is without justification.

Would this complicitous silence greet the murder of innocent men, women, and children fleeing other places? The murdered refugees' only crime was to make a desperate attempt to flee Cuba. Soon after the group of 72 began their escape aboard a decrepit tug, Cuban fire fighting boats attacked them. According to eyewitnesses, the refugees signaled their readiness to surrender and to return to port. The escapees even held up some of the small children for the attackers to see, screaming that more than 20 children were on board.

Such pleas did not deter Castro's men, who turned potent fire hoses on the refugee vessels, sweeping passengers overboard. The pursuit craft then rammed the tugboat repeatedly, capsizing it. Tragically, all of the children hiding in the tug's hold, apparently died. The adult survivors are in jail. Where on Earth is a mute world's conscience?

Where is the conscience of the U.S. Senate? I think the conscience of the U.S. Senate is saying that this kind of action should be condemned.

I am also going to take a moment to read from the testimony of one of the witnesses, an individual, the age of 19, that was on that vessel:

When we set sail, everything was going very well.

* * * When we were at 7 miles, we see that they speed up and they pull up alongside of us. And then we could not see the Cuban coast, because we could see nothing; we saw no lights, we were out of sight of shore. They started hitting our boat, the tugboat "13th of March." We were afraid, not for ourselves, but for the children.

* * * When we lifted the children, they saw them—because they did see them—we started to scream, "please, please don't do this," but they did not listen. Even a young man who was with us, Roman, who was currently in prison, yelled at one of the ones in the other tug boat, "Chino, don't do that. Look, we have children," and he showed his three-year-old stepdaughter. If he does not lower the child at that moment, the little girl would have been killed with the cannon of water.

In referring to when they left the harbor she said:

They did not fire weapons at us, but they never said "stop" with their loud speakers or

nothing. They simply let us exit the bay and they attack us at seven miles, where there would be no witnesses. You know that in the open sea there are no witnesses.

When they continued to hit our boat, a second tugboat comes up from behind. He hits us and breaks half of our boat from behind.

* * * By then we knew we were going to sink, because it was something I just knew; I had a feeling they were going to kill us.

* * * The tugboat that breaks our stern comes around the front. In other words, there was no way that the boat was going to stay afloat. It was sinking, with all of its weight in the middle from all of those people who were in the hold. There were around 72 people, most of them women and children. Men made up the least fatalities. But those men, those survivors, did what they could to save us. But the tugboats reversed and moved back some meters. But they did not throw us lifesavers, nor did they offer any type of assistance.

* * * Then the whirlpool created by the tugboat swallowed them up. My sister-in-law * * * and her son * * * were there. My uncle was in the hold of the boat. Those are three of my family that I lost.

When my husband saw this, you could imagine, he went mad. My brother in law, too, but he was trying to save the other boy. Then we both tried to reach the other boy. But when I tried to move, I feel that my nephew, the one who drowned, is holding my foot. When I reached out for him, he was clinging to my tennis shoe, and he was swept away. I could not reach him. It was terrible.

Maybe to some, the expenditure of \$12 million is too great an amount of money to try to deliver a message to people who have, for generations now, been fighting for freedom. Yes, there have been problems with TV Marti, but we are working to correct them. As I said before, thank goodness we did not give up in the fifties, sixties, and seventies with respect to getting our message to the former Soviet Union.

Mr. President, the perfecting amendment that I will be sending to the desk in a moment basically is a sense-of-the-Senate resolution that condemns the Cuban Government for deliberately sinking the *13th of March*, causing the deaths of about 40 Cuban citizens, including about 20 children. It also urges the President to direct the United States permanent representative to the United Nations to seek a resolution in the U.N. Security Council that: First, condemns the sinking of the *13th of March*, and second, provides for a full internationally supervised investigation of the incident, and urges the Cuban Government to release from prison and cease intimidation measures against all survivors of the sinking of the *13th of March*.

One last comment I want to make with respect to TV Marti—the comment that maybe Fidel Castro is laughing at us. Fidel Castro has been quoted as saying how difficult radio and TV Marti are making it for him; that the amount of money that is being spent on the part of the Government to effect this radio and TV Marti is very damaging, and it is using up important reserves.

Senator from Wisconsin would like to speak on this subject.

I might say to my colleagues from Florida that when the Senator from Wisconsin finishes his statement on this subject, at that time I will ask consent that the amendment be withdrawn.

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

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, first of all, I thank the Senator from Montana for bringing up this amendment. Although it will be withdrawn, it is something that needs to come up again until we accomplish the goal of eliminating TV Marti.

I am proud to be a cosponsor of this. I do not think this is a debate today, as the Senator from Florida seemed to suggest, about the merits of TV Marti, if it were working; if, in fact, it had the impact of informing people who are concerned about what is happening in Cuba, about what is happening, and allowing the Cuban people to hear the broadcast. That is not what is going on.

The problem is, this is simply a story of a program funded by the Federal Government that is not working. It is a story about the waste of Federal funds, anywhere from \$12 to \$15 million a year.

I introduced a similar bill as soon as I got here to the Senate that would have done the same thing in January 1993: Eliminate this TV Marti. It is a very, very good program for people who are concerned about the deficit to bring up because it is such an easy case for saying that it does not make sense.

Senator BAUCUS is right in suggesting that this is really a classic case of a boondoggle.

Last year, Congressman SKAGGS had an amendment in the House—and the House, by the way, has noted and voted on several occasions that this should not be continued—he had an amendment which established an independent advisory panel on both Radio and TV Marti to evaluate the effectiveness of the services. It seemed like it would be an easy call.

This is in part because, as the Senator from Montana has suggested, the program from a programmatic point of view is a lightweight program when it is airing, on air 7 days a week, but, as the Senator from Montana pointed out, it is from 3:15 in the morning to 6 o'clock in the morning. Occasionally, apparently, it airs from 1:30 p.m. to 3 p.m. as well. Even then, of course, they are not really in prime time. But this only happens periodically.

Even if the programming was not jammed, as the Senator from Montana points out, all it consists of is a couple of newscasts, when it is working, a 30-minute segment and a 15-minute segment. But most of it is telecasting

baseball which, as we know, is even more popular in Cuba than it is here; sitcoms like "Kate and Allie," "Fame," and something called "Cape Hostage-USA," a show about Cuban-American families adapting to Miami, a source apparently of inspiration, that the Senator from Florida is talking about.

Even more troubling to me than the programming, since presumably the programming could be changed, is that this is really a technically flawed program. This is not just a minor problem. There have been very, very serious problems with the technical workings of TV Marti. It is essentially inoperable.

The chart that we just put together indicates how it is set up. It is broadcast outside of Washington. As we found out, it is jammed when the signal reaches Cuba. The transmission is faulty most of the time.

The programs for the broadcast are produced each day by a small company in Maryland called Technical Arts, and beamed up by the Voice of America in Washington and relayed to an aerosat balloon, indicated here, and this balloon actually has a name. It is called, apparently, Fat Albert. It hangs on a tether 10,000-feet above Jungle Cay, and from there is projected 120 miles to Havana.

The Miami Herald reported because of inclement weather the film of Fat Albert could only be shown half the time in the summer. Often, volatile weather conditions broke off the tether and the blimp came down in 1992. The blimp was found in the Florida Everglades, and they had to do a \$35,000 search for it and it had to lay there in a damaged condition for many months.

Again, in January 1993, just after I introduced my bill to eliminate this, Fat Albert broke off again from the tether, and TV Marti was forced to go off the air again.

This is not really a boondoggle, this is a balloondoggle that costs the U.S. Government about \$15 million a year. It has already cost the taxpayers \$60 million since 1988.

Yet, disappointedly, the panel that I mentioned with regard to the congressional amendment concluded unbelievably that TV Marti is a vital service, but that we should pay \$1 million to move it up to the UHF ban to avoid jamming.

This seems to be the only study that has really concluded this. The other studies, including the President's Advisory Commission on Public Diplomacy and the President's Task Force on International Broadcasting both recommended it be shut down. Even the Miami Herald has said a sign-off time for TV Marti has arrived.

The GAO has also grilled TV Marti, finding the station had a low level of compliance with broadcasting standards and international agreements, and

the panel this year found that the GAO findings of May 1992 have not even been fully resolved at this point.

I want to comment also finally on what the Senator from Montana said about the fact this is about TV Marti; it is not about Radio Marti. Radio Marti apparently concededly is somewhat more effective. It has a significant Cuban audience with some studies suggesting that Radio Marti may be the most popular station in Cuba.

So this amendment does not suggest any lack of concern or sympathy for the message getting through. We just want it to get through effectively.

Apparently, the radio station is not jammed. Cubans do rely on it for news and analyses that may be otherwise twisted on a Cuban state-controlled media.

But TV Marti is a black sheep in relation to Radio Marti, as the Commission on Public Diplomacy correctly perceived. They said TV Marti is simply not cost effective when compared with other public diplomacy programs.

That is what this is about, not a lack of concern for changing the order in Cuba and the fact that people need freedom of information. But what this is about is fiscal responsibility.

During this last year, we did reform overseas broadcasting in Radio Free Europe and Radio Liberty and began the process of consolidating.

This is just another part of that important effort. It is not an act of lack of sympathy toward the type of people that the Senator from Florida was discussing very eloquently.

Terminating TV Marti would be consistent with that consolidation. I think the goal of opening communication with the people of Cuba is very commendable, but let us do it with the program that works, with Radio Marti, and let us not waste any more of our precious public tax dollars for a program that is functioning very, very poorly.

I thank the Senator from Montana and I thank the Chair.

The PRESIDING OFFICER. The minority leader is on the floor.

Mr. DOLE. I yield to the manager.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I know I have been yielding all day and I am delighted that my colleagues wish to debate, and I will let them debate first.

But I cannot listen any longer to the misinformation. The expression was made "tighten the belt." We had better tighten our intellect and get the facts, because this has been in debate with not only strong feelings but strong facts.

I never forget, with respect to the statements just made, the distinguished Senator from Montana starts off immediately saying nobody listens. Well, if nobody listens, then why does

the Cuban Government jam? That is next.

Then he goes on to describe how they are jamming; how they are jamming. Necessarily, they are jamming because the people are listening. And while 3 o'clock in the morning might seem a surprise to someone and sounds casual, and not many of us Senators are going to be awake at 3 o'clock, I have been on the "Larry King Show" at 3 o'clock. That is how he originally made his fame, right in the middle of the night. A lot of people listen to this, particularly in an incarcerated entity like Cuba, trying to listen to freedom.

They came in my office a year ago, or so. I have forgotten the exact date. But I can see Mrs. Amos, the widow of John Amos from Columbus, GA, of Cuban origin. She said, "Senator, I understand you are close to Ted Turner."

Well, not all that close. I admire Ted Turner. I think he has done an outstanding job. Yes, he does have a plantation, Hope Plantation right near Charleston, SC. We have been there, and I have had the pleasure of introducing him at various speeches. He has two or three sons who are expert sailors and, incidentally, beat Ted, the cup winner, out in front in the Atlantic Ocean, in front of my home. They attended the Citadel, the same college.

To get to the point, she said, "I want to get an appointment with him." I got her the appointment, but it was not successful, with respect to trying to get freedom for the family of a pilot who had escaped with a plane and landed right down there in Florida. But he had his wife and two children still in Cuba. She asked Mr. Turner to talk to Castro because she realized that Mr. Turner was on good speaking terms with Fidel Castro.

She bought the rescue plane herself. I found that out later. I turned on my TV, I guess around Christmastime or something, and the pilot flew it and landed on a highway in Cuba and picked up the wife and 2 children and came on back out.

He came by my office a few days later and I chatted with him. And when they get to talking about jamming, and it did not cost anything, he said, it is very costly to jam. And that is one thing Castro is shy of—technology, manpower, pilots. And it takes two planes flying back and forth, very expensive to do the jamming.

So we knew that the jamming was working. The hours were not the best.

We got a study last year. Yes, the distinguished Congressman from Colorado, Mr. SKAGGS, has been particularly opposed, and opposed with some of the misinformation that has been handed out here relative to TV Marti.

He said that, for example, "Well, they don't have UHF." Wrong. I will read from the report.

The most recent estimate from the U.S. Interests Section in Cuba is that 25-35 percent

of Havana's residents have TV sets or VCRs with UHF capability.

Now, let us talk a minute about that report, because that is where we got into a dogfight. We have taken this matter back in true disagreement. The House has overwhelmingly voted it back in. The Senate has overwhelmingly maintained it ever since I have been chairman of this subcommittee on the basis of the merit of the program.

Let us begin. You have Radio Free Europe, and you have Lech Walesa. And when he comes and he is asked about it, what is Voice of America and Radio Free Europe, he says, "What is the world without a Sun?" I will never forget that expression when we were having lunch. Lech Walesa comes from Poland and he immediately wants to meet the Voice of America, Radio Free Europe authorities because he said that is the only voice that really gave him sustenance many times in his imprisonment and in his work to try to bring freedom to Poland.

We know not only that the programs work to bring freedom, they bring the voice of democracy. And so we are moving that Munich station over to Prague. We are embellishing it and working it further.

And what are we doing in this bill? We say since it works so well, let us go to Radio Free Asia. But now when it comes to Cuba, just when we are going to suffer success down there in Cuba, they want to pull the plug.

I do not know who was quoted, but I can see Everett Dirksen. He was a friend, because when I was a freshman Senator I got two Golden Gavel Awards for presiding for 200 hours, and handled all of what we call "Dirk's work," the minority leader at that particular time.

He said, "The sands of history bleach the bones of countless thousand, who on the eve of victory hesitated and, having hesitated, died."

On the eve of victory—that is not me, that is somebody else.

But here we are on the eve of victory, the rest of the communist world is in ruins. We have even been talking to the North Koreans. We have extended most-favored-nation status to the Communist Chinese.

Find me out a country we are not in touch with somehow, somewhere, other than the little island of Cuba and Castro.

And here we are, moving forward there and the plan is working and we try to just get the foot in the door, and some Members of Congress want to destroy the program because they do not like the Cubans down in Florida.

Now, they do not vote for me down there. I took this up because I believe in them, and I believe that the support is strong. I believe the Cuban refugees that we have had in this country have made a magnificent contribution to American culture and American citi-

zenry in the leadership. I have seen slum areas that have been turned into gardens down in Miami, FL. So that is the kind of people I am going to fight for.

Politically, they are not necessarily bent my way. They incline toward the Republican side. There are some people around that want to say they are more Republican than Democrat. But I think you will find some Democratic sponsorship, other than the Senators from Florida on this particular score.

Amongst all the wrangling, we finally agreed, let us stop the wrangling. And the record has to be made, because they want to continue it. I think they are trying to bring it over here. So let us get an advisory panel appointed and let them objectively study and report back.

And who was on that particular panel?

First, Mr. President—and these are distinguished folks that were appointed by Dr. Joe Duffey, the head of the United States Information Agency, under the particular compromise that we made in this bill. And Director Duffey appointed R. Peter Straus, who was a visiting Professor at the Woodrow Wilson School, Princeton University; a member of the faculty at Johns Hopkins School of Advanced International Studies, more recently the Director of the Voice of America from 1977 and 1980.

I ask unanimous consent that his biographical sketch be printed in the RECORD.

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

BIOGRAPHICAL SKETCH FOR R. PETER STRAUS

R. Peter Straus was Director of the Voice of America from 1977-1980. He is currently President of Straus Communications, a media group in the Eastern U.S., which includes weekly newspapers and radio stations. He is the chairman and founder of CONDUCT (The Committee on Decent Unbiased Campaign Tactics).

Mr. Straus was a charter member of the National News Council on which he served between 1973 and 1977. From 1970-1977, Mr. Straus was president of Radio WMCA in New York City. Between 1967-70, Mr. Straus served as Assistant Secretary of State, Administrator, U.S.A.I.D., Africa. Mr. Straus was a Special Consultant on Latin America for the U.S. Information Agency in 1966. Previously Mr. Straus served as Director of the U.S. Office, International Labor Organization, 1955-1958 and as Executive Assistant to Director General, International Labor Organization in Geneva, Switzerland.

During World War II, Mr. Straus was pilot and flight leader of a B-17 Flying Fortress Squadron, flying 50 missions over Germany between 1943 and 1945 for which he received the Air Medal.

Mr. Straus has been a Visiting Professor at the Woodrow Wilson School, Princeton University and a member of the faculties of the Johns Hopkins School of Advanced International Studies and of the Boston University School of Public Communications. He graduated Cum Laude from Yale University in 1944 and speaks French, Spanish, Russian, German, and Portuguese.

Mr. HOLLINGS. We had Mr. William C. Doherty, who again was the executive director of the American Institute for Free Labor Development. He was the United States Labor Delegate to the United Nations International Labor Organization; represented the AFL-CIO at many international conferences; served on the United States election observation missions in El Salvador, Honduras, Guatemala. He had been president of a 1,000-member local union of Government employees; very objective, very successful, very highly respected.

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

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

BIOGRAPHICAL SKETCH OF MR. WILLIAM C. DOHERTY

William C. Doherty is the Executive Director of the American Institute for Free Labor Development (A.I.F.L.D.). As Executive Director, Mr. Doherty is in charge of all the Institute's programs: trade union education, and social projects such as housing, workers' banks, campesino service center, small "impact" projects and community services. Before becoming Executive Director Mr. Doherty served as the Director of the Institute's Social Projects Department.

Before joining the staff of A.I.F.L.D., Mr. Doherty was Inter-American Representative of the Postal, Telegraph, and Telephone International (PTTI) from 1955 to 1962. During that time he lived in Mexico and in Rio de Janeiro and traveled throughout Latin America. Previously Mr. Doherty had been President of the 1,000 member local Union of Government Employees (AFGE #32)—AFL-CIO.

During World War II, Mr. Doherty served with the U.S. Air Force in Italy and Germany. He is a native of Cincinnati, Ohio, married, with eight children. He graduated from Catholic University with a B.A. in Philosophy. He also attended the Georgetown School of Law and attended the Georgetown School of Foreign Service. He is fluent in Spanish.

Mr. Doherty was a member of the President's Labor Advisory Committee on Foreign Affairs and is a member of the Council for Foreign Relations. He has written many articles for labor publications and has lectured at Harvard, Yale, Princeton, and many other universities and institutes.

He is a member of the U.S. Labor Delegation to the United Nations' International Labor Organization and also has represented the AFL-CIO in many international conferences and meetings. He served on the official U.S. election observation missions to El Salvador, Honduras, and Guatemala, in 1987 to Suriname and in 1988 as an AFL-CIO observer to the Chilean Plebiscite.

Mr. HOLLINGS. They had Mrs. Sydnee Guyer Lipset. Sydnee Guyer Lipset has 17 years experience in television and radio production and strategic media planning. She is currently a press relations consultant at the Woodrow Wilson Center for Scholars.

I ask unanimous consent that her biographic sketch be printed in the RECORD.

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

BIOGRAPHICAL SKETCH OF SYDNEE GUYER LIPSET

Sydnee Guyer Lipset has seventeen years experience in television and radio production and strategic media planning. She has produced programs for KRON-TV and KPIX-TV in San Francisco and for radio stations and universities and has been a radio talk show host.

Ms. Lipset is currently a press relations consultant at the Woodrow Wilson Center for Scholars. She has served in a similar position at the Graduate Schools and Research Centers of George Mason University and at the Center for the Study of Families, Children and Youth of Stanford University. Between 1976 and 1988 she served as the Director of the Mass Media Project of the Jewish Community Relations Council of San Francisco.

Mr. HOLLINGS. Mr. Robert S. Leiken. He is an author and a foreign policy analyst, a visiting scholar and research associate with the Harvard University Center for International Affairs. From 1981 to 1983, he was Director of the Soviet-Latin American Project at the Georgetown Center for Strategic and International Studies. And we can go on and on with the things he has authored. He graduated in the early days magna cum laude, Phi Beta Kappa, all from Harvard, and also a Ph.D. from Oxford. More than qualified.

I ask unanimous consent that his full biographical sketch be printed in the RECORD.

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

BIOGRAPHICAL SKETCH OF ROBERT S. LEIKEN

Robert S. Leiken, an author and foreign policy analyst, has been a Visiting Scholar and a Research Associate at the Harvard University Center for International Affairs. From 1981 to 1983 he served as Director of the Soviet-Latin American Project at the Georgetown Center for Strategic and International Studies (CSIS). From 1983-1987 he was a Senior Associate at the Carnegie Endowment for International Peace (CEIP) where he established the Latin American Media Round Table. He has been a member of the faculty at Harvard University, the Massachusetts Institute of Technology, Boston University and Boston College. Mr. Leiken lived and worked for a decade in Mexico where he was Professor of Economic History at C.I.D.E. (Centro de Investigación y Docencia Economía) and at the National Agricultural University.

Mr. Leiken is co-editor of The Central American Crisis Reader (Summit 1987) and the editor of Central America: Anatomy of a Conflict (Pergamon/Carnegie, 1984). He is the author of Soviet Strategy in Latin America (Praeger, 1982) and has published articles in Current History, Foreign Policy, The Washington Quarterly, The Political Science Quarterly, The National Interest, The New York Review of Books, The Times Literary Supplement, Journal of Democracy and The New Republic as well as in major national newspapers. He has appeared on all major television news programs and has testified frequently before House and Senate Commit-

tees. He has recently completed a manuscript dealing with the American media and intelligentsia and the Nicaraguan revolution.

Mr. Leiken graduated Harvard College Magna Cum Laude and earned Phi Beta Kappa. He will receive his Ph.D. from Oxford University in 1994.

Mr. HOLLINGS. After their study, which was submitted in March, they went over the entire issue. And here it is, just by reference to it, a very, very thorough study by these experts who went into it objectively and not with any heated feelings or constituent feelings about it. And they never talked to me. I just never have had contact with them.

I just refer to the executive summary which refutes the assertions we have heard here that it is a boondoggle and a balloon-doggle, all the other kind of doggles. It says here on TV Marti, and I quote.

TV Marti broadly meets the established Government standards for quality and objectivity. However, the problems identified by, among others, the General Accounting Office in May, 1992 do not appear to have been fully resolved.

The report offers further measures for dealing with them.

2. TV Marti's broadcasts are technically sound and contain essential information not otherwise available to the Cuban people. However, Cuban Government jamming prevents broadcasts from being received by a substantial number of Cubans.

Hence, 3:

By the usual economic criteria, TV Marti cannot now be considered cost effective.

But, No. 4:

It is clear nonetheless that the Cuban people have an ardent desire and a genuine need to receive the programming produced by TV Marti. Furthermore, such broadcasting could prove vital to the United States interests and to the welfare of the Cuban people now and in the future.

Next:

The time has come to convert TV Marti from VLF to UHF transmission. The efforts to probe this new approach will require approximately 1 year and \$1 million. Savings elsewhere during the year will more than offset this investment.

Next:

TV Marti should use the intervening months to restructure its operation to achieve the objectives described in the report.

I could go into it more thoroughly. But right now I just have a letter dated July 22, from the Director of the United States Information Agency, Joseph Duffy.

I ask unanimous consent that it be printed in the RECORD in its entirety.

U.S. INFORMATION AGENCY,
Washington, DC, July 22, 1994.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Commerce, Justice, State, and Judiciary, Committee on Appropriations, U.S. Senate.

DEAR CHAIRMAN HOLLINGS: As the Senate considers the Commerce, Justice, State and Related Agencies 1995 Appropriation bill, I wanted to convey the Administration's

strong support for the continuation of funding for TV Marti as proposed in the Committee bill.

In accordance with the 1994 Congressional appropriation, a study of radio and TV broadcasting to Cuba was conducted this year by an Advisory Panel on Radio Marti and TV Marti. That panel engaged in a process of wide consultation and deliberation in making recommendations on these issues.

I have reviewed that study carefully. I have certified to the Congress that the interests of the United States are being served by maintaining TV broadcasting to Cuba. Our TV broadcasts provide news, commentary, and other information about events in Cuba, in accordance with standards of independent broadcast journalism.

Television broadcasting to Cuba is technically sound and effective. Our engineers have developed and tested a system that allows us to deliver a grade-A signal directly into the City of Havana without violating international telecommunications policies, and without interfering with US domestic broadcasters.

Though this signal is jammed by the current government of Cuba, TV Marti broadcasting is being received by a sufficient Cuban audience to warrant its continuation. Jamming is a constant reminder to the Cuban people of the nature of dictatorship and of censorship of news and commentary.

I urge the Senate to continue to support these efforts to provide a source of objective news and commentary through the use of this limited television broadcasting.

Sincerely,

JOSEPH DUFFEY,
Director.

Mr. HOLLINGS. Now, Mr. President, I have a similar letter, dated July 22, from the President of the United States, which I will read in its entirety at this point:

THE WHITE HOUSE,
Washington, DC, July 22, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for Radio and TV Marti.

During my campaign for President I actively supported the good work of Radio and TV Marti. And as President, I have made sure that my Administration fully backs the Office of Cuba Broadcasting in its efforts to bring the truth to Cuba.

I believe that both Radio and TV Marti make genuine contributions to the cause of human rights and democracy in the hemisphere. Both help promote short and long term U.S. foreign policy goals. Supporting both will send important signals to those everywhere who struggle against tyranny.

I want to thank you for your support in advancing our national interests by insuring that the Cuban people will have free access to unbiased news and information which their own repressive regime tries to deny them. I urge Congress to approve my request for Radio and TV Marti.

Sincerely,

WILLIAM J. CLINTON.

The distinguished Senator from Florida [Mr. MACK] has pointed out the repressive nature, as of this week, down there in Cuba, where they just swamped a boat and drowned these children unmercifully. It is just unheard of. But it continues and this crowd up here that runs around thinking they are saving money ought to sober up.

The truth of the matter is this works. It does not work perfectly. We have been on to it. That is why we asked for the GAO study. Senator DOMENICI and I have been working on it. Throughout the years—I worked earlier with Senator Laxalt and Senator Rudman. We have urged them to improve the balloon he is talking about. We have it working, but we can work it better with a UHF signal.

So while the Senator from Florida has an amendment in the second degree, and the Senator from Montana has already ordered a rollcall on his particular amendment, and they say they will withdraw it, but they say they can come right back—I think the better part of procedure is to go ahead and vote on the fundamental amendment.

Perhaps the Senator from Florida will withdraw his. But I oppose the withdrawal of the amendment of the Senator from Montana because I have some broadcaster friends who have been cutting up, some shenanigans, I can tell you that. We are tired of this intramural fight that I cannot catch hold of. You give them GAO studies, you give them special committee studies, you give them USIA studies, you bring support in from a Republican administration, then the Democratic administration, the Democratic President supports it—that still does not satisfy these maneuvers. So I am confident the distinguished minority leader will have even more to say on this particular point.

At this time I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, I will just follow on what the Senator from South Carolina said.

There could be no worse time to propose this amendment. Just over 1 week ago, the Cuban Government brutally murdered up to 40 refugees who were trying to flee Castro's tyranny. Innocent men, women, and children were forced overboard—after trying to surrender and trying to return to port. That act is the just the latest example of Fidel Castro's continuing, crushing stranglehold on the Cuban people.

The amendment before this body would cut off funds for television Marti. The subcommittee, under the leadership of Senator HOLLINGS, wisely restored funding for TV Marti which was cut by the House. This is not a partisan issue. The administration wants money for radio and TV Marti. The administration's advisory panel on radio Marti and TV Marti concluded:

The United States interest is served by [radio and TV Marti] continuing to air.

I want to support the President and support TV Marti.

Why should we cut off TV Marti? Some say Castro is jamming the signal. In my view, the fact Castro is scared

enough of TV Marti to devote scarce resources to interfere with its signal is important. It shows just how much Castro fears objective news and independent information.

Let us not send a signal to Castro that his resistance is reason to end our efforts to support freedom. We did not end Radio Free Europe or Radio Liberty because the Soviet Union jammed their signals. Radio and TV Marti are the only way the Cuban people can hear about how their countrymen were killed trying to reach freedom last week. Let us not shut the channel down. Let us not hand Castro a victory a week after the murder of innocent Cuban women and children.

I urge my colleagues to oppose the Baucus amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico, [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I just have a couple of minutes. I do not know how many more Senators want to speak. I assume the senior Senator from Florida wants to speak. Does he have any idea how much time he requires? Senators are calling and wondering when we are going to finish.

Mr. GRAHAM. Mr. President, I think I would take approximately 5 minutes.

After the Constitutional Convention, Ben Franklin was asked what type of Government was created, and he responded: "A Republic, if we can keep it." As we remember Hugh Scott, we can also remember that here was a man who gave his all to ensure that our Republic remains strong and free.

The PRESIDING OFFICER. The Senator from New Mexico retains the floor.

Mr. DOMENICI. Mr. President, obviously, much has been said already about the need for Radio and TV Marti. I am not going to address that. I am just going to address the catastrophe that occurred at sea off Cuba recently, when more than 40 Cubans were slaughtered. I want to speak about the dire impact of that massacre on the State of New Mexico, a place far, far away from Florida.

DAGO RUIZ AND HIS FAMILY

We have a distinguished Cuban-American group in our State. One of its leaders is my long-time friend, Dago Ruiz. He has a very large family. He reported to my office, and I discussed it with him on the telephone from the Senate Cloakroom earlier today, the terrible reality that among those 40 Cubans that were slaughtered at sea, 11 of them were his relatives, or relatives of his family. Some of those most closely related to the victims now live in California, some live elsewhere, but from among his extended network of relationships and relatives, 11 of them were slaughtered at sea on Castro's orders. Of those, one was 2½ years old and one was 5 years old.

Frankly, I think it is the worst of times when we tie up the Senate over

\$12 million and an approach to Cuban broadcasting that worked in most of the other Communist countries—at least we thought it did.

During the cold war, we put radio and, rarely, TV wherever we could to spread the message of freedom. We tried to get the Voice of America and Radio Liberty to transmit where people could hear some reason to hope for change. Now we are doing the same in Cuba. Clearly, it is a place where the people have not succeeded in breaking the chains, leaving Castro as the last of the major Communist dictators.

I believe we ought to pursue this program and pay for it. There is a little work to be done in perfecting it. We ought to do that. Now is not the time to take any of the heat off Fidel Castro. All of the Cuban broadcasting ought to be kept there, alive and burning and tough in its message.

Sooner or later Fidel is going to have to relinquish his stranglehold over these marvelous people in Cuba. We know they are wonderful people because look at what happened in the United States when they have settled into life in our country. They prospered and contributed to our great Nation. Many left right ahead of Castro's takeover or as they filtered out little by little over the years and decades since 1960.

So I say to that family, the Dago Ruiz family in my home town of Albuquerque, with 11 of its people slaughtered off the shore of Cuba, I do not want to be part today of sending a signal to Fidel Castro that we have anything but the most intense indignation for the way he governs his people.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I do not wish to be repetitious of the excellent remarks that have been made by my colleagues. I believe that there would be some serious adverse consequences to the United States of America if we were to adopt this amendment with its proposal to terminate Television Marti. This is not a debate about balloons or about television frequencies or about the mechanics. It is a debate about the American commitment to the restoration of democracy in countries which have seen it lost. Cuba and Haiti are the only two countries now in the Western Hemisphere which do not operate with a government that has its legitimacy drawn from the vote of the citizens of those countries.

I believe that among the adverse consequences of the adoption of this amendment would be to terminate an effective national tradition. The Senator from South Carolina, the chairman of the subcommittee, has placed in the RECORD numerous statements that underscore the effectiveness of this initiative.

I was particularly impressed with the letter of July 22 by the Director of the U.S. Information Agency, Mr. Joseph Duffey, in support of the recommendations made by the study commission which this very Congress authorized to review the operations of Television Marti, a study commission which reported favorably for its continuation, making a series of recommendations as to how it might be more effective.

Second, Mr. President, this would be to abandon a strategy which has proven to be effective in other regions of the world. We stuck it out for 45 years in Central Europe and in the Soviet Union. There were times during that 45-year period that I imagine there were colleagues in this body who said we have waited too long, our strategy of containment has proven to be ineffective; we have not been able to roll back communism from nations and regions which it had taken over by force. But we stayed the course through Democratic and Republican administrations, and we achieved eventual success. The people of those former Central European nations, as well as the former Soviet Union itself, are now free.

One of the fundamental parts of that strategy was isolation, politically and economically, while information was poured into those countries. Talk to the Republics of Poland, Hungary and Czechoslovakia. They will tell you of the degree to which they received reassurance, how their sometimes flagging confidence that they would ever be released from the grip of tyranny was reassured by the Voice of Radio Free Europe and the other methods of communication which were made available.

That strategy, I think, is particularly appropriate now as we look for nonlethal means by which we might accomplish our objectives of the promotion of democracy.

Third, Mr. President, most of the debate is focused on the issue of Television Marti today. There is going to be an important period—we hope an important period soon—in which Cuba is going to undergo a major transition. It is at exactly that time that the opportunity to make available to the people of Cuba an independent channel of communication and news and information as to what is occurring during that time will be especially valuable in advancing the cause of freedom and democracy in Cuba.

To abandon this now and to have it unavailable at that critical time, I think, would be a great disservice to United States interests and even a greater disservice to the people locked in Cuba.

Finally, this would be a tremendously negative symbol and statement to the people of Cuba as well as to free people around the world. It has been argued that the fact that this signal is jammed for many hours of the day is a

reason to abandon it. I would argue that the fact it is being jammed, Mr. President, is a reason to continue.

First, that jamming is very costly to the Cuban Government. It is estimated that the 15 to 20 fixed jammers which are being employed in the Havana area, supplemented by 40 full-time soldiers who operate helicopter-borne jammers and mobile land jammers represent a substantial commitment of Cuban resources to this purpose.

What greater signal could it be to the people of Cuba to turn on their television sets to this channel and to see a faint figure in the background with the jamming lines overimposed. If there could ever be a statement of a regime which had lost confidence in its ability to lead by legitimacy and by convincing the people that it had their interest as its primary guiding force, nothing could be more of a statement of the authoritarian regime than those wavy lines over the signal of TV Marti.

So, Mr. President, I believe that it would be extremely detrimental to U.S. interests, to our pursuit of democracy within this hemisphere if we were to take the action suggested today.

I urge a strong vote "no" for the amendment to terminate Television Marti, and with it the corollary, a strong vote "yes" for the earliest possible restoration of democracy and freedom to the people of Cuba.

Mr. LAUTENBERG. Mr. President, I oppose this amendment which would eliminate funding for TV Marti.

This bill includes \$24.8 million for both TV and Radio Marti. The House version of the bill eliminated funding for TV Marti and reduced funding for Radio TV to \$8.6 million.

The \$24.8 million is a small investment to make for the people of Cuba and the future of democracy in that country.

I am not alone in this belief. The U.S. Information Agency advisory panel recently recommended continued support of TV and Radio Marti. The panel concluded that despite the obstacles, interference and shortcomings which have hampered the program, the U.S. interest is served by their continuing to air. In light of the panel's conclusion that both programs are meritorious and deserve support, I hope my colleagues will vote against this amendment.

Both programs provide a credible source of news to the Cuban people. They help foster the free flow of information which is critical to further democratic ideals in Cuba. Castro's government consistently and deliberately hides information from its own people. Radio and TV Marti provide valuable and independent sources of information about social, economic, and political issues in Cuba and United States policy. For the Cuban people, they provide a critical link to the world outside Cuba.

The programs help Cubans to more fully understand the truth about events that the Cuban Government tries to hide. We should fully support this effort.

The people of Cuba deserve to have the benefit of the important news provided by both Radio and Television Marti. I hope my colleagues will reject this amendment.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I have discussed this matter with the senior Senator from Montana who offered the amendment and with the junior Senator from Wisconsin who spoke in behalf of the amendment. Senator BAUCUS announced earlier his intention to withdraw the amendment. Both he and Senator FEINGOLD have indicated to me and authorized me to represent that if the amendment is withdrawn, they will not bring it up again during this session of Congress.

Therefore, Mr. President, I would hope that we could get consent to withdraw the amendment, for which I will shortly make the request, and then we can proceed to other matters. So in behalf of Senator BAUCUS, I ask unanimous consent that the amendment be withdrawn.

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

So the amendment (No. 2365) was withdrawn.

AMENDMENT NO. 2367

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, I agree with the Senator. I talked with Senator BAUCUS myself and that was his intent. What I would like to do is just offer a sense of the Senate which condemns the Cuban Government for deliberately causing the death of 40 people, and also ask the United States Permanent Representative to seek a resolution in the United Nations condemning the sinking of the *13th of March* and provide for an investigation.

I do not think there is any objection to that. It is an amendment that had been offered by Senator MACK, and I would offer it on behalf of anybody who wants to join me and Senator MACK, Senator DOMENICI, and, I think, Senator GRAHAM, and others, and Senator HATCH. I will send it to the desk. I think Senator HOLLINGS has seen that amendment.

Mr. MITCHELL. Mr. President, I think it likely that almost all Senators would wish to associate themselves with the amendment. So we could permit a period following its adoption to the close of business so Senators could sign on as original cosponsors. I think most Senators would like to do that.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, let me thank the majority leader and minority leader for the withdrawal of the amendment.

As I understand it—I came in the Chamber after trying to do some other things—an amendment in the second degree by the Senator from Florida was up. I asked that he set his aside so we could get an up and down vote on the amendment of Senator BAUCUS. We were all prepared, and the Senator from Montana, I think, informed the desk up here that he wanted to withdraw the amendment.

The Senator from Florida asked, now, wait, if you are withdrawing the amendment, does that mean you are going to come back or is it withdrawn for this session? He said, I am not making any commitment, as I understand it, from the Senator from Florida. I was not party to it. But I did hear our distinguished colleague from Wisconsin say we would be back if it was withdrawn.

So that disturbed me, and I was prepared to object to the withdrawal, because we are ready for an up or down vote. But the record has been made, and I do thank the distinguished majority leader and the minority leader for reconciling this, which could have developed into a misunderstanding.

I do not think we ought to be able to put up an amendment, get the yeas and nays, and then when you find it is second degree and the second degree might capture the vote and your basic amendment fail, then you leave town and say I have withdrawn it but I am coming back.

I might have misunderstood, but that is the way I understood it, and that is the way the other Senators in the Chamber understood it, and that is why the slight difference here. I do appreciate all the cooperation.

I ask unanimous consent that I be a cosponsor of Senator DOLE's amendment, along with the distinguished Senator from New Jersey [Mr. LAUTENBERG]. I yield the floor.

The PRESIDING OFFICER. The majority leader, Senator MITCHELL.

Mr. MITCHELL. May I suggest, if there is no objection, that the clerk report the Dole, et al amendment and the Senate proceed to adopt it.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mr. DOLE], for himself, Mr. MACK, Mr. GRAHAM, Mr. HATCH, Mr. HOLLINGS, Mr. COVERDELL, Mr. GRASSLEY, Mr. LAUTENBERG, and others, proposes an amendment numbered 2367.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

(A) Findings—

(1) There are credible reports that on July 16, 1994 Cuban government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban Government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.

(B) It is the Sense of the Senate to—

(1) condemn the Cuban government for deliberately sinking the "13th of March", causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that—

(a) condemns the sinking of the "13th of March";

(b) provides for a full internationally supervised investigation of the incident; and,

(c) urges the Cuban government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

The PRESIDING OFFICER. Is there further debate? If not, the question occurs on agreeing to the amendment offered by the Republican leader and others.

The amendment (No. 2367) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2368

(Purpose: To prevent appropriated funds from being used to implement the objectives of the so-called Racial Justice legislation)

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending committee amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. D'AMATO, Mr. HATCH, and others, proposes an amendment numbered 2368.

At the appropriate place, add the following:

"No funds appropriated under the Act to the Department of Justice shall be used to implement any policy, regulation, guideline, or executive order with respect to the death penalty which permits the consideration of

evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

Mr. DOLE. Mr. President, I am offering this amendment on behalf of myself, Senator HATCH, Senator D'AMATO, and others.

I would just say that we have seen the crime bill has been stalled in the conference for a number of weeks. It may have been worked out since. I am not certain what has happened because I am not certain Republicans have been invited.

The Racial Justice Act mocks our system of individual justice by allowing capital defendants to challenge their sentences using statistics alone—if the numbers do not add up, then the sentence should be overturned. The Supreme Court of the United States has properly rejected this fuzzy-headed reliance on statistics. And the Senate, to its credit, has voted thumbs-down on the Racial Justice Act every time we have considered it.

Not surprisingly, prominent law enforcement agencies like the National Association of Attorneys General, the National District Attorneys Association, and the National Troopers Coalition have all publicly opposed the act.

As a compromise solution to the conference logjam, the administration is apparently willing to drop the racial justice provisions and, as a substitute, adopt a different approach—perhaps even a Presidential directive instructing the Justice Department to develop procedures to prevent discrimination in Federal death penalty cases.

Of course, Mr. President, I abhor racial discrimination in all its forms, whether it be in employment or in education or in criminal sentencing. Unfortunately, our system of criminal justice is not perfect. Mistakes are made. Racial Factors may come into play in individual situations.

Nevertheless, I am concerned that a Presidential directive could be used as a back-door way of introducing into Federal capital decisions the statistical evidence approach that is the hallmark of the Racial Justice Act.

Under the Racial Justice Act, a convicted murderer sentenced to death can challenge the capital sentence simply by offering evidence that "at the time the death sentence was imposed, race was a statistically significant factor in decisions to seek or to impose the sentence of death in the jurisdiction in question." This includes "evidence that death sentences were being imposed significantly more frequently *** upon persons of one race than upon persons of another race."

The practical effect of all this is to prohibit the death penalty unless it is carried out strictly by the numbers, according to rigid death-penalty quotas. Under the Racial Justice Act, all a death row inmate must do is show a statistical disparity based on his or her

own race or the race of the victim, regardless of the specific facts of the specific case. One the presumption of racial discrimination is raised through statistics, the Government must rebut the presumption that race was a factor in sentencing by a preponderance of the evidence. The bottom line is that the Government would then have the burden of proving a negative—that racial factors had nothing to do with the capital sentence.

This amendment would not prohibit the Justice Department from implementing a policy that seeks to prevent racial discrimination in Federal capital cases. However, it would bar the Department from promoting a policy that encourages the use of statistical evidence to show racial bias. The bottom line is that each capital case should be judged on the merits, on the specific facts of the specific case.

The amendment reads:

No funds appropriated under this act to the Department of Justice shall be used to implement any policy, regulation, guideline, or Executive order with respect to the death penalty which permits the consideration of evidence that a race was a statistically significant factor in the decision to seek or impose the sentence of death on any capital case.

So, Mr. President, this amendment is simply an insurance policy. If the conferees drop the racial justice provisions, the Justice Department should not seek to resurrect these provisions under the guise of implementing a Presidential directive.

That is the sole purpose of the amendment. I do not know any reason it should not be adopted. We have had this debate before on the Senate floor. I yield to my colleague from Utah.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I compliment the distinguished minority leader for sending this amendment to the desk on his behalf, myself, Senator D'AMATO, and others. This is an amendment to the pending bill that would bar the use of appropriated funds for any policy that adopts the racial quota approach taken by the so-called racial justice legislation.

For months now, the crime bill has been blocked by the gridlock on the other side of the aisle over the so-called Racial Justice Act which would permit convicted murderers to manipulate racial statistics from unrelated cases to bring an end to the death penalty nationwide. Because the legislation would permit death penalty statistics to be selected, and, of course, manipulated across an endless number of variables, it is inevitable that in virtually every case a supposed "expert" could concoct a statistical disparity from a numerical quota.

Prosecutors from around the country have vigorously opposed this death penalty abolition act. The National As-

sociation of Attorneys General, the National District Attorneys Association, and countless groups of State and local prosecutors have strongly condemned permitting convicted murderers to make claims based on manipulated statistics from unrelated cases.

Let us just be honest about it. This is a serious, serious matter. This Senate with bipartisan majorities has repeatedly rejected the so-called Racial Justice Act, including just 2 months ago, when we voted by a 58 to 41 margin in favor of the sense-of-the-Senate resolution that the crime conferees "should totally reject the so-called Racial Justice Act provisions." Now it appears that the Clinton administration is trying to do through the back door what it dares not do through the front door.

According to news reports, the Clinton administration will rely on Executive orders or Department of Justice regulations to appease supporters of the so-called Racial Justice Act. The Dole-Hatch-D'Amato amendment would shut this back door and lock it firmly. This amendment would bar the use of appropriated funds to implement any policy that uses racial statistics from unrelated cases to block the death penalty. Every Senator who voted for the sense-of-the-Senate resolution last month should support this amendment.

Let me emphasize that the fact that an Executive order or Department of Justice regulation providing for the use of statistics from unrelated cases might be limited to the Federal death penalty does not lessen the concern that this racial quota approach raises. Rather, this is a false compromise under which the death penalty would ultimately be abolished in several steps rather than one. Several questions demand answers.

Why is the Clinton administration working to undermine the Federal death penalty at the very time that it is purported that it is trying to support it? Does anyone here believe that Attorney General Reno has been motivated by race discrimination in making decisions on the death penalty? Of course not. I certainly do not. But according to a recent article, Attorney General Reno has approved seeking the Federal death penalty against nine defendants, all of whom are black. Again, I do not believe for a second that Attorney General Reno has been acting in a racially discriminatory manner.

But the statistical approach that the Clinton administration is being urged to adopt would compel this faulty inference as a matter of law. Does anyone believe that the States can take any comfort in the statistical quota system that would apply for the time being only to the Federal Government? This unstable accommodation should give States no more comfort than the German invasion of Belgium gave the French. It simply sets the stage for a

later full-scale assault on the death penalty in the States. We must oppose the back-door repeal of the death penalty.

AMENDMENT NO. 2369 TO AMENDMENT NO. 2368
(Purpose: To prevent appropriated funds from being used to implement the objectives of the so-called Racial Justice legislation)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. THURMOND, and Mr. DOLE, proposes an amendment numbered 2369 to amendment No. 2368.

Mr. HATCH. 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:

Strike all after the first word and add the following:

"No funds appropriated under the Act to the Department of Justice, or any other agency shall be used to implement any policy, regulation, guideline, or executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, this amendment is a second-degree amendment that is basically the same as what I have been talking about except for some changes.

We have tried to accommodate those who feel strongly on this issue. But we simply cannot allow this type of statistical disparity to really make the determination whether or not the death penalty is carried out in those cases where it is very clear that it must be carried out.

Mr. President, we should be concerned about the type of crime that is involved, rather than the statistical aspects of the death penalty. We are for language in the bill that upholds the 14th amendment to the Constitution, and the 5th amendment to the Constitution, as well. We do not believe there is any reason for anybody to discriminate on the basis of race with regard to the death penalty.

Mr. President, in all honesty, this is not the way to do it. We know that if the Racial Justice Act in any form, even applied only to the Federal Government, is put into law either through regulations or Executive order or, as it should not be, because of the votes of the Senators on this floor through legislative enactment, that it would result in such a quagmire of appeals and cross appeals and cross litigation that it would cost the American people billions of unnecessary dollars.

It is an ingenious approach, I have to admit, for those who hate the death penalty, for those who are totally opposed to the death penalty, because it would ultimately lead to such a quagmire and such cost and such stultification of the implementation of the policy that people in this country probably would throw their hands in the air and say, "Well, we will never be able to implement the death penalty. We might as well give up rather than keep throwing billions of dollars into the frivolous lawsuits that are brought one right after the other."

If you think the Federal habeas corpus proceedings in this country are out of whack and that these repetitive appeals by these death-row inmates and others—which I might add are just never-ending—then wait until you see this thing in action.

That is why it is defeated constantly in the U.S. Senate, because we all understand it. We know that it is an ingenious liberal approach to do away with the death penalty. I have to give my colleagues credit for that who support it. It is ingenious. But that is not what the American people want; it is not what good criminal law should be; and it is certainly not what we ought to have on the floor at this time.

I ask unanimous consent that Senator THURMOND be added as a cosponsor to this amendment.

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

Mr. HATCH. Mr. President, I have no real desire to prolong the debate on this. This amendment should be adopted because the Senate has voted on it repetitively. There is no question but that a majority of Senators do not believe that it should be implemented either by legislation, regulation, Executive order, or otherwise. I personally am happy to end the debate by having it accepted, or we can vote on it, whichever is the case.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, the ingenuity of my Republican friends never fails to amaze me. They will do anything at all to keep the President of the United States from getting credit for passing the crime bill. They have spent the last 3 weeks talking about this red herring, about if the racial justice provision as passed by the House or offered in the Senate became part of the crime bill, it would bring down the Nation; it would eliminate the death penalty; it would go on and on and on and on. Although I am a supporter of the Racial Justice Act, they won that debate in the court of public opinion and on this floor.

So it was my dubious task to spend the last 3 weeks, as my friend from Utah knows, trying to talk the House of Representatives out of insisting it be

part of the crime bill. Just when I succeeded, and maybe had snatched defeat from the jaws of victory, from our Republican friends who do not want a crime bill, they came up with a new ingenious idea. How do we keep this racial justice thing alive? And I know what they did. They decided to do something that would prevent the Attorney General of the United States from in any way assuring everyone that there was no racial discrepancy in the application of the death penalty and put, for the first time that I know of in the history of the United States, a prohibition on the Attorney General of the United States from being able to exercise discretion.

It says:

No funds appropriated under the *** act shall be used to implement any policy, regulation, guideline, or Executive order—

And I might add, there are none now—

which permits the consideration of evidence that race was a statistically significant factor ***.

They play their little games. They second degree this amendment. I do not know what the second degree of this amendment says.

They probably changed a period or a comma, I am not sure, to make sure that we could not do anything. Gamesmanship is something I believe the Republicans are much better at than we are. It is clear to me that they are. The one thing, if you read today's paper, Mr. Barbour, the chairman of the Republican Party, is talking about unity in the Republican Party, and the gains in the meeting they had, and the gains they are going to make. They acknowledged that the one thing that might change that around is if the crime bill passes. They have blocked the crime bill for 6 years. Now we are about to pass the most comprehensive crime bill in the history of the United States of America—one the American people are desperately waiting for—and this is designed to put not only a spike and a spur in the saddle of the folks on the House side, but this is designed, very effectively, to confuse the living devil out of the situation.

The one thing I say to my colleagues on the Democratic side who would be inclined to vote for this mischievous amendment, if they vote for this amendment, the likelihood is that you will have racial justice in the crime bill. It will be back here in a crime bill, because essentially what we have is a tentative agreement on how to take racial justice out of the crime bill completely. But this takes away the discretion of the Attorney General even to look at whether or not a rogue prosecutor working for her is misapplying the death penalty. Think of that for a minute. When have we eliminated prosecutorial discretion ahead of time on a matter that my Republican friends feign an interest in—and that is, that

they do not want the death penalty applied on a racist basis.

Who is talking about statistics? I am surprised they did not mention quotas. That is usually a buzzword they like to bring up. I imagine they will mention that next. Nobody has mentioned this. It is not going to be in the crime bill. It is not in any legislation now. I support the Racial Justice Act. But I want to make it clear to my friends who oppose the legislation that the amendment offered by Senators DOLE and HATCH goes far, far beyond rejecting the Racial Justice Act. Indeed, it sets a dangerous precedent. Let me take a moment to explain how the Racial Justice Act and Senator HATCH's amendment are different. The Racial Justice Act would permit a capital defendant—that is somebody accused of murder, convicted of murder, and sentenced to death—to present a claim to a court challenging his or her death sentence on the grounds that the sentence was sought or imposed because of the defendant's race.

This amendment would have a very different and quite radical effect. It would preclude the U.S. Justice Department from performing a prosecutorial function, the prosecutor's most basic obligation—making sure that the law is upheld consistently, so that like defendants are treated alike.

In this particular case, it would prevent the Department from even looking at its own track record in Federal death penalty cases. Consider what that means. It does not go to whether the defendant could use statistical evidence to challenge his or her own sentencing court. Any Attorney General guidelines they put down would not give a cause of action to the defendant in court. It only goes to whether or not the prosecutor says, "I am going to ask for the death penalty" or "I am not going to ask for the death penalty." They want to know all of the relevant facts.

Consider what it means. It does not go to whether the defendant could use statistical evidence to challenge his or her own sentence in court. It does not go to whether lawyers would battle over the meaning of statistics in court. It does not go to whether the court could use such evidence to reject the death sentence in a particular case.

What it would do is prohibit the Attorney General—our Federal chief prosecutor—and those prosecuting who work for her, from reviewing death penalty cases to ensure the consistent application of the law.

For example, under the drug kingpin legislation, if I am black and the other defendant is white, and the prosecutor in a particular jurisdiction gets a conviction and asks for the death penalty for the black man and not the white man, in the same exact case, in the same exact situation, why should the Attorney General of the United States,

who is required to sign off on that, not know that? But this would prevent the Attorney General of the United States from being able to do that.

As racist as some in our past history have been, I refuse to believe that anybody in this Chamber would not want the Attorney General being able to determine whether or not a prosecutor was doing that. The same facts, same case, two defendants, one black, one white. But even there, it would not require the Attorney General to do anything. It would just allow her the facts. It may be that the prosecutor in that case says, "the reason I asked for the death penalty for the black defendant is because he committed murder on two other occasions, and the reason I did not ask for the death penalty for the white defendant is because of these mitigating circumstances. He led an exemplary life up to now," in which case the death penalty would go forward for the black and not for the white. But, my Lord, to deny the Attorney General the ability to look at whether or not a prosecutor in a particular jurisdiction was asking for the death penalty only when the person is white as opposed to when they are black, or vice versa, I cannot believe they really mean this. This is a political sham.

Assume for a moment that a particular jurisdiction had a rogue prosecutor, who bases his or her decision on whether to seek the death penalty based upon the race of the defendant. As a result, in that jurisdiction, as I said, a white drug kingpin gets a life sentence, and a black drug kingpin gets the death penalty. Under this amendment, the Attorney General could not even consider evidence of the rogue prosecutor's track record. She could not even investigate to find out whether the Federal prosecutor was discriminating on the basis of race in that jurisdiction.

This is not the court, this is the Attorney General, the one who decides whether or not to ask for the death penalty. If she were confronted with the clear evidence that the prosecutor was discriminating on the basis of race, she could not do anything under this amendment.

The laws of our Nation condemn racial discrimination in all contexts. But with this amendment, we are tying the hands of the Attorney General and telling her she cannot make sure that race does not determine who gets the death sentence and who does not. Do we not want the Attorney General to have the ability to see that Federal prosecutors are acting consistent with the law? Will we tell the Attorney General that she cannot look into the charges that a particular U.S. attorney was investigating or bringing public corruption charges only against Republicans and never against Democrats?

It seems to me that I remember in this body similar charges being made.

So we passed a piece of legislation here. The Attorney General cannot look into whether or not local U.S. attorneys are bringing criminal charges based upon political party. What would you do if she said that? The American public would rise and say what in the devil are you doing? Should the Attorney General not be able to say, look, you are not allowed to go out and use an indictment for political purposes. Well, that is what we are doing here.

Think about it for a minute. Those of you who vote against the Racial Justice Act for your own good reasons, this has nothing to do with the Racial Justice Act. This is a political ploy designed to do something that, to the best of my knowledge, we have never done in our history: tie the prosecutorial hands of the chief prosecutor to even determine whether or not the law is being applied fairly.

By the way, there is no such Executive order out there. Even if there were—the Senator made his own case—you were tying the hands of the Attorney General in this administration, who is against the death penalty but kept her commitment, and thus far has signed off on the death penalty of nine people, and they have all been black.

What a bunch of political chicanery.

Like I said, when we tell the Attorney General she cannot look into charges that a particular U.S. attorney was investigating and bringing public corruption charges only against Republicans and never against Democrats or she could not do anything about it if there was evidence that such a practice was underway—what is the difference?

I believe it is terribly bad precedent to say that our Nation's chief prosecutor cannot learn about and consider all relevant evidence in making decisions of who to charge, what to charge, and what penalty to seek.

It is also a key part of a prosecutor's duty to apply the law consistently so that the defendants who commit like crimes receive like treatment.

This amendment prevents the Attorney General from ensuring fairness and consistency in Federal death penalty cases.

I received a letter from the Attorney General addressed to the majority leader, Senator MITCHELL. It says:

Dear Senator MITCHELL:

I understand that Senator Dole and Senator Hatch may offer an amendment to the Commerce, Justice, State, and Judiciary appropriations bill which would prohibit the Department of Justice from reviewing its own decisions.

This is not prohibiting the court from reviewing anybody's decision. This is not prohibiting the Attorney General from reviewing someone's decisions. This is the Attorney General reviewing their own decisions.

* * * would prohibit the Department of Justice from reviewing its own decisions to seek the death penalty to ensure that those decisions were free of racial bias.

I strongly urge that such amendment be defeated. If adopted, such an amendment would ensure that there would be a continuing claim that the Justice Department is applying capital punishment in a racially discriminatory manner. Such criticism could seriously undermine the confidence of the Department's fairness, which is essential to maintaining confidence and support for capital punishment.

The Dole amendment should not be confused with the issue presented in the Racial Justice Act, as originally drafted. That act creates a judicial proceeding subsequent to trial, conviction, and appeal where statistical evidence could be a dispositive factor in determining whether or not a defendant gets the death penalty. Even opponents of that act should not embrace the DOLE amendment, which forbids me in our already existing and internal review proceedings from ever considering as probably one of many factors that a particular Federal prosecutor may not have treated all defendants who have committed the same offense the same.

As the official in the Federal Government personally responsible for the final decision to seek the death penalty in all cases, I am confident the racial basis has played no role in those decisions. Nevertheless, I believe that it is imperative that I have available all possible means to review those decisions to ensure continuing nondiscrimination and to make the absence of discrimination clear to all Americans. The Department of Justice has nothing to hide. However, adoption of this amendment would ensure that no one would believe that what I have just said is true.

Again, I urge the proposed amendment be defeated.

JANET RENO.

Let me point out. If we go on record as saying the Attorney General of the United States does not have the authority and is prohibited from implementing any policy, any regulation, any guideline, any Executive order, to determine whether or not race is influencing the outcome of the request for death, what do you think that does for credibility of an Attorney General and the Justice Department and, more importantly, the U.S. Government and the court system, when in fact you have nine of the nine death penalties this administration has sought against black people, not one against white?

If they really care about making sure that race does not play a role and also that phony statistics do not play a role, for Lord's sake what are we doing, to tell the Attorney General that the Attorney General cannot even check her own prosecutors? Do you think that emboldens people to believe that any one out of nine black defendants for whom the death penalty was asked and no white that it was not based on race?

This is chicanery. This is a political ploy, the last desperate one—I guess not the last desperate one. I predict there will be another desperate one. We will get through this. The next desperate one will be guns again, guns again.

We have a \$30 billion crime bill, 100,000 police, and they are so fearful that we are going to pass it and that

this President who strongly supports it will get some credit for it, that they will stop at close to nothing here on a bill. If they are wondering whether I got the message about racial justice, we got the message. The message is it is not going to be in the crime bill. It should be in the crime bill. But it is not going to be. They win.

In 22 years I have learned how to count. But in 22 years I have never gotten used to this kind of malarkey.

Mr. President, I say to my colleagues, to deny the Attorney General of the United States the right to set out guidelines or an Executive order telling her prosecutors what they must consider to make sure they, in fact, apply the death penalty fairly—and you would think, I might note parenthetically, that my colleagues would understand that black Americans are somewhat suspect about the system. If they do not want to read our history as a Nation as to why black Americans should be suspect about the system, just let them take a look at the news every night. Just ask them, why do you think black Americans are prepared in the polling data you read to distrust the system so much? Are they going to convince you that 90 percent of all black Americans or 60 percent are all procriminal? The reason they distrust the system is because of this kind of stuff.

We are not creating, and the Attorney General has done nothing but what she is being prohibited here from doing. She is not being prohibited here from creating a cause of action in the court. She has no authority to do that. She and future Attorneys General are being prohibited from exercising their responsibility of determining that the law is applied equally.

I am ashamed that we are having this stupid debate and so many red herrings raised here, so let me conclude by making three things, as one famous American used to say, perfectly clear.

No. 1, what is attempting to be prohibited here has nothing to do with the Racial Justice Act, which was designed to create a cause of action that the defendant could go before a Federal court and say, "Do not put me to death, judge, for the following reasons," and the judge be required to look at that and say, well, yes or no. This has nothing to do with that.

What this is designed to stop is the Attorney General of the United States, like past Attorneys General, when a local prosecutor in Delaware or North Dakota or Louisiana or Utah says "I want the death penalty for this defendant"—right now the procedure is that local prosecutor, that local U.S. attorney, sends a note to the Attorney General of the United States of America and says, "I want to ask for the death penalty," and the Attorney General says: "Are you meeting the guidelines here? Are you applying it fairly? Why

are you asking for it in this case? Tell me."

And then the Attorney General signs off, as she has done nine times. If this were designed, as my friends I guess are really worried about, to give black defendants life instead of death, why would she have signed it nine times so far for black Americans?

What this prevents is the Attorney General from looking at the prosecutor from Illinois and saying, now, wait a minute. You had four drug kingpin cases. On three of them you wrote me a note saying you want life and one of them you wrote me a note and you said you want death. Three of them were white where you wanted life. The one you wanted death for was the black man. Tell me why.

Why should she not be able to ask that question? This is preposterous. Now, because I refuse to believe that my colleagues who are raising this amendment are doing so based on race, I can only conclude they are doing it based on politics. It is a more generous interpretation and one I choose to believe.

But how, how are we benefiting justice by suggesting the Attorney General of the United States cannot review whether her own prosecutors or his own prosecutors are asking for the death penalty in a fair and equitable manner?

And the third point I will make perfectly clear: If this amendment prevails, I predict to you that the racial justice provision passed by the U.S. House of Representatives, which is going into conference with us, some version of that will become part of the crime bill. And then all of you who are opposed to racial justice for good and sound reasons will be faced with the dilemma of having to vote with the Republicans on a filibuster, which they have announced they will do; they will filibuster the crime bill.

They are very good at that. They have done that for 4 years. They are very adept at that. That is one thing I know they do much better than we do. They will filibuster and all of those who want a crime bill will be faced with the dilemma of having to vote with the Republicans to sustain their filibuster, killing the crime bill, or voting for the crime bill with a racial justice piece of legislation in it that you do not support.

That is what they are hoping. That is what this is designed to do. That is what this is all about.

So, please, I say to the staff who is listening of the 21 Democratic Senators who have a different view than I do on racial justice and who voted against racial justice as a piece of legislation, please, listen to what I am saying. This is not a piece of legislation designed to defeat a piece of legislation called the Racial Justice Act. That is a red herring.

This is a piece of legislation to take away the discretion, for the first time, to the best of my knowledge, of the Attorney General of the United States to be able to set up a formula by which she looks or he looks at whether or not the death penalty—which the President of the United States supports and is adding 50-some additional death penalties—whether or not it is being done fairly.

And the last point I will make at this point is the following: One of the reasons the Supreme Court in the past concluded that the death penalty was unconstitutional was not that it was per se a violation of the eighth amendment, the cruel and unusual clause of the eighth amendment. It was where they concluded the State laws were unconstitutional. It was unconstitutional because it was misapplied, because it was not applied fairly to blacks and whites.

Now, it is true that later cases, when they came back, concluded that that determination cannot rest solely upon statistical data. But it is an ever-present concern of the Supreme Court whether or not it is being applied fairly.

I am a death penalty supporter. I am the guy who wrote this bill, a presumptuous thing to say. But I wrote this bill with my own little hands. And I added into the bill more than 50 death penalties. I support the death penalty. This President supports the death penalty.

Now, if we want the death penalty applied where it is warranted, are we going to embolden a Court that may change to continue to apply the death penalty by saying to them, "By the way, we are not going to let the Attorney General determine whether or not her prosecutors are doing it fairly?" Does that help us?

There is no logic here. There are scare tactics here. I have been around long enough to know that when someone includes the words "statistically significant factors," everybody here goes, "Wow, I ain't for statistically significant factors. That means I'm a liberal. That means I'm bad."

Or, the better one is, they kind of miss. You know, their ingenuity is not quite as good as it was, because they would have put in quotas. As soon as you say "quotas," you go, "Quotas? Wow."

There are not any quotas. But it is like that old thing: "Are you still beating your wife?" "Oh, yeah—no."

I mean, are you for quotas? No one is for quotas. And no one is suggesting that. The Attorney General is not suggesting that she is going to employ the death penalty based upon whether or not there is a statistic. For if that is their worry, I ask them the rhetorical question: Why has she signed off on nine deaths, all black?

This is bizarre, with all due respect to my learned colleagues, but it is po-

litically brilliant. And for that, I compliment them. I just hope my colleagues in this Chamber on both sides of the aisle are not taken in. I have gotten the Racial Justice Act, which I support, out of the crime bill. This is not about the Racial Justice Act. This is about politics.

Mr. SIMON. Will my colleague yield?

Mr. BIDEN. I am happy to yield for a question.

Mr. SIMON. You mentioned during your remarks that you have served here 22 years. Counting my time in the House, I have been up here 19 years.

One other phrase that is very interesting here is it "prohibits"—and I am quoting—"the consideration of evidence."

Have you, in your 22 years here, ever seen an amendment that prohibits the Justice Department from looking at evidence?

Mr. BIDEN. If I may, to answer my friend's question, the only time I have ever observed people on this floor not wanting to consider evidence is because they do not want to be confused with the facts. And I occasionally find Democrats and Republicans who do not want to be confused with the facts.

But I have never in my life found anyone that is going to tell a prosecutor that they do not want the prosecutor to consider evidence. No, I never have.

Mr. SIMON. I think it is unprecedented, and obviously unwarranted.

I thank my colleague for standing up.

Mr. BIDEN. But it is ingenious.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania, [Mr. SPECTER].

Mr. SPECTER. Mr. President, I have listened to the argument by the distinguished Senator from Delaware. I take exception to his characterization of the political motivation. He and I agree a bit more than we disagree. It is pretty hard to be disagreeable on a ride on Amtrak from here to Wilmington, where he lives, and I go on to Philadelphia.

I hope he has some time to stay for a bit to perhaps discuss some of the points of the amendment.

I start with an analysis of the language of the amendment, Mr. President, as I think that it does not prohibit the Department of Justice from compiling statistics for what internal use they may choose. But it does prohibit the Department of Justice from using the statistics to implement any policy, regulation, guideline, or Executive order with respect to the death penalty.

The actual language of the amendment is brief. It is worth reading. "No funds appropriated under the act to the Department of Justice, or any other agency"—in the second degree—"shall be used to implement any policy, regu-

lation, guideline, or Executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or to impose the sentence of death in any capital case."

As I read that language, it prohibits statistics from being the basis of a policy or regulation or a guideline or an Executive order. If the Attorney General wants to take a look at the statistics and raise a question with what an individual prosecutor has done, I think the Attorney General is free to do that.

Mr. ROCKEFELLER assumed the chair.

Mr. BIDEN. Will the Senator yield at that point? It is very important. Just yield at this point?

Mr. SPECTER. I have never seen a brief yielding to you, Senator BIDEN, but I shall.

Mr. BIDEN. Ten seconds. If they will stipulate that is what it means, I will be for the amendment.

Mr. SPECTER. I do not know what they will stipulate to. I do not think they have to stipulate to anything. I think the amendment stands on its face.

The amendment on its face precludes the use of statistics for a policy—for "any policy, regulation, guideline or Executive order with respect to the death penalty."

I believe that it is sound to say that there will not be any determination of the application of the death penalty based on statistics. Because in my view the death penalty ought to be imposed where it is warranted under the facts of a given case and the background of the defendant, so that there is individualized justice, which is the essence of the American judicial system.

What did the defendant do? What is the nature of the act? The death penalty ought to be reserved for the really heinous, outrageous kinds of murder—not barroom killings, not hot blood. And, what is the background of the defendant? What has the defendant done in the balance of his life? What other crimes, if any, has the defendant been convicted of? That is the way the death penalty ought to be imposed, or any punishment ought to be imposed.

I think the decision by the Supreme Court of the United States in McCleskey versus Kemp, which precluded the use of a statistical analysis to invalidate the death penalty, was correct. And there is a lengthy, erudite opinion by Justice Powell in the case. The essence of it appears on page 1,764, of 107 Supreme Court Reporter, where Justice Powell notes:

The Baldus study is actually two sophisticated statistical studies that examine over 2,000 murder cases that occurred in Georgia during the 1970's.

I think it is unsound as a matter of constitutional law or as a matter of public policy to take a look at 2,000

collateral cases and decide what ought to be done in an individual case. As is well known, I had the job of district attorney of Philadelphia for 8 years, 500 homicides a year, and I made the determination that it would be my responsibility to decide before any death penalty would be requested. That decision was based on what the defendant did and what the background of the defendant was.

When Senator BIDEN says—and I wrote down his statement—that if a white man and a black man under the same circumstances committed the same offense—same facts, same case—there ought not to be the death penalty for the black man and not for the white man, I agree with Senator BIDEN on that. I agree with him on that because it is an analysis of the facts of the case. He did not mention the background of the defendant, but I think that is implicit in what he says.

Mr. BIDEN. It is.

Mr. SPECTER. If they are the same—nothing is exactly the same—but if they are substantially the same there ought not to be the death penalty for a black man, an African-American, and none for the white man. I agree. I agree with that totally. But I think that is determined on what happened, on the facts of the case.

There has been recently a very significant opinion handed down by Judge Rambo, in the middle district of Pennsylvania in a case captioned United States versus Bradley. In this opinion, Judge Rambo ordered the Department of Justice to articulate objective standards for when the death penalty was sought. And I believe that is a sound proposition.

I have written to the Attorney General about that case and I have drafted legislation. I think there ought to be a requirement that the Department of Justice have objective standards. They ought to write them out in advance as to when they are going to ask for the death penalty. It is not easy to do because the facts of individual murders are very different. But I think there can be a factual analysis and standards articulated as to when the Department of Justice is going to look for the death penalty—in advance. And those standards ought to take into account the issue of background of the defendant.

But where you have an analysis of 2,000 cases, as they did in Georgia, and seek to extract statistics as to how the death penalty was imposed, that moves away, in my opinion, from individualized justice which we need to have.

The record of the United States has not been good—I say this as emphatically as I can—on the way African-Americans have been treated in the criminal justice system. Or the way African-Americans have been treated generally. There is a lot of racism in our country and we know it exists. And there is a very heavy burden on the

criminal justice system to correct that.

I believe we have some very important provisions in the crime bill on providing counsel in capital cases, and a requirement finally to do that. We had a little argument on the floor yesterday about whether there could be representation by the Legal Services Corporation in cases arising out of welfare reform. That led me to make a few comments about the history of the right to counsel generally.

I think people would be surprised to know that it was not until Powell versus Alabama, the Scottsboro boys case, in 1932 that there was a constitutional requirement that a defendant had to have a lawyer where he faced the death penalty, but in 1942 in Betts versus Brady the Supreme Court refused to extend that right to other criminal cases. But that happens to be the fact. And it was not until Powell versus Alabama and 1936, in a case captioned Brown versus Mississippi, that the Supreme Court of the United States took supervisory jurisdiction over the States and what they did in their criminal proceedings. In that case a man named Brown in Mississippi was taken across the State line to Alabama, a rope was placed around his neck, and they went through a simulated lynching. Finally Brown confessed. And the United States Supreme Court said in that case, that States did not have total control over their own criminal process and that the due process clause of the 14th amendment was violated on a coerced confession, which is a blood-curdling decision to see what the law enforcement officers of Mississippi did to Brown.

When I started to practice law, one of my first assignments was to spend a month in the voluntary defender's office. This was in 1958. It is shocking in 1994 to think that as late as 1958, defendants in criminal cases did not have counsel. It was not until 1963, in Gideon versus Wainwright that Justice Black articulated the standard that you got counsel when you were hauled into court on a felony charge. So we have a very bad record in America as to what we have done.

I was very concerned yesterday that we would pass an amendment which would leave out poor people from challenging welfare reform by denying them lawyers. The Congress articulates public policy, but a constitutional right does not exist in midair. A constitutional right exists when someone goes to court and says, "I have suffered a constitutional wrong," and it takes a judicial determination that there is a constitutional right. You do not get that unless there is a lawyer in the case.

I think we need welfare reform and need it badly in this country. But it is not a matter which will be resolved with total clarity by the Congress.

There may be a necessity for interpretation, statutory interpretation. Or there may be a constitutional issue. It is not unknown to have the Congress ride a little roughshod over the constitutional questions, saying we will leave it up to the court.

So we do have a great deal to make up for in America in terms of justice, in terms of adequate representation, in terms of racism, in terms of fair treatment for minorities, including African-Americans. But I do not think you get there—and I am putting politics aside, and the distinguished Senator from Delaware has done extraordinary work in the 14 years I have been here, and the last 8 years he has been chairman of the Judiciary Committee. We have a crime bill. I hope it passes. And it ought to pass regardless of who gets the credit for it.

That is not what we are really up to around here. But when we are going to look to 2,000 cases, as they wanted to, in this Supreme Court decision, McCleskey, I think that is wrong. I think it is also inappropriate—this is not an easy matter, because when you seek to limit the discretion of a prosecutor, you are on pretty tough ground. There may be a separation of powers issue as to whether we can really do this, even in an appropriations bill.

Mr. BIDEN. You are going to do that anyway.

Mr. SPECTER. Well, we are not the final word on it. The courts may say we do not have the authority to do this on the ground of separation of powers.

But as I look at this amendment, I do not want a policy, a regulation, a guideline, or an Executive order with respect to the death penalty which comes out of any statistical analysis. I do not think this amendment bars the Attorney General from using statistics as a red flag, but it does bar the Attorney General from using statistics to do something in a formal sense, like a policy, like a regulation, like a guideline, or like an Executive order. Maybe not like those things specifically. The prosecutor could do other things.

I think we are making some progress. I think Judge Rambo in the middle district made progress in articulating standards in discovery in a capital case to require the Justice Department to produce objective standards. I think that is the way to go about it, to have objective standards.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. SPECTER. I have not finished my statement, Mr. President.

The PRESIDING OFFICER. The Senator has the floor, there is no question about that.

The Chair does not have the right to cause a yielding, so the Senator from Pennsylvania has the floor.

Mr. BIDEN. Will the Senator yield for a question?

Mr. SPECTER. I do.

Mr. BIDEN. Mr. President, I would like to ask the Senator how he reconciles one, that the Attorney General could combine statistics; two, should set out guidelines as to what conditions the death penalty would be sought under; and three, be able to vote for this amendment? How would that be allowed through this amendment?

Mr. SPECTER. I will be glad to respond to that question, Mr. President. And the answer is that the Attorney General does not use statistics to determine any policy or any standards. The statistics are not relevant to the standards.

The Attorney General establishes standards defining the nature of the act without a reference to statistics. What do statistics have to do with it?

You look at a lot of murder cases and you see what men and women do to each other and you articulate a standard. You try to define what a heinous act means, like a contract killing, which would be a standard, or an assassination of an American President, which is a grotesque act having far-reaching implications, or the murder of a prison guard by someone serving a life sentence where there is no way to contain someone with a life sentence if you are going to give that person another life sentence. You can define conduct in an objective way which warrants consideration for the death penalty.

Mr. BIDEN. Will the Senator yield for another question?

Mr. SPECTER. I do.

Mr. BIDEN. Does the Senator have any evidence that the Attorney General is suggesting that they use 2,000 cases in Georgia—he keeps bringing it up—2,000 cases in Georgia where the death penalty has been applied? Does any part of setting up guidelines to determine whether or not there is a misapplication of the death penalty?

Mr. SPECTER. No, I do not have any such evidence.

Mr. BIDEN. May I ask—

Mr. SPECTER. If I may finish the answer. You and I know what evidence means, and that is if I have seen something which is competent in a court of law to be introduced, and the answer is "No." But I make the reference to the 2,000 cases because that is the basis of this Baldus study which was at the core of the Supreme Court challenge. I note that the Attorney General said that the administration was neutral on the so-called Racial Justice Act. I do not like that name any more than I like the quota name. I like to call it a statistical analysis issue.

Mr. BIDEN. Will the Senator yield for another question?

Mr. SPECTER. I do.

Mr. BIDEN. If this Attorney General is opposed to the death penalty but has

been asking for it where it is appropriate, if the Senator had evidence that there were 40 or 50 cases where U.S. attorneys had requested of main Justice the authority to ask for the death penalty and in all 30 or 40 cases the Justice Department refused to allow the U.S. attorneys to seek the death penalty, would that be enough evidence to allow us or an impartial body to look at those cases to determine whether or not the Attorney General was just thwarting the law or, in fact, whether those 40 decisions in a row were based upon lack of sufficient evidence to ask for the death penalty?

Mr. SPECTER. Mr. President, my response is, if those statistics would be appropriate to look behind the facts of the cases.

Mr. BIDEN. So, my last question—and I appreciate the Senator being so forthcoming—would the Senator be willing to talk to his distinguished friends on the Republican side and have them amend their language to say something to the effect—the way this reads:

No funds appropriated under this act shall be used to implement any policy, regulation, guideline, or Executive order which permits the consideration of evidence—

Would they be willing to talk my learned friend from the State of Utah into using language which says:

No funds appropriated in this act shall be used to implement any policy, regulation, guideline, or Executive order which requires that decisions to seek or impose the sentence of death in any Federal capital case shall be based solely upon consideration of evidence that race is statistically significant.

Would that not be totally consistent with the way in which the Senator from Pennsylvania now reads the legislation and the way in which I do not because it says "which permits"—the present language says permits, does not even permit the Attorney General to have guidelines which would allow her, based upon overwhelming statistical evidence, to look behind that evidence to determine whether or not it was applied.

If I can make an analogy, just like if there were 50 cases in a row and the Attorney General of the United States said, "I refuse to accede to the request of my prosecutors who are seeking the death penalty," the Senator from Pennsylvania would say, and I would concur, that we should be able to look behind that and say that at least raises an issue of whether or not she is employing her bias and not applying the law. So let us take a look and be able to look behind those 50 cases to determine on an individual basis whether or not she was being capricious in refusing to employ the law.

So if we change from "permits" to "requires," what you all seem to be worried about is the Attorney General, who has not written anything along these lines and has asked the death

penalty of 50 black people in a row, that same Attorney General is going to require that U.S. attorneys not be able to employ the death sentence unless for every one black there is a white and for every one white there is a black. That is not what anybody is saying. That seems to be your concern.

So why do we not change it, if this is being done in good faith and I always assume things are being done in good faith around here, to say "guideline or Executive order which requires that the decision to seek or impose the sentence of death in any Federal capital case shall be based solely upon consideration of evidence that race was a statistically significant factor"? Because I for one do not want us to be able to have the Attorney General essentially obviate the death penalty by saying that she is requiring her U.S. attorneys to only ask for death for a black person if they can go out and find a white person to ask it for. That I do not want to have happen.

So my question is, will the Senator be willing to support our effort to convince our learned colleague from Utah to change the language from "permits" the consideration of to "requires" that the decision to seek or impose the sentence of death in any Federal capital case shall be based solely on consideration of evidence?

Mr. SPECTER. Mr. President, I have to think about it just a little. I would like to look at the language.

Mr. BIDEN. I will send it over, and I appreciate that.

Mr. SPECTER. Our distinguished colleague from Utah has been listening closely, and I think that what the distinguished Senator from Delaware suggests is a good idea, to see if we can find a combination which does not allow a policy to be based on statistics but gives as much latitude as we can to an indicator for follow-up investigation by the Attorney General to see what the facts are, and I think the facts have to govern rather than have the statistics govern.

So, after yielding the floor, I will take a look at the language and see if that can be done.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If we put the word "requires" in there, that would give the Attorney General total discretion to do whatever she wants to do, statistically or otherwise.

But let me ask unanimous consent, without losing my right to the floor because I would like to answer the distinguished Senator from Delaware, I be permitted to yield 4 minutes to the distinguished Senator from Georgia and the distinguished Senator from Idaho for a special presentation and then get the floor back.

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

Mr. NUNN. Mr. President, I thank Senator HATCH and others for being willing to yield. This is an important matter; otherwise, I would not interrupt this debate.

On July 21 our Armed Services Committee had a hearing on Somalia. We have a number of marines left in Somalia as well as diplomatic personnel. We came to the conclusion that the security situation has deteriorated there, and the United States personnel are increasingly in danger. And we believe that the closure of the liaison office and the withdrawal of all U.S. military and diplomatic personnel is time urgent and essential.

We have written a letter to the President to that effect. A majority of the committee has signed it. I think most Members will sign it. It is I think an urgent matter. I know the Senator from Idaho has strong feelings on it.

The bottom line is we are not able to accomplish anything now, but the security situation is deteriorating, and the danger to our personnel is increasing. That danger can be accepted when accomplishments are being undertaken or are on the horizon, but I think that danger at this stage is not a danger that should be accepted, because there is nothing that is being done or no likelihood that anything being done in terms of our presence is going to make a significant difference there on the ground.

So I do thank the Senator for being willing to yield. I know the Senator from Idaho would like to make a brief statement.

I ask unanimous consent that this letter that has been transmitted to the White House today be part of the RECORD.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 22, 1994.

The PRESIDENT.
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you to express our concern over the threat to U.S. diplomatic and military personnel in Mogadishu, Somalia.

The Armed Services Committee conducted a hearing on July 21, 1994, most of which was open to the public, to receive testimony from senior representatives of the Department of State and Department of Defense on the security situation in Somalia, the prospects for national reconciliation, the rationale and justification for the continued presence of the United States Liaison Office in Mogadishu and the Marine Fleet Antiterrorism Security Team (FAST) temporarily providing security for that office, and the targeting of United States and United Nations personnel by the warring factions.

In the course of the hearing, we learned the following:

The process of political reconciliation is moving at a glacially slow pace and prospects of reconciliation are bleak;

The security situation, particularly in Mogadishu, has continued to deteriorate, and

large scale interclan fighting is expected in that city;

United States and United Nations personnel are increasingly in danger and are apparently being targeted; and

United Nations Operation in Somalia (UNOSOM) forces are not providing the necessary perimeter security at the United States Liaison Office compound.

The primary function of the United States Liaison Office (USLO) is to support the United Nations in its efforts to promote political reconciliation in Somalia. The Marine FAST team deployed to provide security for USLO is scheduled to depart August 14, and no substitute force has been arranged. The fact that political reconciliation is not advancing and the prospects for future progress are bleak would, standing alone, recommend the closure of the Liaison Office. When coupled with the fact that the security situation has deteriorated and United States personnel are increasingly in danger, we believe that the closure of the Liaison Office and the withdrawal of all United States diplomatic and military personnel from Mogadishu is essential.

Accordingly, we urge you to direct the withdrawal of all United States Government personnel from Somalia by August 14 or sooner, if possible.

Sincerely,

Strom Thurmond; Daniel Coats; Dirk Kempthorne; Trent Lott; Kay Bailey Hutchison; Sam Nunn; Richard Shelby; Carl Levin; Bob Smith; Bob Graham; Bill Cohen; and John McCain.

MR. KEMPTHORNE. I thank the Senator from Utah, and I thank Chairman NUNN for scheduling a meeting. I had requested that briefing because I had been following what has taken place in Somalia.

If anyone doubts that we should totally withdraw all U.S. diplomats and marines, I would encourage them to have a briefing from the State Department and the Department of Defense. The conclusion is very clear. And I would like to just briefly give you the assessment of the Joint Chiefs of Staff of the current situation in Somalia: high threat of attacks; banditry and looting of all unsecured movements and facilities; no political settlement in sight; large-scale interclan fighting expected; high threat of spillover violence against U.S. and U.N. troops; United Nations and United States selectively targeted.

That is the situation. Right now Somalia is not on the front pages, but if we do not pull all of our personnel out of there now, I think there is a tragedy waiting to happen where we will be back on the front pages.

So I appreciate so much the leadership that Senator NUNN and Senator STROM THURMOND have taken in urging the President to withdraw our troops and our diplomats immediately.

I yield the floor.

MR. HATCH. Mr. President, let me just say that I do not want to prolong this this evening. Basically, all this amendment says is, "No funds appropriated under the act to the Department of Justice or any other agency shall be used to implement any policy,

regulation, guideline, or Executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

Now, I wish to answer the distinguished Senator from Delaware, because he is my friend and we have worked hard together on these crime bills. And I intend to continue to work hard on it side by side with him. And I call to his attention that the bill which passed the Senate is called the Biden-Hatch bill. I have not been part of any effort to filibuster or stop the bill or of gridlock. In fact, the gridlock has come from the other side, and it has come over this racial justice provision.

We have been sitting here pleasantly waiting now for months to get this bill up here, and it has been stopped because Members of the House and Black Caucus want the racial justice provision in. The Senate wants it out. And I am following the lead of the Senate.

But what we do not want is a secret, back room, back door deal as reported in the newspapers and the other media. And that is what gets us worked up on this, because we have been directed by the Senate to not allow racial justice to be in the crime bill. I honor that direction. Frankly, we now hear that there is a way around it. The media that I have read says that they are going to either have a commission to study this matter and either have regulations or guidelines or a Presidential Executive order to do exactly what the Senate has said we should not do. And there is good reason for that. The gamesmanship is not on this side. It is on the other side.

I felt a little bit badly that my colleague from Delaware called this legitimate amendment political chicanery. I do not agree with him on that. We are not playing games on this. We are trying to keep a provision out that will absolutely nullify the death penalty in this country.

Now, you are looking at a Senator who does not want the death penalty issued very often, or implemented for that matter very often. I think it is essential we have it. Most Americans do. We are tired of the crime that is going on, and there are certain people who deserve the death penalty—but very few. And I would be very loathe to use it except in the most heinous cases where there is no question of guilt and where there is no racial discrimination.

I can speak for the Members on this side. We do not want racial discrimination in sentencing, but we know that if you use a statistical analysis as a sole reason to determine whether or not, or there is a reason at all to determine whether or not there will be a death penalty, there will never be the implementation of the death penalty.

Now, I give credit to the ingenuity of the more liberal thinkers on this subject who have come up with this. They do not like the death penalty; they do not want it, and if the Racial Justice Act—or this statistical analysis act, which is what it really is—passes, there will not be any more death penalty, but there will be a number of years and billions of dollars of unnecessary costs through frivolous lawsuits and all kinds of requisites of proof that make it tougher on the whole of society.

Now, let me just answer a few of the questions that the distinguished Senator from Delaware mentioned. He is concerned that this amendment will block the Attorney General from looking into misconduct by prosecutors. Nothing in this amendment blocks the Attorney General of the United States from looking into the misconduct of prosecutors. It simply does not allow the Attorney General to implement a policy that relies on statistics. It does not stop the Attorney General from considering any facts in the matter. And if there is any indication that there has been racial discrimination in that determination to go forward in a prosecution for the death penalty, that Attorney General can say, no, you are not going to do it. We would be the first to stand up for that Attorney General in that regard.

We do not stop the Attorney General from reviewing any policy. We simply stop the implementation of such policy, regulation, guideline, or Executive order that we have read about in the newspapers as an ingenious way around this and around the direction that we in the Senate have given.

Now, I have to say this. There is nothing confusing about this. This is not a political decision. This is a legal decision trying to implement what the majority in the Senate have said we should do. This does not eliminate prosecutorial discretion. You will just have to look at the language.

If there are not going to be any regulations—and the distinguished Senator from Delaware indicates that there are not going to be—then why would he not agree with this, since this implements what the Senate has asked us to do?

This does not waive any rights of defense lawyers to make any claims they want to make, including statistical claims, which the Supreme Court says they are not going to listen to, but they can make them if they want. But any other claims that they can make based upon the facts, they have every right to do so. This does not stop them. This just stops the Justice Department from backdooring the process which a majority of the Congress has repeatedly upheld, and that is do not pass this statistical analysis act.

Mr. SPECTER. Will my colleague yield for a question?

Mr. HATCH. Sure. I am happy to. I want to say in yielding that I have ap-

preciated the lucid comments of my friend from Pennsylvania who, of course, has been a prosecutor and understands these matters as well as, if not better than, anybody here. I myself agree with most all of the comments that he has made.

Mr. SPECTER. Mr. President, I thank my distinguished colleague for those very generous remarks.

I have taken a look at the language suggested by the distinguished Senator from Delaware. I do not think that it answers the basic issue, because if you essentially substitute language of requiring the "consideration of evidence that race was a statistically significant factor in the conditions to seek or impose a sentence of death in any Federal capital case," you are saying that the Attorney General does not have to, but you are saying that she could.

I do not think the Attorney General ought to be able to establish any policy, regulation, guideline, or an Executive order which is based on statistics, because it contradicts individualized justice, which I commented about before.

My question to the distinguished Senator from Utah is, would he agree with my analysis that this language would permit the Attorney General to have statistics which would leave a yellow line, a cautionary line, or a red flag, and that based on these statistics the Attorney General could then approach an individual prosecutor to look at the facts of the case so long as the statistical basis cannot be the way to establish a policy, a regulation, a guideline, or Executive order as to whether you are going to have the death penalty?

Mr. HATCH. That is not the language in my amendment.

Mr. SPECTER. Would the Senator agree that they collect statistics as long as it does not lead to a policy regulation, guideline, or Executive order which is what the amendment says, but the statistics could be a red flag to bring the prosecutor to say, "Are you using objective standards?"

Mr. HATCH. Yes. The Attorney General can make sure that the prosecutors are acting in an appropriate manner. She just cannot use statistics to do it. But she does not have to ignore statistics if they do bear on the facts of the matter.

Mr. SPECTER. She can use statistics. Senator BIDEN says if there are 50 cases in a row, and they are African-Americans and no whites, she can use the statistics to say what is going on behind it, and look to the facts of the individual cases to see whether or not the facts warrant the death penalty?

Mr. HATCH. I do not think the statistics make a difference. She can say, "Here are 50 cases. I am concerned. Do the facts justify the death penalty in these cases?" Certainly she can use statistics to ascertain the 50 straight

black cases. She can say, "I am concerned about it. So I am going to look at the underlying facts to see if there is discrimination or prosecutorial indiscretion."

Sure she can do that.

Mr. SPECTER. I thank the Senator for the answer.

Mr. HATCH. Let me say this. I do not see any reason for the big fight over this. We have been directed by the Senate to resolve this problem. We just do not want any back door approach to it by the President, the Justice Department, or anybody else for that matter.

This is the reason why the National District Attorneys Association, the National Association of Attorneys General, the Fraternal Order of Police, the National Sheriffs Association, the International Association of Chiefs of Police, the National Law Enforcement Council, and the victims groups all in this country all oppose the so-called statistical analysis bill, or the use of statistics in death penalty determinations.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. BIDEN. The Senator is not suggesting that any of those groups endorse this piece of legislation.

Mr. HATCH. No. But I am suggesting that all of these groups support what we are trying to do in stopping the use of statistical analysis in determining whether the death penalty will be implemented. That is what our amendment does.

Mr. BIDEN. Will the Senator yield for a question? Is it not correct that what they did do is said they were against the Racial Justice Act? They did not say anything about what the good Senator from Utah is attempting to do. You can infer or imply. But they did not say anything about the statistics.

Mr. HATCH. They are against the Racial Justice Act, and therefore, I think by implication would probably support this amendment because this prevents the implementation by any kind of policy or guideline or regulation or rule or Executive order.

Look, all we are saying—let me make one comment—is that you cannot rely on aggregate statistics. But you can red flag matters to look at individual facts of the case. You can use statistics to red flag things. But you just cannot use statistics to stop the implementation.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Could I make one more point, and I would be happy to yield for a question.

If you look at this carefully, we are talking about if you actually use the Racial Justice Act. We are talking about Robert Altman Harris, the white murderer who was executed recently who killed white people. We are talking about John Wayne Gacy, who

killed white people. We are talking about people like Gary Gilmore out in Utah, a white person who killed white people. You are talking about Ted Bundy, a white man who killed white people. Every one of those people, had the Racial Justice Act been in effect, could have prevented the death penalty being implemented, and everybody knows they did what they did—heinous murders.

There were no racial problems involved, there was no discrimination in any sense of that term. And, yet every one of those, if the Racial Justice Act had been passed, would be able to use that act to prevent the implementation of the death penalty in every one of those cases. That is what it comes down to.

I know that my colleague from Delaware is very sincere in trying to get a crime bill. I am very sincere in trying to help him. I intend to try to help him. There are things that I will just not do. There are things, if they are in the bill, I just will not accept. The fact is, this is one of them. But I accepted the Senate bill as it was passed.

All I can say is, if we passed that, it would become law tomorrow. I am hopeful that we can. I intend to help the distinguished Senator fight for it. But I think to say that this side is playing political games or political chicanery is an excessive statement. I do not think it should have been made.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Ms. MOSELEY-BRAUN]. She was on her feet, and sought recognition first.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. I say to the Senator from South Carolina that I will only take a minute. I am going to actually reference the Senator in my remarks. Again, thank you, Mr. President for recognizing me.

I would like to start by noting for everyone who may be listening, the bill we are considering right now. This is an appropriations bill. This bill is not a crime bill. This bill is not the Racial Justice Act. This is the Department of Commerce, Justice, State, the judiciary, and related agencies appropriations bill for 1995, and the supplemental appropriations bill for 1994.

I want also to bring this debate back into reality, and read the pending amendment, because I know there are a lot of people in the gallery, people watching television, the pages sitting here listening to this debate, who want to focus in on what we are really talking about here. The amendment says:

No funds appropriated shall be used to implement any policy, regulation, guideline, or Executive order which permits the consideration of evidence that race was a statistically significant factor in the decisions to seek or impose the sentence of death in any Federal capital case.

That is what the amendment says. My distinguished colleague from Dela-

ware referred to this amendment as an ingenious attempt to raise a political issue. I think he is right, but I have to defer and disagree with his characterization of it as being ingenious. I think, if anything, it is embarrassing and the sponsors—or rather the spin doctors—that came up with this ought to be ashamed of themselves. It is in my opinion—and I am not being personal, and I would not say anything personal about my friend ORRIN HATCH, because we have worked closely together on the Judiciary Committee on many issues, and on this we simply disagree. But the amendment is a cynical and misleading and outright inflammatory amendment. Why? Because it is politics and not policy. It has nothing to do with the Racial Justice Act.

The Racial Justice Act is out of the crime bill, gone, zippo, it does not exist anymore. The Racial Justice Act has been a subject of great controversy. It has been cut back, watered down, piecemealed, and taken out. It is no more. The opponents of the Racial Justice Act won. I supported the crime bill as it passed the Senate without a Racial Justice Act, and I also supported the Racial Justice Act. Supporters of the Racial Justice Act lost. It will not be a part of the crime bill, a bill which we hope will make a real difference in America, which we would like to get passed, Mr. President.

But removing the Racial Justice Act from the crime bill apparently was not enough. It was not enough to get the credit on the talk shows, to get righteous indignation and to push the hot buttons. Here you have the ultimate hot button issue. The ultimate in the politics of division, Mr. President, is embodied in the pending amendment. Why do I call it the “politics of division?” Any time you put together a stew that combines race, crime, the death penalty—and I heard one of my colleagues even referencing welfare—when you put all of those issues together, you will come up with a formula that will divide even families, not to mention our Nation; and people will argue and fuss about it and passions will be inflamed until the cows come home. That is why this amendment was offered today. It was not enough for opponents of the Racial Justice Act to simply remove the provision on the crime bill. They want to keep stoking that flame, keep pushing those buttons, and keep passions inflamed about that.

I say to you, Mr. President, that I want to pose a hypothetical, since we are talking about the politics of this issue. Suppose for a minute that this was South Africa, and suppose that in South Africa a white person was 80 percent more likely to be sentenced to death than a black person. Everybody in this room would want to say, “What is wrong with this picture? What is going on here?” Possibly, we might

want to consider evidence and examine what is going on with our imposition of the sentence of death in capital cases.

Well, I do not want to talk about hypotheticals. Let us talk about facts for a moment. This amendment says the Attorney General—in Federal cases only—cannot ever consider evidence showing that race was a factor in the decision to charge a defendant with a capital crime. That is not even reasonable, Mr. President. That takes away prosecutorial discretion. It seems to me that, as legislators, we have an obligation to search for that which is reasonable, and to say that the Attorney General of the United States cannot even consider evidence on an issue defies reasonableness—or actually, if anything, it pulls the cover off and exposes the cynical nature of this amendment.

It seems to me, Mr. President, that if we talk about fairness and about the facts, we cannot ignore the evidence of discrimination in the Federal death penalty. You cannot get around the facts. The facts are what they are. So let us examine the facts in Federal cases, because we are only talking about Federal cases; the President's Executive order would not affect State cases. We are not talking about Georgia, Illinois, or Utah; we are talking national. Nationally, this Congress in 1988 passed a Drug Kingpin Act, which included a Federal death penalty. Seventy-five percent of the people convicted under the Drug Kingpin Act have been white people. However, out of the people who have been charged with death under that same act, 90 percent have been black and Hispanic. It does not take a rocket scientist to say, wait a minute, what is wrong with this picture? What is going on here? When out of 37 people charged with death, 33 are black and Hispanic, something is not right here.

That is not to deny individual responsibility. I am a former Federal prosecutor. Certainly, individuals should be responsible for what they do. An ax murderer, whether black, white, Hispanic, Asian, or whatever, is still an ax murderer. But if you look up and out of all the people who have been ax murderers, only Asians get the death penalty, you have to say: What is wrong with this picture?

The supporters of this amendment state that the Senate is on record in opposition to the Racial Justice Act, to giving criminal defendants the right to go into court and use statistics to challenge death sentences imposed in a discriminatory manner. They say the crime bill is going to come out of conference, and the Racial Justice Act, which said statistics could be used, and which I supported—will not be a part of that bill. It is out of the conference, out of the bill.

So we are going to come around now through the back door and use an appropriations bill to say, well, you

know, it was not enough that we got it out of the crime bill; let us go a step further and say the Attorney General cannot ever consider whether or not racial discrimination was involved, or at least we are going to deny you any money if you consider it. I guess that is the point. That is what this amendment says. This is legislating on an appropriations bill, but more to the point, it says we are going to use the lever—the back door—of your money. And if in sitting in her office the Attorney General even considers the issue of discrimination, we will cut off her funding. This does not make sense. This is not reasonable. This amendment is bad policy and bad law.

We are legislators. I think we have an obligation to look at what this does legislatively. We have established that it does not amend the Racial Justice Act, and we have established that it is offered to an appropriations bill, not the crime bill. I voted for the crime bill before, as I said. We know when the crime bill comes back, it will not have the Racial Justice Act in it. So the question becomes: Should this appropriations bill prohibit the Attorney General from doing anything to consider evidence of racial discrimination in capital cases? Well, Mr. President, I have to believe that the reasonable response from any person would be that, yes, the Attorney General should consider a whole host of things. That is what prosecutorial discretion is about. We should not limit the attorneys general's consideration of a whole host of factors in making a critical decision about whether somebody is going to live or die, even if that person is a criminal. That is up to the prosecutor, and we are not going to use an appropriations bill to create brand new law and say we support prosecutorial discretion, except in these cases.

That is what this amendment seeks to do. I think it is inappropriate. Merely because an individual rejects the Racial Justice Act, Mr. President, does not mean he or she should reject reason or simple common sense. Reason suggests that we do not legislate in this way on an appropriations bill with regard to a matter that has already been concluded, already been decided. Reason suggests, Mr. President, that we allow the Attorney General the ability to consider all the evidence before her. The issue of the Racial Justice Act having been won, should the Attorney General decide to take numbers and statistics into account, she should have that right. How do you get around numbers in this world? We use them in housing discrimination cases and in employment cases. A whole host of factors, in addition to statistics. I do not know. But whatever goes into her prosecutorial discretion, it seems to me, should not be limited on Senator HOLLINGS' bill.

I will conclude my remarks, Mr. President, on this cynical amend-

ment—and I do call it cynical, and I do not mean to question the motivation of the sponsors in any personal way, but rather to say that the language of the amendment really misses the point altogether and pushes hot buttons unnecessarily, and divides us unnecessarily—by saying that all of us, everyone of us, no matter what our race, have an obligation to support our criminal justice system, to inspire confidence in our criminal justice system, because when people feel that the rules work fairly for everybody, then there is really no excuse for disobeying those rules.

But we have a problem, Mr. President, when a whole sector of our community thinks criminal justice is for just us. We have a problem when people look at the fact that 90 percent of the people given the death penalty under the Drug Kingpin Act have been black or Hispanic. All nine of the ones where the Attorney General sought the death penalty already have been black. People look at that and say, wait a minute, that is not fair.

I will digress for a minute before I conclude and call on my colleagues to oppose this amendment. I saw a cute cartoon today in the newspaper about the case of the century that everybody has been talking about—the O.J. Simpson case—and why black people look at the case and come to different conclusions than whites do. It was a cartoon that juxtaposed the opinion about the case. One of the reasons that blacks and whites come to different opinions about the O.J. Simpson case, Mr. President, is cynical debates like this. We feed into a lack of confidence in our system when we say the Attorney General cannot even consider evidence of racial discrimination when the facts stare us in the face and suggest maybe, possibly, there is something wrong in the way that the death penalty is administered.

So, for those people who support the death penalty, I would strongly suggest the best thing you can do if you supported the death penalty to have universal confidence that the laws of these United States were executed fairly and that the death penalty was imposed fairly and that everybody could stand up and cheer together when axe murderers of like kind got like sentences.

That is what we should be doing, inspiring confidence in our system and not playing cynical political jokes to manipulate symbols, push hot buttons, inflame people's passion and make them think for a moment on the appropriations bill we are debating the Racial Justice Act. That is not the case.

I hope Senator HOLLINGS will get the bill out of here before the year 2000.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I listened attentively to the distin-

guished Senator from Utah, and the others, debating this particular measure. I do not wish to engage in the politics or the maneuvers that have been ongoing relative to the crime bill.

However, I was asked just 2 days ago, the day before yesterday, I guess it was, by the distinguished Attorney General and the distinguished Congressman DON EDWARDS of California who came to my office and wanted to know how I would vote with respect to a provision for racial justice in the crime bill.

I said it had no place in the crime bill, whatever. We already have equal justice under law, not unequal justice under law. And the law is required to be impartial with respect to race, religion, sex, previous condition of servitude, 14th amendment.

I had learned firsthand that the law is color blind. I was admitted to practice, Madam President, some 42 years ago, in 1952 when the case of Brown versus the Board of Education was argued before the U.S. Supreme Court. The lead case was really Briggs versus Elliott. Thurgood Marshall did not argue the Brown case. He argued the Briggs case, the South Carolina case.

It was incidentally, by the way, maneuvered to happen in these situations. The NAACP was close to the solicitor general, and just before we got to town on the weekend before arguments they moved the Brown case ahead of the Briggs versus Elliott case because the State of Kansas had local option. It was some 21 counties that were integrated and 17 counties that were segregated—it might have been vice versa, as I remember it.

The Governor of Kansas had not even sent a lawyer to argue the particular Kansas case. It was at the pleading of the former Senator from South Carolina, and former associate justice of the Supreme Court, then-Governor Jimmy Byrnes of South Carolina, who got on the telephone and got the Governor to Kansas to send a lawyer. We met him and brought him down to the old Wardman Park Hotel and briefed him all the night, that Sunday afternoon, and into the wee hours of Monday morning before we appeared at 10 o'clock on the particular case when I was admitted.

Madam President, I can see Associate Justice Frankfurter leaning across the bar, and he said, "Mr. Marshall, Mr. Marshall, assuming you win. Now what happens?"

And Marshall said, "Well, if your Honor pleases, if the State-imposed policy of separation by race is removed, the children of America would be free to choose whatever school they wanted to attend, they could associate with each other, and the only reason they did not associate with any particular school was the State-imposed policy of separation by race, and we would have freedom of choice."

He went on to argue that the law should be color blind.

So I have learned at the feet of the best of the best, so to speak, Thurgood Marshall himself. The law is color blind. And the motto on the building itself of the Supreme Court structure across the park says "equal justice" not "unequal justice," and we are not about to write laws around here to establish a so-called racial justice test. That would be totally out of order.

And I admonished the Attorney General. I said, "Heaven's above," when I looked at Congressman EDWARDS' amendment. I said: "Wait a minute. You folks have gone from the frying pan of habeas corpus into the fire of racial justice. And they had a 5 or 6 page agreement that would only apply the test to Federal cases. So, I feel very strongly that there not be included any kind of so-called racial justice provision; it will lead to unequal justice under law.

But I feel just as strongly, Madam President, that this particular amendment is really overstepping the bounds with respect to policy, and I can understand the policy in an advised fashion.

It so happened that Councilman E.W. Cromartie, a black councilman from the city of Columbia, was in my office this week, and we were talking. I referred to the space program and how we were celebrating the 25th anniversary, and I told a story about Chuck Bolden.

In fact, if this particular amendment were adopted for me in my office I could not carry forward the policy I have had for several years now.

I was the speaker in 1968, shortly after the assassination of Martin Luther King, at C.A. Johnson High School, a predominately black high school. Necessarily the air was tense, and I was determined to make a good talk. I thought I did, but even a better talk was made by a young midshipman, a black midshipman from Annapolis, a senior there at the U.S. Naval Academy, Chuck Bolden.

I turned to the principal as we were seated on the stage. I said, "Who appointed this young midshipman to Annapolis?" He did not answer. Walking down past the seats on the side, I thought he did not hear, and I asked him, tapped him on the shoulder, and I said, "Who appointed Bolden to the Naval Academy?" He just walked along. I got outside the high school. I never forget it.

I said: "Mr. Bolden, you are the principal and the coach. That was your son, who I know you are proud about. Maybe you do not understand Charleston geechee up here in Columbia, SC. Who appointed Bolden to the Naval Academy?"

He was embarrassed. He said: "Well, Senator, I did not want to answer. But we could not get any Senator or any Congressman from South Carolina to

appoint a black to any of the military academies, and certainly not my son to the Naval Academy. We had to go to your friend, Judge Bennett."

I said: "Do you mean Judge Bennett, formerly from Charleston, up there in Minneapolis, MN?"

He smiled. He said: "That is right. He is your friend and thinks the world of you." I said, "Yes, I remember in the law work when he was down in Charleston."

He said: "Judge Bennett talked to your colleague Senator Hubert Humphrey, and Senator Hubert Humphrey of Minnesota appointed Chuck Bolden, the astronaut, to the Naval Academy."

I just thought to myself that was a hell of a note. So I went back to the office. I told my staff I to make a special effort to seek out young blacks.

This presented a problem, given the substandard schools provided to black South Carolinians at that time. Those applying to the service academies were nearer to around 1,200 and 1,300 in their SAT scores. I said if we can find a young black graduate near 1,000 and I can talk to his teachers and principal and they think he can succeed, we are going to try to make the nomination.

That is an affirmative action policy that I instituted myself, but I would oppose such a policy if it were written into law. I am just making up for the past history of discrimination and in a studied fashion that has worked. No one has objected to it. It has worked extremely well.

Someone looked it up, and I think I have appointed for my particular region of the country far more blacks to all the academies: Air Force, Naval, and the U.S. Military Academy. Now, that is a policy. That is not a law.

And here comes the Attorney General. In that discussion, I said, "Madam Attorney General," and I said to DON EDWARDS, "Come on. Where did you all get all of this from?" I said, "I've been at the bar for 50 years, just about, and I never have seen this kind of prejudice."

I have tried murder cases, including blacks charged with murder. In one case, in a poker game where there were eight blacks in the game, the one that was murdered was Big Boy Cutler. The defendant charged as the murderer was Charlie White. The other six black defendants testified against Charlie White. But he got a not guilty verdict.

Mr. JOHNSTON. Will the Senator yield?

Mr. HOLLINGS. No; I do not want to yield. I have been waiting all day long to express this.

And so I said, "I never have had a judge really prejudiced. I have gotten leniency. I have gone in chambers with that district judge, Federal judge, otherwise; really, at the State level, murder and crime cases. I said, "Look. This poor individual, he never had a mama, he never had a daddy; he never had a

chance, judge. You have to do something for him. You can't send him away," and that kind of thing. And that occurred. And I said, "I don't believe that has ever happened."

I looked up the record on death sentences and executions over the period since I became Governor. And the actual record since 1958, in the southern State of South Carolina, 12 people have been executed. Seven were white and five were black.

Now, there was a suspension under that Furman versus Georgia case of death sentences, death penalties, between 1972 and 1985. But in the last 9 years now, since 1985, when the death penalty was reinstated in the southern State of South Carolina, there have been four executions, I say to the Senator. Four white, zero black.

I said, "I never had that happen with a judge." And so the Attorney General turned to me and said, "Well, the U.S. attorneys would be asking for the death sentence in an inordinate fashion against blacks in certain areas."

I said, "Madam Attorney General, that is your job. Fire them. Let's get rid of that crowd that does it."

Now, here comes an amendment that says she cannot do that. She cannot consider it. How else do you consider it, except statistically? Heavens above.

When we say here, in my particular case, my statistic was zero.

The Attorney General, in looking at the practice as to whether or not there is prejudice—and we want this equal justice, and that is what the minorities want and they should want it, and we should be granting it, certainly, by policy. We put it in fair housing. We put it in with set-asides, minority business things, and various other practices of that kind of policy.

When it comes to the criminal law, do not write on the face of it that you have to have equal justice, because then you have really different crimes, different offenses.

I really feel it would be unconstitutional, on the one hand. Otherwise, you could not have had an Executive order by Harry Truman that integrated the Armed Forces. You could not have the Attorney General do what I asked her to do.

While I oppose the racial justice provision, I told her, "Let's clean out these U.S. attorneys that are running around asking for the death penalty." I had not seen it.

I am looking at the amendment of the Senator from Utah. It is cleverly written, because you cannot use the evidence. It says, well, anyone could refer to any evidence about racial matters and say it is statistical, because you would say the numbers, you would not say the individuals, or whatever it is. That is how you would prove your case.

In essence, what he is saying is, "You can go in swimming, but you cannot

get wet." You can use the evidence, but it cannot be statistical.

Come on. That is double talk here. This is mischief. This is overkill. This is a wrong step. It is an amendment that should be defeated. And I think very much that we should reject this amendment.

So, Madam President, Senators should understand this particular amendment without getting into the cross-fire about its politics, about the crime bill, or anything else.

When you say affirmatively that none of the moneys can be spent by the Attorney General for any kind of policy, any kind of finding, any kind of action where she would bring in her U.S. attorneys and say, "Look, I am very sensitive about this. President Clinton, the administration, is very sensitive about this. We have assured the Black Caucus and others we are sensitive about it. I am going to be looking at you," and when you get to the measure, they say, "No, you can't have a measure. That is statistical evidence"; that is playing games. That is, as I say, "You can go swimming, but do not get wet."

I think it is a bad amendment, and I think it should be rejected.

SEVERAL SENATORS. Vote.

Mr. HOLLINGS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. The second-degree amendment offered by the Senator from Utah.

Mr. SHELBY. I seek recognition to speak on the amendment.

The PRESIDING OFFICER. Is there objection? The Senator is recognized.

Mr. SHELBY. Madam President, I want to offer my strong support to the amendment offered by the Republican leader. The so-called compromise struck by the proponents of the Racial Justice Act and the administration is no compromise at all—there is no compromise on this issue. I do not see how there can be.

If the Racial Justice Act, in whole, in part or in fraction is included in the crime bill, if one letter of its provisions is found in the final language of the bill—I will vote against the entire \$22 billion package and urge my colleagues to do likewise.

However, Mr. President, whether proponents succeed in including the provisions in the crime bill or they seek to implement them by executive order, regulation or policy—the substance, the ends are still the same, only the means have changed. And the end

which the Racial Justice Act seeks to achieve is the end of the death penalty—nothing more, nothing less.

The Racial Justice Act has nothing to do with racial justice and everything to do with eliminating capital punishment. It is simply a backdoor way of repealing the death penalty in this country. Even though a majority of the American people overwhelmingly support the death penalty, the Racial Justice Act would subvert that will by allowing convicted murderers to appeal their death sentence based on statistics—the Racial Justice Act is, therefore, anathema to fighting crime, and contrary to basic mores of our justice system.

Mr. President, the Racial Justice Act is a misnomer because it would do nothing to promote racial justice. Instead, it would simply provide yet another avenue of appeal for convicted murderers, regardless of their race.

It would allow a convicted murderer to challenge his death sentence based on statistical data that has nothing to do with his or her own particular case. A threshold showing of statistical disparities from other capital cases would be sufficient to warrant an additional appeal, and a further stay of executing the sentence, under the Racial Justice Act.

Whatever happened to the concept of individual justice, the concept of safeguarding individual liberty by being judged on your own facts and circumstances rather than some set formula? Under the Racial Justice Act, this concept is completely up-ended. You would think that compelling reasons would have to justify such a usurpation. But the Racial Justice Act provides none.

For although it proclaims Racial Justice as its purpose, it would not matter what race the defendant was. This new avenue of appeal would be available to any and all comers who choose to make a showing of some statistical disparity. So the Racial Justice Act does not even achieve its purported ends—and yet we would sacrifice a primary cornerstone of our justice system just to create another avenue of appeal for convicted murderers.

I say, Mr. President, that is a rotten deal, and one that we should not enter into on behalf of the American people.

The Racial Justice Act is not about enforcing the death penalty against an innocent man or woman. The Racial Justice Act has nothing to do with guilt or innocence.

So the Racial Justice Act basically says to the American people that the content of the crime, the seriousness of the crime does not matter. What really matters in the final analysis, what really amounts to justice in our courts, is the race of the victim and the defendant when it comes to sentencing. I believe, and a majority of the American people believe that if you are

guilty of a capital crime, you should receive the appropriate sentence, regardless of race or sociological statistics.

The most appalling aspect of the arguments in favor of the Racial Justice Act, however, deals with finding evidence of disparities by looking at the race of the victim. Proponents of the Racial Justice Act rely on studies that have found that while disparities are not calculable when just looking at the race of the defendant, they can be identified if you look at the race of the victim.

I have two things to say about this. One, recent study, including one conducted by the Rand Corp., have shown that these disparities can be explained by the nature of the relationship between the victim and the defendant and therefore the circumstances of the crime. So, statistics showing a lower percentage of death sentences when the victim is the same race as the defendant can be correlated in some instances to a familial or relative relationship between the defendant and the victim and vice versa.

My second point is this. Whatever happened to the principle—you take your victims as you find them? Talk about adding insult to injury. It is the physical characteristics of the victim that forms the basis for the perpetrators appeal. The victim is victimized yet again—justice being forestalled while their murderer appeals his or her sentence because he or she chose to kill a white or a brown or a black person. What is going on in this country when we would reward a murderer with another appeal just because his victim happens to be a certain race. I do not care what race you are, if you kill another human being—you should pay the price and not benefit somehow from your choice of victims.

I do not care how you slice it, the Racial Justice Act is unacceptable in any shape or form. It would still be unacceptable if it were only limited to Federal cases. Having worked my entire career to rebuild an effective Federal death penalty, I cannot support its repeal.

Making the Racial Justice Act prospective is similarly unacceptable. It would say that future murders are some how less heinous, less wrong, than past ones—that if you kill the right victim, you can elude the death penalty.

The Racial Justice Act morally wrong, against the will of the American people and more than that—it is ineffective in its stated purpose.

I oppose it in any form and I submit, Mr. President, that throwing a cloak over it in the form of an executive order fails to disguise its destructive purpose. I urge my colleagues to support the amendment offered by the Republican leader.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, during the course of two debates over the misnamed Racial Justice Act, I found myself very much on the other side from the distinguished Senator from Delaware. I feel very strongly that once a jury has determined that a death penalty is appropriate, that considerations totally irrelevant to guilt or innocence, totally irrelevant to the rules of evidence, totally irrelevant to whether or not the trial was fair should not be considered; that the so-called Racial Justice Act was a profound perversion of the American justice system, which aims at the individual.

In spite of that fact, I intend to vote against this amendment which I believe firmly confuses two entirely separate sets of considerations with respect to criminal prosecutions. First, what a prosecuting attorney can do in determining whether or not he or she should seek the death penalty; and determining whether or not a death penalty, duly voted by a jury, should be imposed.

In the latter case, no such considerations, no considerations set out in the Racial Justice Act, should be a part of an appellate determination whatsoever. And should the crime bill come back with such a provision in it, no matter how limited, this Senator would do all he could do to defeat the entire crime package.

But this Senator does not propose to limit the discretion of the Attorney General of the United States in the way in which that Attorney General administers the criminal law in any way other than the restrictions which are already contained in the Constitution. I think it would be a serious mistake, should this Attorney General decide to include such considerations. It would be another reason to replace this administration. But I will not limit the discretion that the Attorney General has in making those preprosecution decisions, and for that reason I cannot support the amendment.

Mr. THURMOND. Mr. President, I rise in support and as a cosponsor of the amendment offered by the Senator from Utah [Mr. HATCH].

Despite Senator BIDEN's assertion that this amendment is solely about politics, I want to state unequivocally that this amendment is to discourage any consideration of race in death penalty cases. It is not about politics, it is about maintaining a criminal justice system based on individual cases, not unrelated statistics.

It is my firm belief that death penalty cases be void of any consideration of race by use of statistical evidence from unrelated cases or otherwise. An individual facing the death penalty should be tried on the facts of his or her own case. Statistical evidence from unrelated capital cases have nothing to do with establishing the innocence or guilt of the defendant at trial.

The amendment which we are now considering is consistent with Supreme Court decisions which find that statistical evidence of this nature is unreliable. In fact, the Supreme Court, in McCleskey versus Kemp stated that statistical premises of discrimination in capital cases "throw into serious question the principles that underlie our entire criminal justice system."

Again I say Mr. President, death penalty cases must be race neutral, free from statistical inferences of unrelated cases, and tried on the facts in the case before the court at the time. Our amendment is to ensure that race is not a factor in death penalty cases. This amendment is not political, rather it is based on sound legal principle and seeks to maintain the integrity of the criminal justice system. I urge adoption of the amendment and yield the floor.

Mr. SIMPSON. Mr. President, I commend our fine Republican leader, the ranking member of the Senate Judiciary Committee, Senator HATCH, our most senior Republican colleague Senator THURMOND, and the always staunch advocate of a Federal death penalty, Senator D'AMATO for bringing this amendment to the floor today. I, too, would ask unanimous consent to be added as a cosponsor.

I have a strong interest in this legislation because it has become a major hurdle as to whether or not we are going to give Americans what they want most from this Congress, and that is not a health care reform bill, or the whole panoply of other things we have on our legislative plate—but rather Americans mostly want a strong Federal crime bill. Personal security is the most important issue according to all recent polls.

Mr. President, I am a conferee on the crime bill, and I want to see us enact tough crime legislation this year. A tough crime bill includes a Federal death penalty, and that is what a vast majority of Americans want. The chairman of the Judiciary Committee has accused Senate Republicans of playing games with this issue. I would assert that nothing could be further from the truth. It is curious that there is a direct relationship between those who oppose a Federal death penalty, and those who support this so-called Racial Justice Act. I wish that those proponents of the Racial Justice Act would be more candid. Step up to the plate and say "I oppose the Federal death penalty, and I know that the Racial Justice Act will kill it, and the whole crime bill." The Senate has rejected the Racial Justice Act with bipartisan majorities on several occasions. I would submit that we are representing the majority of Americans in our opposition to those provisions in the crime bill. So we are not playing any games here. We are seeking to implement the will of most Americans.

If a heinous crime is committed, and a defendant is convicted in a fair trial—the punishment allowed by law should not be based on the color of the defendant's skin. The Racial Justice Act is an insult to the integrity of our jury system. In addition, I believe that the last four persons to be executed in this country were caucasians. The jury system does work. The Racial Justice Act is an effort to undermine the death penalty, and to undermine the strong Federal crime bill most of us are working to achieve. It is not about race. It is not about justice. It is an effort to kill the death penalty.

I strongly support this amendment which would prohibit the expenditure of funds to implement such a flawed idea as the so-called Racial Justice Act.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Ohio [Mr. METZENBAUM], the Senator from Washington [Mrs. MURRAY], the Senator from Arkansas [Mr. PRYOR], and the Senator from Michigan [Mr. RIEGLE], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mr. GRAMM], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 33, nays 54, as follows:

(Rollcall Vote No. 227 Leg.)

YEAS—33

Bennett	Gregg	Murkowski
Bond	Hatch	Nickles
Brown	Helms	Pressler
Burns	Hutchison	Roth
Coats	Kassebaum	Shelby
Cochran	Kempthorne	Simpson
Coverdell	Lott	Smith
Craig	Lugar	Specter
Domenici	Mack	Stevens
Faircloth	McCain	Thurmond
Grassley	McConnell	Warner

NAYS—54

Akaka	Bryan	Daschle
Biden	Byrd	DeConcini
Bingaman	Chafee	Dodd
Boxer	Cohen	Dorgan
Bradley	Conrad	Exon
Breaux	Danforth	Feingold

Feinstein	Kennedy	Moynihan
Ford	Kerrey	Nunn
Glenn	Kerry	Packwood
Gorton	Kohl	Pell
Graham	Lautenberg	Reid
Harkin	Leahy	Robb
Hatfield	Levin	Rockefeller
Heflin	Lieberman	Sarbanes
Hollings	Mathews	Sasser
Inouye	Mikulski	Simon
Jeffords	Mitchell	Wellstone
Johnston	Moseley-Braun	Wofford

NOT VOTING—13

Baucus	Dole	Pryor
Boren	Durenberger	Riegle
Bumpers	Gramm	Wallop
Campbell	Metzenbaum	
D'Amato	Murray	

So, the amendment (No. 2369) was rejected.

Mr. BIDEN. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2368

The PRESIDING OFFICER. The question occurs on the underlying amendment.

The amendment (No. 2368) was rejected.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

NATIONAL WEATHER SERVICE OFFICE IN
HUNTSVILLE, AL

Mr. HEFLIN. The Senator from South Carolina knows about the community of Huntsville, AL, and about the high incidence of severe weather systems, especially tornadoes, which this community experiences. He also knows that the National Weather Service has proposed closing the Huntsville office of the National Weather Service in 1996, with preliminary steps taken in 1994 and 1995. Because of a number of serious concerns which remain among the Alabama congressional delegation and in the Huntsville community as to the ability of the NEXRAD in Shelby County, AL, to effectively cover the Huntsville area, I prepared an amendment to prohibit any funds from being spent to transfer, reduce, or terminate the functions or warning responsibilities from the Huntsville office. I realize that such an amendment on this appropriations bill can only affect the period from October 1, 1994, to September 30, 1995.

In connection with this proposed amendment, my office met this morning with Elbert W. Friday, Director of the National Weather Service. At that meeting, Dr. Friday outlined the National Weather Service's current plan to transfer the warning responsibility of the Huntsville office to Birmingham in January 1995, to decommission Huntsville's radar in March 1995 and to significantly decrease staff at the

Huntsville office in June 1995—all activities which would have been prohibited by my amendment during fiscal year 1995. Does the Senator from South Carolina share my understanding of the situation relative to the Huntsville National Weather Service Office?

Mr. HOLLINGS. I agree with the understanding of the Senator from Alabama.

Mr. HEFLIN. It is also my understanding, based on conversations with Dr. Friday this morning that he has offered to delay the decommissioning—the shutting down—of the radar and the significant decrease in staff at the Huntsville National Weather Service Office through the end of fiscal year 1995, September 30, 1995. The National Weather Service does, however, reserve the right to transfer the warning responsibilities of the Huntsville office to Birmingham in or after January 1995. In effect then, the Huntsville office would be able to operate as an additional and backup radar service system for the Huntsville area and would keep its Doppler radar system in operation at least until September 30, 1995.

Mr. HOLLINGS. I share that same understanding.

Mr. HEFLIN. I thank the Senator from South Carolina for his assistance in this matter. Mr. President, I do believe that the Huntsville Weather Service Office should be kept open and fully operational. I am very concerned about the Weather Service's plan to begin dismantling this office in fiscal year 1995 by decommissioning the radar and transferring significant number of staff persons. I believe that this offer by Dr. Friday to delay the bulk of these two activities until after fiscal year 1995 provides Huntsville with greater short-term assurance that their weather needs will be provided for. However, I want it clearly understood that I intend to do all that I can to protect the area's long-term needs. To both of these ends, I appreciate the interest and assistance of the Senator from South Carolina.

GREAT LAKES PROGRAMS FUNDED IN H.R. 4603

Mr. GLENN. Madam President, I rise to commend my colleague, the distinguished Senator from South Carolina, for his continuing efforts on this bill and his consideration of programs related to the needs of the Great Lakes.

As the cochairman of the Senate Great Lakes Task Force, I have worked with my colleagues from the region to protect and restore both the environment and the economy associated with this priceless resource. I want to thank my colleagues on the task force for their work, and I want to sincerely thank the Senator from South Carolina and his staff for working with us during the writing of this bill.

I am very pleased that this bill provides the necessary funding for several national programs that help us in our efforts to understand and manage the

Great Lakes. At first glance, funding for NOAA programs such as the National Sea Grant College Program and National Coastal Zone Management Grants may not seem important to the Great Lakes. However, each of the eight Great Lakes States has a strong Sea Grant Program that helps its citizens directly, by conducting critical research and outreach efforts on such diverse problems as exotic species and contaminated sediments. By the end of next year, six Great Lakes States—Ohio, Michigan, Minnesota, New York, Indiana, and Wisconsin—should have coastal zone management plans to aid in the wise development of their lakeshores. In every sense, the Great Lakes are our north coast, important at the national level. That is not to say, however, that we do not have some unique problems that require special consideration.

One of our most troublesome problems is the introduction of devastatingly harmful exotic species such as the zebra mussel. Since they were discovered in 1988, zebra mussels have profoundly impacted every lake except Superior. They have altered the makeup of our native flora and fauna, destroying populations of endangered native clams. They cost municipal and industrial facilities millions of dollars in cleanup and control costs. They disrupt recreation, causing thousands of dollars of damage to boats, docks, buoys, and beaches. Scientists estimate that over the next decade the zebra mussel could cost users of the Great Lakes over \$5 billion. But the problem is not confined to the Great Lakes. In the last year, zebra mussels have become newly entrenched in the States of Tennessee, Alabama, and Mississippi. I know my colleague from South Carolina is aware of the magnitude of the problem. I thank the Senator for his support of the Sea Grant Program and the Great Lakes Environmental Research Laboratory, a NOAA facility, both of which lead the charge in the battle against the zebra mussel.

The sea lamprey is another exotic pest with which we have to contend in the Lakes. The lamprey literally sucks the life-blood from Great Lakes sport and commercial fisheries, fisheries which generate annual economic activity of between \$2 and \$4 billion and support in excess of 75,000 jobs. Controlling the sea lamprey is solely the responsibility of the Great Lakes Fishery Commission. The Fishery Commission, established by international treaty in 1955, coordinates United States and Canadian management of Great Lakes fishery resources. Over the last 39 years, we in the United States have upheld our end of the treaty and appropriated enough money to the Fishery Commission for it to maintain its basic sea lamprey chemical control program.

However, the cost of the chemical control measures undertaken by the Commission has substantially risen in recent years. Without research into alternative nonchemical control measures our options continue to be limited. In a very recent development, the Canadian Government has increased its monetary contribution to the Fishery Commission budget. My hope is that, when all is said and done, we will be able to match that contribution with an additional appropriation of \$450,000. My colleague from Michigan, Senator LEVIN, has authorized an amendment for that purpose.

My colleagues on the Great Lakes Task Force and I strongly support efforts to ensure adequate funding for exotic species research in the Great Lakes.

In summary, Madam President, I support the committee's recommendations for funding of the National Coastal Zone Management Act and the National Sea Grant Program and I urge my colleague from South Carolina to make exotic species programs a high priority in the conference with the House.

RADIO FREE EUROPE/RADIO LIBERTY, INC.

Mr. FEINGOLD. Madam President, yesterday the Senate adopted an amendment I offered relating to the proposed relocation of Radio Free Europe, Radio Liberty, Inc., from Munich, Germany, to Prague, Czech Republic.

The President is intending to notify the Congress at the beginning of next month that a move of RFE/RL, Inc., to Prague is not only in the significant national interest of the United States, but also can be achieved within the international broadcasting budget caps we worked so hard last year to establish.

This is a move which I view with skepticism. Mr. President, because I have studied the numbers and do not see how they add up. Nevertheless, the administration has repeatedly pledged to make the move within the appropriation for the Board for International Broadcasting, and insist that it will not ask for additional funds to finance the relocation. Thus, the first part of my amendment simply requires the move to be financed solely out of the account for BIB, and will protect other broadcasting accounts from being raided to fund RFE/RL's move. Certainly, other programs should not suffer if this move does indeed prove to be misguided.

The second part of my amendment practically restates current law, which apparently needs to be clarified. It is the intent of Congress that the inspector general at the Board for International Broadcasting continue its work in Munich, particularly as RFE/RL, Inc., downsizes. This amendment also lays out the intent of the Congress that the inspector general continue its valuable work with onsite inspections

wherever RFE/RL, Inc., is located—Munich, Prague, and throughout the transition. RFE/RL, Inc., should be on notice that if it tries to impede the work of the inspector general, the Congress will protect the IG's authority.

Finally, Madam President, while I have many questions about the financing of this move to Prague, there is one particular issue which recently arose which I find particularly unsettling. It involves a question of retroactive payments to the Czech Government by the United States Government for operating costs on a building the United States does not occupy. I am particularly concerned because I know the history of RFE/RL, Inc., and know that in the past, repeatedly, they have made questionable payments in a broad range of areas and charged it to the grant agreement. I am joined by my good friend, the Senator from Delaware [Mr. BIDEN], in a colloquy today about such commitments, and hope we can work together to ensure that so much unauthorized payments are made.

Obviously, I am concerned that without close oversight, thousands and thousands of taxpayer dollars are likely to be squandered during the proposed process of relocation from Munich to Prague. This amendment is intended to instill some fiscal constraints on the move—completely consistent with what the administration and RFE/RL, Inc., contemplate. I thank the managers for their cooperation in accepting this amendment.

As negotiations have progressed on a proposed relocation of Radio Free Europe/Radio Liberty, Inc. from Munich, Germany, to Prague, Czech Republic, the National Security Advisor, Tony Lake, has received a letter from the Czech Prime Minister's chief of staff, Dr. Igor Nemec, stating that RFE/RL representatives had pledged to make retroactive payments for operating costs of the Federal Parliament Building in Prague from April 1, 1994, as part of RFE/RL's lease of the building. I understand that these payments would run between \$70,000 and \$100,000 a month, thereby costing the U.S. Government at least \$350,000 for rent on a building before it ever agreed to lease it.

I have been assured by the president of RFE/RL, Inc., Mr. Kevin Klose, that no such commitments were made by RFE/RL to the Czech Government, and that RFE/RL made it very clear that the move to Prague, and thereby any lease arrangement involving retroactive payments, would be subject to approval by the United States Government and Congress.

I, for one, have serious problems with any such arrangement. It is not right that the U.S. Government would be liable to pay operating costs on a building before it even agreed to move into that building. I intend to monitor the situation very closely to ensure that such

unauthorized payments are not made. I must also add that I am particularly concerned because RFE/RL, Inc., is an agency which has a particularly bad track record of committing U.S. taxpayer dollars for things we should not be paying for.

Mr. BIDEN. I have worked closely with the Senator from Wisconsin on this issue. I have received the same assurances he has from RFE/RL that it has made no commitments to pay retroactive operating costs of the former Czechoslovak Federal Assembly building, and that any such payment would be subject to congressional scrutiny and approval. I expect to examine closely any arrangement reached by RFE/RL, Inc., before any move to Prague takes place, and I will work with the Senator to ensure that taxpayer dollars are used wisely by RFE/RL, Inc.

FREIGHT AND LIGHT RAIL SERVICES IN RHODE ISLAND

Mr. PELL. Madam President, I wonder if I might ask a question of my colleague from South Carolina, Senator HOLLINGS.

Mr. HOLLINGS. I would be delighted to respond to my colleague from Rhode Island.

Mr. PELL. On page 96 of the committee report, in the section dealing with the Economic Development Administration, I see where the committee has listed some 11 proposals which have been brought to its attention and which it hopes the EDA will evaluate. I understand that the committee requests EDA to individually consider these proposals and, where warranted, to provide grants. Is that correct?

Mr. HOLLINGS. My colleague is correct.

Mr. PELL. I wish to bring to the attention of my colleague a project which is a natural fit for the purpose and mission of the EDA which we in Rhode Island hope the EDA will view favorably. This project would entail the construction of a railroad track to accommodate freight and light rail services. This project is the single most important economic development project in our State. Further, the construction of this track will not only sustain Rhode Island's current freight operations, which will be disrupted by the ongoing electrification of the Northeast corridor, but it will enhance and modernize its freight services. As my colleague knows, Rhode Island, as is New England, has been struggling out of a prolonged recession. This project will also incorporate the constructive use of some 900 acres of prime real estate which previously housed the Naval Construction Battalion station which was closed during the 1991 round of BRAC. Some of this land is currently used for a deep-draft shipping port which we hope to enlarge. In order to make this transition from a former military site to a successful shipping

facility, we need to build the track that I have previously mentioned which would connect the port with the main train tracks.

I want to assure my colleague that Rhode Island has already committed to funding 50 percent of this project and we will seek funds from the various Federal sources. It seems to me that EDA is an ideal source and, since Rhode Island plans to pursue this matter with the EDA, I wanted to bring this project to the attention of my colleague, Senator HOLLINGS.

Mr. HOLLINGS. I thank my colleague for bringing this matter to my attention. I believe that this project would be an ideal fit with respect to EDA's programs. I would certainly encourage the EDA to give this project as careful consideration as those listed in the committee report and, if warranted, to provide a grant.

As my colleague knows, we in South Carolina have also been impacted by the ongoing BRAC process. He is quite correct to state that EDA's role in these communities should be to help transition the community as well as enhance its infrastructure to brighten its economic future. I wish my colleague all success as Rhode Island proceeds with this project.

CONGRESS-BUNDESTAG YOUTH EXCHANGE
PROGRAM

Mr. LUGAR. Madam President, I would like to engage the managers of the bill in a brief colloquy on the Congress-Bundestag Youth Exchange Program. I would like to hear their thoughts about German-American student exchanges and why the bill before the Senate reduces appropriations for these extremely important exchanges.

Let me say that I am a strong supporter of the Congress-Bundestag exchange program which has been in existence now for 11 years. I recall the enthusiasm on the floor of the Senate when in 1983 the late Senator Heinz introduced the bill authorizing the Congress-Bundestag Youth Exchange Program. Many of us rose to endorse it and the legislation received unanimous support.

The exchange initiative was inspired by and coincided with events surrounding the monumentally important agreement by the German Government to deploy United States Pershing-II missiles in Germany—a decision that in my judgment accelerated the end of the cold war. At the time, it became very evident there were fundamental misunderstandings within Germany of United States intentions and equally shallow perceptions in the United States about Germany. We felt it imperative that United States-German understanding must be deepened and strengthened among young people.

The German Government felt the need for correcting misperceptions about the United States most acutely and initiated the process of establish-

ing and funding a youth exchange program with the United States. The Congress-Bundestag Program that emerged from this period was not just another bilateral exchange program. Rather, it became a fundamental part of United States foreign policy administered by the U.S. Information Agency with a valuable ally whose cooperation was and is vitally important to United States interests in Europe. As part of crucial foreign policy developments in 1983, the Congress-Bundestag Youth Exchange Program was launched jointly by the United States Congress and the German Bundestag and has been funded by both governments in roughly equal amounts ever since.

The Congress-Bundestag program has special foreign policy significance. It ought not be grouped with other exchanges. It is different, it has special importance, and it should not be weakened.

Many of us on both sides of the aisle who were in the Senate and the House at the time of its creation understood its significance and spoke passionately in support of these exchanges. Those of us who have followed its evolution or who have met with the thousands of students involved continue to believe strongly that this program is an important element of our overall international exchange effort and a critical component of our foreign policy.

These exchanges were designed to strengthen ties between two great countries by expanding awareness of German and American institutions, while extending mutual friendship across the Atlantic. Apart from this, many students have found their overseas experience and their increased fluency in a foreign language a valuable asset in their continuing education and community life.

One of the unique features of the Congress-Bundestag program is that the German Government matches our contribution virtually on a dollar-for-dollar basis. They match the number of students they send to the United States to that which we send to Germany. Indeed, they are so enthusiastic about this program, they would like to send more students to the United States. An increase or decrease in our funding leads to an increase or decrease in their funding. When we decrease our funding, as the bill before us does by almost 25 percent, there is, in effect, a double hit because the German funding will be reduced also and the number of students will be decreased by twofold. That would be devastating and we should not do it.

Because of this parity funding, thousands of young people from Germany and from the United States are able to spend a year in the other country, live with host families and learn from their cross-cultural experiences. Thousands of students have become young ambassadors for their country and carriers of

understanding and tolerance of the other country and its people. Our relations have been strengthened and our mutual interests better understood.

President Clinton recently spoke of the unique partnership with Germany. Germany is one of our most important allies. Its strategic importance in Europe is self-evident, it enjoys the strongest economy in Europe and has been cooperative in extending the European Union and NATO towards the east, a role we have welcomed and encouraged. It is poised to play an even greater international role in peace-keeping and out-of-area challenges to international security. Moreover, there are nearly 60 million Americans who trace their heritage to German origins. According to Stephen Rosenfeld of the Washington Post, Americans of German background may constitute the largest single ethnic group in the United States.

As we reduce our military presence in Germany and in Europe, we should not be reducing our student exchange program. That would send the wrong message, a message of indifference, of withdrawal, and disinterest. Rather, this is an appropriate time to increase our exchanges, or at least maintain them at current levels. This is not the time to reduce our contacts or diminish our close ties and long-standing commitments to Germany.

Could I ask the managers if the proposed appropriation in the bill for the Congress-Bundestag exchanges in fiscal year 1995 is at or below the current level of appropriation for fiscal year 1994?

Mr. HOLLINGS. The recommended appropriation mark in the bill for the Congress-Bundestag Youth Exchange Program is at \$2.1 million for fiscal year 1995. The House bill recommends \$2.25 million. The current level for fiscal year 1994 is \$2.75 million.

Mr. LUGAR. It is also my understanding that the appropriations for this program has been funded at \$2.75 million for the past several years. Is that correct?

Mr. DOMENICI. Yes, it has been at \$2.75 million since at least fiscal year 1992.

Mr. LUGAR. By my calculation, a reduction to \$2.1 million would amount to a 23 percent cut in one of our most valuable exchange programs. I know the two distinguished managers of this bill are supporters of the Congress-Bundestag exchanges. Could they explain why this program has been reduced so severely in the committee bill?

Mr. HOLLINGS. I share the Senator's support for this program and we would very much like to provide appropriations for this and other exchange programs at a steady, if not larger, funding level. Unfortunately, stringent budgetary limitations made this impossible.

As the senior Senator from Indiana knows, the number of international exchange programs has proliferated over the past several years. Members of the Congress have been so enthusiastic about international exchange programs that they have created many new programs. Unfortunately, the appropriations available to fund them have not increased at the same rate. Pressures to reduce spending have been greater than pressures to increase spending.

As the demands for funding increase and the supply of resources remain static or even shrink, the regrettable result is that some programs must be reduced. This is essentially what is proposed for the Congress-Bundestag exchange program.

Mr. LUGAR. I thank the managers of the bill and appreciate their explanation. I am prepared to introduce an amendment that would set the funding level for the Congress-Bundestag program at the current level of \$2.75 million but I am reluctant to burden the legislation with a specific earmark. I am most interested in restoring funds to this program through any means available. Could the managers give assurances that they will do all they can to support a shift of funds to restore German-American exchanges to the current appropriation level? If they do, I will withdraw my amendment from consideration.

Mr. HOLLINGS. I thank the Senator for his consideration and I share his support for this program. I want to give you my assurances that I will support efforts both in conference with the House and in communications with the U.S. Information Agency to maintain the funding level at the current level of \$2.75 million.

Mr. DOMENICI. Senator LUGAR has offered the strongest argument on behalf of this program that I have heard. As usual, he makes good sense. I want to join Senator HOLLINGS in giving my firm assurances that I will support and encourage efforts to keep the German-American youth exchanges at the fiscal year 1994 funding level.

Mr. LUGAR. I appreciate the strong assurances from the managers of this bill. Their support offers comfort that they will fend off additional cuts in conference and argue for appropriations as close to the current program funding level as possible. I will therefore withdraw my amendment.

Mr. President, I would like to offer some additional comments on the Congress-Bundestag Youth Exchange Program for the record.

The annual funding for the Congress-Bundestag exchanges permits some 400 American and 400 German youths to live with host families and attend schools every year in the other country. Nearly 4,000 participants have been funded by this program since its inception. The largest number of students in the program is administered by the

Youth for Understanding [YFU] International Exchange which is one of several organizations that administers this program for the U.S. Information Agency. Roughly three-fourths of these students are juniors and sophomores in high school. The standards are high. To be eligible, American students must have a 3.0 grade point average and be a citizen or permanent resident of the United States.

At least two students are selected from each State. Those States with large populations tend to have more participants. After their year abroad, the American students are expected to make a presentation on their experiences in Germany to their classmates and/or to interested community and schools audiences.

Madam President, let me repeat my concern that a reduction in funding for the Congress-Bundestag Program will send an untimely, unwanted, and unwarranted signal to our German friends that we value our relationship less now than we have in the past. President Clinton has just gone to great pains to reassure the Germans that the reduction of the American military presence in Germany does not signal a diminution in the importance as we attach to the German-American partnership. We should reinforce that message. Cutting this German-American exchange program regrettably contradicts the President's message.

The Congress-Bundestag Program, despite its comparatively small funding, is a highly visible program. German Chancellor Helmut Kohl was personally involved in setting it up and he has retained his interest ever since. He has visited American exchange students sponsored by it. Last year, Rita Süssmuth, the president of the German Bundestag, personally presided over a warm celebration of the 10th anniversary of the program. Indeed, many members of the German Bundestag personally adopt United States scholars who come to their electoral districts, invite them into their homes and arrange events for them.

There is no corresponding active involvement or interest in the United States. It is one lightly funded program that gets lost in the welter of international programs which have proliferated over the years. Our German counterparts value this program very highly. They want to send more German students to the United States. They actively promote it. Many members of the Bundestag directly participate in it. The German embassy is dismayed by this proposed cut and so should we. We should restore the funding to the current level of \$2.75 million. We should do so because it is in our interest to preserve and protect programs important to our national interest. The Congress-Bundestag Youth Exchange Program is unmistakably one of those programs.

Once again, I want to thank the distinguished managers of the bill before us. They have a difficult task of balancing growing and competing needs with fewer resources. I appreciate their understanding and courtesy.

RECOGNIZING THE SERVICE OF ELIZABETH K. BLEVINS

Mr. HOLLINGS. Madam President, Liz Blevins recently left the Commerce, Justice and State Subcommittee to join the full Appropriations Committee staff and work directly with Chairman BYRD and JIM ENGLISH. This bill represents the first time since 1989 that Liz Blevins is not out here on the floor of the Senate supporting me as a member of our subcommittee staff.

In the Senate we do not often enough recognize the people who work so hard to support us and make this institution run. I would like to just take a minute to salute Liz Blevins and commend her for the contributions she made to this Commerce, Justice and State Subcommittee.

Liz Blevins is a true professional. She came to the subcommittee after serving several years with the Federal Energy Regulatory Commission. She had previously served with the Senate Democratic Policy Committee, the Department of Energy, and Department of the Navy and she also had served in the White House Office of Media Liaison under President Carter. She came to the Nation's Capital from Michigan in 1963, and she often has used her annual leave to visit that State or her husband Gypsy's home State of West Virginia.

Liz was responsible for making this subcommittee run. She organized our hearings and markups, and helped ensure that agencies responded to data calls and committee requests in a timely manner. She also kept track of the blizzard of paper—from reprogrammings to hearing transcripts—which pass through our subcommittee office. She always carried out her responsibilities with dedication and she helped contribute to the team spirit and esprit that so typifies our 13 appropriations subcommittees.

While we wish Liz the best in her new position, we cannot help but say that we miss her. Almost every agency funded in our bill—and we oversee 3 Cabinet departments and 24 independent agencies—has called to wish Liz the best and to say they will miss seeing her smiling face.

And, Madam President, that is the point. Liz Blevins truly is one of those people in life who makes a special effort to brighten up everyone's day. She made every visitor to our subcommittee—each Senator, staff person, agency official, or tourist—feel special. Countless times she has gone out of her way to ensure that visitors wandering around the Capitol get to the location they are trying to find, or obtain tickets to visit the House and Senate Chambers.

I know that her husband Gypsy, and daughter Shannon are very proud of her. We all are. We are proud of her for her professional achievements and of who she is.

Madam President, in conclusion, as chairman of this subcommittee, I just want to thank Liz Blevins for a job well done.

H.R. 4603, THE COMMERCE JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS BILL

Mr. BIDEN. Madam President, I rise today in strong support for this bill. Through the work of subcommittee chairman HOLLINGS, ranking member Senator DOMENICI and the other members of the Appropriations Committee the Senate has before it a tough—and smart—bill. Indeed, this bill implements the first step of the Biden crime bill by appropriating the first year of the violent crime reduction trust fund. Unlike any other crime bill that has ever passed into law, the Biden crime bill—because of the efforts of Appropriations Committee chairman ROBERT BYRD—actually pays for what it promises. And, today, with the appropriation of \$2.423 billion from the first year of the trust fund the Senate sees the first evidence of this fundamentally new approach to combating crime and violence in America.

Due to the efforts of Senators HOLLINGS and DOMENICI, this appropriations bill spends the first year of the trust fund on the Nation's top crime-fighting priorities:

First, \$1.3 billion for community policing efforts, enough to add 14,000 police officers to our Nation's streets, and the first step to adding 100,000 police officers over the next five years;

Second, \$299 million to enhance the Federal efforts to control our borders, dollars that will hire 700 new Border Patrol agents, redeploy 240 more Border Patrol agents to the front-lines through enhanced computerization, in addition to several other necessary reforms;

Third, \$86 million for State grants to combat violence against women—increasing the enforcement, prosecution, and victim services for those who fall prey to the scourge of violence at the hands of a brutal spouse;

Fourth, \$423 million to restore the Byrne drug enforcement grants to State and local law enforcement—equal to the greatest appropriation the Byrne Program has achieved since its creation in 1988;

Fifth, \$100 million to undertake a greatly needed drug court program, taking up to 50,000 offenders who are today simply walking the streets on probation, unsupervised and uncontrolled, and holding them accountable through drug testing and drug treatment backed up by the certain threat that drug abuse will be detected and punished;

Sixth, \$175 million for State grants for corrections programs, including

military-style boot camp prisons for up to 18,000 prisoners—one of the most cost-effective ways of punishing first-time, nonviolent offenders—160,000 of whom are now behind bars in a prison cell that should be used for violent criminals; and

Seventh, \$40 million for the Community Schools Program—an effort crafted by Senators BRADLEY, DOMENICI, DANFORTH, and DODD that will take a commonsense approach to keeping children away from crime and drugs by keeping schools open in the afternoon, evening, on weekends, and during the summer. This will mean safe haven for a significant number of the hundreds of thousands of children who must literally dodge bullets as they walk the streets and playgrounds of their neighborhoods.

In addition, this appropriations bill provides \$100 million for the Brady law effort to assist in the development of a nationwide instant criminal background check that has proven so successful in my home State of Delaware. In fact, in just the first few months since taking effect in February, the Brady law stopped 23,610 convicted felons from buying a gun over the counter at their local gun shop.

When combined with \$144 million for the Justice Departments' juvenile justice programs, these and other efforts mean that through the crime bill trust fund and the efforts of Chairman HOLLINGS and the appropriations mean that the Federal Government will provide nearly \$2.3 billion in aid to State and local law enforcement.

State and local law enforcement are the real front lines of the Nation's battle against violent crime, and the \$2.3 billion in greatly needed aid represents a more than 300-percent increase over last years' level. In other words, for the first time in years we are actually living up to the support for State and local law enforcement that is so often voiced on the floor of the Senate.

This bill does not stop there—for Chairman HOLLINGS has made great strides in boosting Federal law enforcement as well. The bill before the Senate

Gives us the chance to:

Boost funding to the FBI by more than \$150 million, that will hire 436 new FBI agents—restoring FBI agent strength to the 10,475 peak level reached in 1992;

Boost funding to the DEA by about \$40 million, that will support 311 more DEA agents—restoring DEA to its 3,702 peak reached in 1992;

Boosting funding to U.S. attorneys by more than \$12 million, so that no reduction will be necessary from this year's level; and

Increasing the Federal prison budget by \$404 million above this years' level—to fully fund the expected increase of more than 8,400 Federal prisoners—raising the total number of Federal

prisoners to nearly 93,000—the greatest total in our Nation's history.

In yet another high priority area—the Weed and Seed Program—Chairman HOLLINGS and the Appropriations Committee have continued funding at \$23 million. This will ensure that weed and seed sites, such as Wilmington, DE, will be maintained—and expanded to even more neighborhoods in Wilmington and the other weed and seed sites.

Now I would like to take a moment to discuss the funding for Radio Free Asia provided by this bill. As the author of the legislation to establish this new service, I am extremely grateful to the chairman, Senator HOLLINGS, for providing \$18 million to begin Radio Free Asia broadcasts.

As my colleagues will recall, in the Foreign Relations Authorization Act, enacted into law earlier this year, Congress authorized the establishment of a Radio Free Asia.

This proposal rests on a concept that has been central to U.S. foreign policy for 40 years: the dissemination of accurate news and information to people suffering under Communist rule. For four decades, Radio Free Europe and Radio Liberty have broadcast to the nations that once constituted the Soviet empire. The radios, as they are known, were an important instrument in promoting political pluralism and spurring dissidents across the Soviet bloc.

A similar broadcasting service to China and the other Communist nations in East Asia could catalyze democratic development in those nations.

In each country—China, Cambodia, Laos, North Korea, and Vietnam—press freedom is virtually nonexistent, and the media are used largely as instruments of state policy. Radio Free Asia will fill this information gap by providing information about local developments, and thus complement the Voice of America, which concentrates largely on U.S. and international news.

It is often claimed that Radio Free Asia is unnecessary, because China's reform process has caused an unprecedented openness that will inevitably yield still greater political freedom. To be sure, Western investment, economic reform, and greater prosperity among the masses will all have a subversive effect on the regime's tyrannical powers. But economic liberalism does not guarantee political openness. There is simply no evidence that the Chinese Government plans to abandon Mao's dictum that power comes from a barrel of a gun. Indeed, Beijing recently expanded the powers of the police—already extensive—to detain and restrict activities of dissidents. And as a recent edition of the Far Eastern Economic Review reported, China continues to jam Voice of America broadcasts—despite claims to the contrary.

The dynamism of the Asian market demands that the United States, in its

own self-interest, remain deeply engaged in the region. But pursuit of profits and economic prosperity does not require us to be morally comatose. Radio Free Asia is a modest and cost-effective means to advance our democratic ideals. We should not shrink from the challenge. I look forward to working with the chairman and ranking member of the subcommittee to assure continued funding for Radio Free Asia.

This bill will do all this and much more. Chairman BYRD, Subcommittee Chairman HOLLINGS, Senator DOMENICI, and every member of the Appropriations Committee have offered the Senate a strong, effective, efficient bill, and I urge every Senator to support this bill.

Mr. KERRY. Madam President, I am pleased to support the Commerce, Justice, State, and Judiciary appropriations bill before us today and I want to recognize Chairman HOLLINGS' efforts in bringing this bill to the floor and applaud the broad-based support this package has received from a majority of subcommittee and full committee members. I believe the committee reached an acceptable compromise given the nearly overwhelming challenges of putting together a bill that fairly distributes funding for an array of important and critical programs within a budgetary framework of extremely limited resources.

While I have some reservations about individual measures and particular programs, as I suspect many of us may, I want to take this opportunity to highlight what I view as the most important areas that the committee has addressed.

I am privileged to serve as the vice chair of the Commerce Committee's National Oceans Policy Study and as such I know and value Chairman HOLLINGS deep commitment to the adequate funding of the important marine mammal and living marine resource programs that are administered by the National Oceanic and Atmospheric Administration [NOAA] and other agencies. Despite the austere budget environment that we are laboring under, I am pleased to see the continuation of many vital marine and coastal programs.

I am encouraged that the bill gives priority to National Oceanic and Atmospheric Administration's infrastructure and ocean, coastal and fisheries programs. I approve of the effort to put the "O" back in NOAA and balance NOAA programs by emphasizing increases for ocean, coastal, and fisheries programs, including the National Sea Grant Program and the Coastal Zone Management Program.

The additions for fisheries programs without imposing fishing fees as a financing mechanism is especially laudable and reflects the importance of this vital national resource.

I am very appreciative that the bill includes a \$2.5 million increase in the Northwest Atlantic Ocean Fisheries Reinvestment Program that addresses restoration of the New England groundfish fishery.

For over 20 years, through the unique Federal/State partnership established by the Coastal Zone Management [CZM] Act, the coastal states and NOAA have worked in a cooperative and productive effort to "preserve, protect, develop and, where possible, restore or enhance our Nation's coastal resources." The national CZM program is a vital defense against the constant pressures on the fragile and finite coastal zone. Twenty-three Senators joined me in sending a letter supporting increased funding for this small but extremely effective program that seeks to protect our coastal resources. This is a welcome increase for this vital program.

Many excellent programs were included in today's bill. However, some beneficial programs did not receive the funding I believed they merited, and I remain optimistic that it will be possible to address some of these as we move to conference with the House.

One program I believe falls into this category is the New England Aquarium study of bluefin tuna. The bluefin tuna is the most valuable finfish in the world and its value has driven the fishery to the brink of collapse. The Atlantic bluefin tuna research program conducted by the New England Aquarium includes important studies of the biology, physiology and reproduction of this extremely valuable highly migratory species about which very little is known. I hope that the Senate will concede to the House request of \$300,000 to fund this important research.

As chairman of the Foreign Relations Subcommittee on Terrorism, Narcotics and International Operations, I commend the chairman and ranking member for the excellent work that they have done in following the funding levels set forth in the authorization act for the Department of State, the U.S. Information Agency, international broadcasting, and other functions. I was particularly pleased that the bill as reported by the Appropriations Committee contained \$1.170 million for peacekeeping assessments, including a supplemental appropriation of \$670 million for fiscal year 1994.

I cannot overemphasize the importance of meeting our financial obligations to various international bodies. Consequently, I am deeply disappointed that the Senate voted today to ignore those obligations and cut \$350 million from the appropriation for international organizations and peacekeeping assessments. These cuts are doubly troublesome coming at a time when Ambassador Albright is working so diligently to bring about management and financial reform at the United Na-

tions. Those who stood in this Chamber and demanded the creation of an independent inspector general, and then complained that the truly astonishing work of our delegation at the United Nations to bring about that creation was insufficient, should understand clearly that this cut serves to undermine the reforms which they so vociferously support.

I would also point out to my colleagues, who may have thought that they were voting to cut funds for peacekeeping operations which they do not support, that in fact the Dole-Hutchison amendment cuts funds for all international organizations. In addition to U.N. assessments, the cuts will affect funding levels for the North Atlantic Council, the Organization of American States and other international institutions on which we are placing ever greater demands. This \$350 million cut will have a devastating impact on our ability to use the United Nations and these other organizations to foster our foreign policy goals. Fortunately, I have confidence that the chairman and ranking member will work diligently in conference to minimize the damage.

In closing, I would again like to express my appreciation to Chairman ERNEST F. HOLLINGS and ranking member PETE DOMENICI for their tireless efforts on behalf of this legislation. Without their help, none of this would be possible. I would also like to thank the talented staff of both the Senators, with a special thanks to John Shank and Scott Gudes who toiled countless hours to make this bill a reality.

DOLE-HUTCHISON AMENDMENT NO. 2357

Mr. JEFFORDS. Madam President, I oppose the Dole-Hutchison amendment, which seeks to further reduce our contributions and payment of arrears to the United Nations in order to reimburse States for the cost of incarcerating illegal aliens.

While I certainly support the intent of the amendment to relieve the States of the onerous financial burden resulting from our immigration policies, I do not believe that we should undermine a key element of our foreign policy to achieve it.

We have already agreed to withhold a portion of our U.N. contributions until the President certifies that the U.N. Secretary General has created an office of Inspector General with broad oversight responsibilities. The Secretary General has begun to address our concerns. We should work with the United Nations to implement these reforms, and pay our debts to the institution to ensure that progress will be made.

I have heard many of my colleagues assert that the United States is the only remaining superpower and, as such, the world leader. Yet if we truly hope to be a leader in world affairs, we cannot constantly shrink from our commitments.

I say commitments because the United States is part of the decisionmaking process in the United Nations. We are a permanent member of the Security Council. The decision to commit the United Nations, and, by extension, the United States, to peacekeeping operations and humanitarian relief efforts is taken by the Security Council, over which we have a veto.

Our failure to fund peacekeeping and humanitarian operations—which we have approved with our vote in the Security Council—casts doubt upon our own policy process and places an unfair financial burden on our Third World partners in peacekeeping endeavors.

Increasingly, we have called for greater multilateral and regional resolution of conflicts. We have grown reluctant to condone the presence of U.S. personnel in U.N. peacekeeping operations. In fact, U.S. personnel comprise less than 2 percent of all U.N. peacekeepers worldwide.

Nowhere has this emphasis on regional management of crises been more evident than in Africa. Yet African nations do not have the financial or material resources to fund such operations without the help of the United States and other Western nations.

Our practice of withholding funding for peacekeeping operations has not only hampered current operations, but jeopardizes future efforts to rapidly deploy peacekeeping forces to gain control over conflicts before they get out of hand.

One need look no further than Rwanda to see the aftershocks of our fiscal delinquency. In May of this year, the UNAMIR forces commander in Rwanda, General Dallaire, indicated that between 5,500 and 8,000 U.N. troops would be necessary to gain control over the reign of terror and put an end to the genocide. After much debate and delay, the Security Council approved a force level of 5,500. Several African nations pledged troops, on the condition that the United Nations or Western donors provided them with equipment and logistical support. Understandably, these and other financially strapped African nations—some of which still have not been reimbursed for their participation in prior peacekeeping operations—are now reluctant to commit troops and equipment to Rwandan relief efforts without assurances that they will be reimbursed by the United Nations. But the United Nations cannot promise that repayment, when the United States continues to withhold significant portions of its obligations. These arrears are expected to top \$1 billion dollars by the end of this year. One billion dollars!

Meanwhile a half million Rwandans have been massacred, two-thirds of the remaining population has been displaced, and more than a million people are at risk of starvation and disease.

I agree that we must continue to aggressively press the United Nations to

reform its management procedures and operational practices, especially in regard to peacekeeping. But we should not continue to look to this account as a limitless source of funding for other underfunded needs.

We have in the past criticized U.N. peacekeeping operations, and often rightly so. But further delaying payment of our commitments will certainly not serve to strengthen this institution nor its capacity to manage peacekeeping.

Madam President, doctors used to believe that they could cure illness by bloodletting. But the treatment was worse than the disease, serving merely to further weaken the patient and hasten death. In the same way, the adoption of this amendment would weaken the United Nations and undermine the reforms we have been seeking.

I believe that the United Nations is a patient worth saving. I therefore urge my colleagues to reject this amendment.

FUNDING FOR THE RADIATION EXPOSURE COMPENSATION TRUST FUND

Mr. HATCH. Madam President, Congress established the Radiation Exposure Compensation Act [RECA] trust fund in 1990 to compensate victims of radiation caused by our nuclear weapons testing program. There is no new funding proposed in this appropriations bill for the radiation exposure compensation trust fund for fiscal year 1995. I understand that this is so because there will once again be more than enough moneys in the trust fund to meet the needs of the program for the coming fiscal year.

As a chief sponsor of the program, as is my distinguished friend from New Mexico, I have been concerned that, since Congress finally acknowledged the Government's fault so many years after causing such harm and suffering to citizens of Utah and other Western States, there be sufficient funds to pay for the compensation promised in the law throughout the trust fund's life.

The issue of radioactive harm caused by the Government has been much in the news this year. I want to be certain that, as we and the administration continue to review harms caused by some of our nuclear programs, this compensation program remain fully viable over its intended life. And because I know that my colleagues, the distinguished managers of this bill, are strong supporters of this compassionate program, I wanted to clarify a few points and enlist their continued support for the trust fund.

Am I correct in my understanding that there are still sufficient moneys in the RECA fund to fully pay all claims now pending as well as all claims projected to be filed in 1995 so that no RECA claimant will be harmed by this funding proposal?

Mr. DOMENICI. Yes. Our information from the Justice Department is that

more than \$73,000,000 will be available for use in 1995. We have been assured that this is more than sufficient to cover all outstanding claims.

Mr. HOLLINGS. We have been assured that this amount, \$73,000,000, is sufficient to cover all pending and future claims through fiscal 1995.

Mr. HATCH. If it should happen that part way through the fiscal year the RECA trust fund should fall short of funds to make these compassionate payments, would the Senator from South Carolina and the Senator from New Mexico commit to working with me to ensure that the victims of radiation caused by our Government are paid the sums owed to them under present law?

Mr. DOMENICI. Absolutely. As one of the chief sponsors of the program, I am committed to its success.

Mr. HOLLINGS. The Senator can count on my assistance.

Mr. HATCH. Will my colleagues further commit to working with me to ensure that sufficient funds are appropriated then and in subsequent years in which the trust fund exists to meet the obligations of the Government to the radiation victims as required under the current law?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. Again, I will do everything in my power to ensure that all claims are paid according to the law.

Mr. HATCH. And, do my colleagues agree that simply because no new funds have been appropriated for fiscal year 1995 no presumption will be raised about the level of funding necessary in future years?

Mr. HOLLINGS. The Senator is quite right. No presumptions will be raised against future appropriations.

Mr. DOMENICI. I agree with my colleagues. We will work together to ensure that the necessary funding is available over the life of the trust fund.

Mr. CHAFFEE. Madam President, I note in the report on H.R. 4603 that the committee requested the Economic Development Administration [EDA] to evaluate several worthwhile proposals for projects which may be eligible for funding under the various EDA programs.

Mr. HOLLINGS. That is correct. The committee listed eleven such proposals.

Mr. CHAFFEE. I would like to make the Senator from South Carolina and the ranking member, Senator DOMENICI, aware of a particularly meritorious project from my home State of Rhode Island. The proposal calls for the expansion of the historic Providence Performing Arts Center in downtown Providence. The building is the second largest indoor theater in New England and is listed on the National Register of Historic Places.

The expansion and theater renovation will afford Providence the opportunity to attract major theater productions and lead to the creation of hundreds of new jobs in the surrounding arts and entertainment district. It is just the type of project the Economic Development Administration is trying to encourage in our Nation's downtown, central business district areas.

I ask the managers of the bill, if the Providence project is similar to those listed in the Senate report.

Mr. HOLLINGS. It is.

Mr. DOMENICI. I agree, the proposal certainly appears to accomplish the goals of the Economic Development Administration's mission.

Mr. CHAFEE. That being the case, I ask the managers if they would deem the Providence project part of the Senate committee's recommendation to the EDA and the conferees when the bill goes to conference.

Mr. HOLLINGS. Although we cannot amend the Senate report at this point, I speak for this side of the aisle in requesting that EDA evaluate the Providence Performing Arts Center project along with the other projects listed in the committee report. Like the committee recommended projects, the Providence proposal should be given every consideration by the Economic Development Administration.

Mr. DOMENICI. I concur with the Chairman. There is no objection on this side of the aisle to the Senator from Rhode Island's request.

Mr. CHAFEE. I thank the Senators and look forward to working with the committee and EDA to make the Providence proposal a reality.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, I would like to yield to the majority leader. I think we have an understanding on both sides here with respect to further disposition and that we can handle these amendments. I know the distinguished Senator from New Mexico is talking about one particular amendment. If that can be cleared, then all the rest of them—when I say "the rest of them," there are about 11 of them that can be handled by voice vote and accepted on both sides. Then we can pass the bill by a voice vote rather than a rollcall.

Let me yield to the majority leader.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, we are attempting to complete action on the bill without the necessity of any further rollcall votes.

Mr. DOMENICI. Yes. Madam President, we have talked with Senator HELMS. He has no further action that he desires.

Mr. MITCHELL. Madam President, let me inquire of Senators now present

on the floor. We have no request for a rollcall vote on final passage. I hope there is none. If that is the case and no other amendment is to be offered which will require a rollcall vote, then I will be able to say that there will be no further rollcall votes tonight.

Madam President, no Senator having expressed a view to the contrary, I take that as acquiescence in the proposal made; that is to say, there will be no further amendments offered that require a rollcall vote. The managers have a list of the amendments which have been agreed to and which will be accepted. There will not be a rollcall vote on final passage. So there will be no further rollcall votes this evening.

I will have to have a brief consultation before announcing the schedule for Monday. I will do so shortly.

Mr. DOMENICI. Madam President, will the leader please concur that we have all agreed that there will be an up-or-down vote on the conference report?

Mr. MITCHELL. That is correct.

Mr. DOMENICI. So those who are not having a vote on some issues will have a chance there.

Mr. MITCHELL. That is correct. There will be a vote on the conference report when it returns to the Senate. So there will be no further rollcall votes this evening. I must await a brief period of consultation before making an announcement with respect to Monday. I will do that as soon as possible, which I hope will be shortly and within a matter of minutes.

Madam President, in the meantime I hope the managers will proceed to complete action on this bill.

I thank my colleagues. I especially want to thank, if I may have their attention, the Senator from South Carolina, the chairman, and the Senator from New Mexico, the ranking member, for an extremely diligent effort on this bill. I thank all my colleagues for their cooperation on this matter.

Mr. HOLLINGS. I thank the distinguished leader for his leadership and the minority leader for his leadership in getting this together expeditiously.

AMENDMENT NO. 2370

(Purpose: To add funds to the Great Lakes Fishery Commission to match the proposed increase in Canadian funding for the Commission)

Mr. HOLLINGS. Madam President, I send an amendment to the desk on behalf of the distinguished Senator from Michigan, [Senator LEVIN], and Senators GLENN, D'AMATO, KOHL, RIEGLE, WOFFORD, and LUGAR, an amendment relative to the National Marine Fisheries Service, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. And the clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. LEVIN (for himself, Mr.

GLENN, Mr. D'AMATO, Mr. KOHL, Mr. RIEGLE, Mr. WOFFORD, and Mr. LUGAR), proposes an amendment numbered 2370.

Mr. HOLLINGS. Madam 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 51, line 9, after the sum "\$500,000" insert: "*Provided further*, that of the total amount included in this paragraph for the National Marine Fisheries Service, \$450,000 shall be made available for payment to the Great Lakes Fishery Commission within 90 days of enactment of this Act, as part of the United States' match to the increased Canadian contribution pursuant to the Convention on Great Lakes Fisheries. This sum shall not affect other appropriations provided for the Commission under this Act".

Mr. LEVIN. Madam President, I am pleased that the managers of the bill have agreed to accept my amendment to increase funds for the Great Lakes Fishery Commission in fiscal year 1995.

As those Senators from the Great Lakes are fully aware, the sea lamprey population in the Great Lakes continues to grow, threatening the world's largest freshwater ecosystem and a multi-billion-dollar commercial and recreational fishing industry. This parasitic fish's predation is checked only by the Commission's efforts.

The cosponsors of this amendment and I are appreciative that the fiscal year 1995 bill reported by the Appropriations Committee includes \$8,323 million for the Great Lakes Fishery Commission, and that the fiscal year 1994 bill provided extra funds to pay lampricide reregistration costs. The additional \$450,000 provided in our amendment for the Commission are necessary because Canada has indicated its intention to provide an increase in its contribution in the Canadian fiscal year 1994-95—spanning part of our fiscal year 1994 and part of fiscal year 1995—to the bilateral Commission and the United States needs to match that contribution.

The traditional cost-sharing ratio for the activities of the Commission is 69:31, United States to Canada, pursuant to the Convention on Great Lakes Fisheries. To take full and immediate advantage of Canada's offer to increase its annual contribution by about 34 percent, the United States has to increase its total contribution in fiscal year 1995 by using \$852,000 in fiscal year 1994 funds and the additional \$450,000 provided by this amendment. The amendment explicitly states that these funds should be turned over to the Commission within 90 days. The Commission's lamprey control activities are vital and should not be deferred, and the reregistration funds provided by Congress should not be used by the State Department as a cushion to leverage funds for the control effort.

Madam President, this amendment provides a small increase, but a necessary one. Without it, our lamprey

control and lampicide reregistration costs would end up being even higher than currently estimated. We need to get this money to the Commission so it can get the lampreys out of the lakes in the most efficient way, and so we can meet our international obligation.

Mr. DOMENICI. Madam President, I think we are going to work out all of the amendments. If Senators want to stay, fine. But I think we have agreed to amendments that Senators have submitted to us.

Could I, Madam President, take 3 minutes and engage in a bit of conversation with Senator BIDEN?

Mr. HOLLINGS. Can we get the amendment of the Senator from Michigan agreed to?

The PRESIDING OFFICER. Is there further debate on the amendment. If not, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2370) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Madam President, I see the distinguished chairman on the floor. I just wanted to tell him first that I want the Senate to know that even though we are not engaged these days in a lot of legislation together, the new Senators would not believe how we arrived in the Senate and what the Senate did for us when we arrived.

You see, Senator BIDEN was elected at the same time I was. But he decided to wait a few months because of some very serious problems, domestic problems where there had been an accident in his family. But when he arrived, the Senate decided in its wisdom that we did not have enough room for both of us.

So they put us both in the same room. So Senator BIDEN and I, I think, maybe have a record for any Senators that are currently Senators in that we had one suite for two Senators, one from New Mexico and one from Delaware. It was so cramped that staff used to walk over the desks.

So when Senators think things are so bad these days, they might hark back to the days when Senators BIDEN and DOMENICI came.

Senator, having said that, that is just to make sure everybody knows that we are good friends. Nonetheless, I wanted to share with you, Senator, a couple of things that I did not do before because I wanted to let that vote occur. Everybody wanted to get on with it. But even when you arrived way

back 22 years ago, when we came together to the Senate, you had a tendency to get excited. In fact, I thought I was the most excitable one because of my Italian vintage. But obviously, your Irish culture caused you to be very excited.

I think today, when you spoke about Republicans and crime bills, that maybe I might just tell you my version of why crime bills did not pass in the past. I think there have been five. Everyone had your name on it. One was you and Senator HATCH. One was the distinguished Senator, Senator BIDEN, and Senator THURMOND. But I believe the real reason they failed was not because of Republicans. I believe they cleared this Senate in good shape.

I think certain liberal elements in the House, every time you took one of those bills there, would take out things that the Republicans in this body thought very, very important, like death penalty, or modifications to habeas corpus, or the like.

I really think you overstated the case to say that the Republicans killed crime bills in the past. Having said that, you also used the word chicanery, and you wonder what kind of chicanery we were all up to.

I might just say to my good friend, Senator BIDEN, I am confident that you have something up your sleeve, too. I do not know that I want to call it chicanery. But it seems to me that if you are going to get a crime bill, and there is not going to be a quota in it—

Mr. BYRD. Madam President, will Senators please address other Senators through the Chair and in the third person?

Mr. DOMENICI. Madam President, excuse me. I am sorry. And the Senate will vote that day on the consideration of the Interior bill. I encourage Senators who want to offer amendments to do so as early in the day as possible. They can begin to do so as early as shortly after 10 a.m. and not wait until the end of the day to offer amendments, which means votes in the late evening and dead time during the day.

I thank my colleagues for their cooperation. Senator BYRD will be present to manage the bill at that time. The next vote will occur at noon on Monday. I thank my colleagues, and I thank the Senator for his courtesy.

I will continue with Senator BIDEN. The distinguished Senator from Delaware indicated that the Republicans had chicanery behind this amendment of some sort or another. I do not want to use that word, but I want to suggest that, clearly, if you have been able to strike the quotas-for-murders provision, you have been able to strike that, and there is going to be nothing in the crime bill, then it seems to me that you have made some kind of a deal with somebody. I submit that I do not know who it is, and I do not want to call that chicanery, but clearly there

must be something in mind to take its place. Maybe it is an executive function, or an Attorney General function.

I just wanted to make sure that from this Senator's standpoint, at least, and put on the record, the fact that the Republicans did not kill the crime bills in the past, and that there must be something that you agreed to that satisfied those who think we must have some kind of racial justice or quotas. I do not say that in any disparaging way. It is an observation, and if I am wrong, I would be pleased to hear it from the Senator from Delaware.

Mr. BIDEN. Madam President, first, I yield to the majority leader.

Mr. MITCHELL. Mr. President, if I could comment further, I do not want to get involved in the middle of this debate going on. I do want to say something about the Senator from Delaware. As far as I am concerned, there is no more effective Senator, there is no better chairman, there is no more efficient manager of legislation in the Senate. He is very well able to speak for himself, and I do not suggest that any implication to the contrary was made in the remarks made. I want to say from my standpoint as majority leader, and before that, as a Senator, he is extremely effective, and I think he has done an outstanding job in his position. I thank the Chair. I suppose he did not mind yielding for that statement.

Mr. BIDEN. I did not mind yielding for that. I thank my colleagues. I disagree with my colleague from Maine, and I agree with my colleague from New Mexico on one point: We are friends. We have been friends for a long time and will continue to be friends.

One of the things my friend from New Mexico said—to demonstrate how people who have not had the great honor and privilege to serve in this body, it is always difficult for them to understand how we can be so vigorous in our disagreements and still be friends. As evidence of that, while the vote was going on, he came up to me in the well and he said: "JOE, look, will you hang around after the vote so I can tell everybody how much I disagree with you and how much I think you have inappropriately and/or inaccurately characterized the Republican position." As he would have done for me, I indicated to him I would stand here so he would have an opportunity to tell me how wrong he thought I was, and so I offer that as evidence of the nature of our friendship.

We are going to have plenty of time to debate whether or not anyone did, or who stopped what bill, and when and under what circumstances. For this evening, out of deference to all of the Senators here and, quite frankly, because it probably would not be particularly enlightening to anybody in America to know what my view of who stopped what bill in the past was, let

me suggest only that as to the last rhetorical question raised by my friend—that is, what agreement did I make in order to move this crime bill along in the House to get it to conference—we have an expression my Grandfather Finnegan used to use: "The proof is in the pudding."

Hopefully, I am going to be able to, as one of the many players in this arena, bring back to the U.S. Senate a bill that will, in fact, have all the major elements of what the distinguished Senator from New Mexico has been for. There will be significant elements of it that will reflect the Republican Senate's contribution to that bill, and elements with which I disagree but with which I feel bound as a U.S. Senator and as chairman of the caucus on the Senate side to bring back to the Senate. But I do not, in any way, resent, nor do I think it inappropriate, for my friend from New Mexico to wonder how we were able to get to the point where the incredibly contentious issue—the Racial Justice Act—which had been preventing us, until now, from getting to conference, has been moved so we are able to get to the conference. The proof will be in the pudding.

I thank my friend for his friendship, and I also appreciate the vehemence with which he shares a disagreement with me about the bill.

(Mr. GRAHAM assumed the chair.)

Mr. BYRD. Will the distinguished Senator yield?

Mr. BIDEN. Yes.

Mr. BYRD. Mr. President, I will just take 2 minutes so that I can characterize my own position. I am very much opposed to the language in the crime bill, even with the so-called Racial Justice Act. I am opposed to that because I think the practical effect of it would be to eliminate corporal punishment and capital punishment. So I am very much opposed to it.

I was opposed to it on this bill. I do not want to bog down this appropriations bill. That is the reason why I did not vote for the amendment offered by Mr. DOLE and Mr. HATCH. I do not want to see it bogging down the bill. I do not want anyone to read into that vote any indication that I am not opposed to the so-called racial justice language.

I hope that the White House and Justice Department do not implement a back-door entry somehow with respect to the same subject. I, too, congratulate the distinguished Senator, the chairman of the Judiciary Committee, for his leadership. I thank him for his friendship.

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Senator, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2371

(Purpose: To reallocate \$3,000,000 of the Community Schools Supervision Grant appropriation to the Ounce of Prevention Council)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of Senator DODD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. DODD proposes an amendment numbered 2371.

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

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

The amendment is as follows:

On page 9, strike line 24 and all that follows through page 10, line 5, and insert the following:

COMMUNITY SCHOOLS SUPERVISION GRANTS

For grants to community-based organizations to provide year-round supervised sports programs, and extracurricular and academic programs for children in order to promote the positive character development of such children, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, \$37,000,000, to remain available until expended.

OUNCE OF PREVENTION COUNCIL

For grants by the Ounce of Prevention Council, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, \$3,000,000, to remain available until expended.

Mr. HOLLINGS. Mr. President, this amendment by the distinguished Senator from Connecticut [Mr. DODD], is on community school supervision grants.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2371) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2372

Mr. HOLLINGS. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 2772.

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

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

The amendment is as follows:

On page 51 of the bill on line 8 strike the sum "\$2,200,000" and insert the sum "\$2,000,000".

Mr. HOLLINGS. Mr. President, my amendment is quite simple. We have for years included a maximum and minimum funding level for section 306 and 306(a) coastal zone management grants. This is to ensure that small States and territories receive adequate funding to assist them in managing their coastal zone areas and to ensure that larger States do not deplete all funding for the program. I was the principal author of the Coastal Zone Management Act, and it was never our intention to create a program that was dominated by larger States.

Now in this Commerce, Justice, and State appropriations bill, we have significantly increased NOAA coastal zone management grants. These amounts and bill language were included only after reaching agreement with the coastal zone States through their representative organization to accommodate the interests of all States, including those with larger coastal zone areas. This agreement provided more funding for the program and an increase in the maximum grant to \$2,200,000. Now I am informed that some larger States have decided that they do not intend to live up to their part of the agreement and have started lobbying for a greater maximum grant at the expense of small and mid-size States.

This subcommittee doesn't do business that way. Accordingly, my amendment restores current law and places minimum and maximum grants at fiscal year 1994 levels. Also, it is our intention to redistribute our directed funding levels for NOAA programs as is shown in the table on pages 61 through 67 of the committee report. Specifically, the amount for CZM grants as shown on page 61 of the report should now be \$49,000,000 instead of \$52,000,000 as currently appears. That provides for a \$3,000,000 reduction in the Senate level for CZM grants. The amount for National Marine Fisheries Service resource information is intended to increase by \$3,000,000 for a total of \$64,473,000, instead of \$61,473,000 as currently appears in the report. This increase should be used for the management of highly migratory species, such as bluefish and yellowfin tuna, swordfish, and marlin, including \$62,000 to support the activities of the advisory committee to the International Commission for the Conservation of Atlantic Tunas.

Mr. DOMENICI. Mr. President, we have no objection to the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2372) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2373

(Purpose: Relating to United States assessed contributions to United Nations peacekeeping operations)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator PRESSLER and others and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. PRESSLER (for himself, Mr. HELMS, Mr. BROWN, and Mrs. HUTCHISON) proposes an amendment numbered 2373.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the 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 in the bill, insert the following new section:

PAYMENTS-IN-KIND AS ASSESSED CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States assessed contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

Mr. DOMENICI. Mr. President, this amendment permits in kind contributions to the United Nations where it is consistent with their policies and where they agree to it.

The PRESIDING OFFICER. Is there further debate?

Is there objection to the amendment?

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2373) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2374

(Purpose: To require a report on the technical cooperation activities of the International Atomic Energy Agency)

Mr. DOMENICI. Mr. President, I send a second amendment in behalf of Senator PRESSLER to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. PRESSLER proposes an amendment numbered 2374.

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

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

The amendment is as follows:

On page 103, after line 23, insert the following new section:

SEC. 507. (a) No later than March 1, 1995, the Secretary of State shall submit to the appropriate congressional committees a report describing the technical cooperation activities of the International Atomic Energy Agency with countries on the list of terrorist countries.

(b) As used in this section—

(1) the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives; and

(2) the term "list of terrorist countries" means the list of countries the governments of which have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

IAEA TECHNICAL ASSISTANCE TO TERRORIST NATIONS

Mr. PRESSLER. Mr. President, during my December 1993 visit with Mr. Hans Blix, Director of the International Atomic Energy Agency [IAEA], he mentioned that countries which join the Nuclear Non-Proliferation Treaty regime are eligible for IAEA technical assistance for their nuclear programs. I have now received disturbing allegations that this technical assistance may have been extended to North Korea and perhaps some other nations on the list of terrorist countries. The assistance in question may have included design and equipment purchases for research facilities which we suspect to be weapons related.

It is my understanding the U.S. contribution to the IAEA is in excess of 25 percent of the IAEA's total budget. Consequently, if these allegations are true, the American taxpayer has made a sizable contribution to these programs.

Therefore, I am asking the State Department to report to the Committees on Appropriations, Foreign Relations, and Foreign Affairs on the extent to which IAEA technical assistance may contribute to nuclear weapons research or production in terrorist countries.

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2374) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2375

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator CRAIG and Senator DECONCINI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. CRAIG (for himself and Mr. DECONCINI) proposes an amendment numbered 2375.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the 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. . No funds appropriated herein, or by any other Act, shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to deny or refuse entry into the United States of any goods on the U.S. Munitions List manufactured or produced in the People's Republic of China, for which authority had been granted to import into the United States, on or before May 26, 1994, and which were, on or before May 26, 1994, in a bonded warehouse or foreign trade zone, in port, or, as determined by the United States on a case-by-case basis, in transit.

Mr. CRAIG. Mr. President, on May 26, 1994, President Clinton issued an order "banning the import of munitions, principally guns and ammunition, from China." The Secretary of State interpreted the decision as encompassing firearms and ammunition for which licenses had already been issued and which were in transit or even in port or already in the United States.

The U.S. importers of those firearms and ammunition had no prior notice of the President's action or the Secretary's interpretation of it. The firearms and ammunition cannot be returned to China—due to the no-refund policy of the manufacturers. As a result, goods are in limbo, and U.S. companies are being forced to breach purchase agreements, suffer unnecessary financial harm and undermine ongoing commercial relationships.

The proposed amendment is intended to release these goods for import only if they were in transit, in port, or in the United States and licenses had already been issued on the date of the order.

The amendment is being offered in the interests of simple fairness. It does not reverse or erode the President's order or his authority to effect foreign policy.

This amendment is also supported by precedent. In the past, U.S. companies have been given notice or granted concessions for in-transit goods before such policy changes were implemented—in order to minimize unnecessary financial harm and honor commercial relationships and agreements. Examples include the implementation

of the ban on Nicaraguan imports and the ban on purchases from Toshiba and Kongsburg Vaapenfabrikk under the Trade and Competitiveness Act of 1988. Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2375) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2376

AMENDMENT NO. 2377

(Purpose: To ensure the exclusion from the United States on the basis of membership in a terrorist organization)

AMENDMENT NO. 2378

(Purpose: To require that any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment)

Mr. DOMENICI. Mr. President, I send 3 amendments to the desk on behalf of Senator BROWN and ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments en bloc numbered 2376, 2377, and 2378.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2376

At the appropriate place in the bill, insert the following new section:

SEC. . HIGH-LEVEL VISITS FOR TAIWAN.

Section 2(b) of the Taiwan Relations Act (22 U.S.C. 3301(b)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ";" and"; and

(3) by adding at the end of the following new paragraph:

"(7) to establish regular, cabinet-level contacts with Taiwan through exchanges of visits between cabinet-level officials of Taiwan and the United States."

AMENDMENT NO. 2377

At the appropriate place in the bill, add the following new section:

SEC. . MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

"Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)(II) by inserting 'or' at the end;

"(2) by adding after the clause (i)(II) the following:

'(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity.'; and

"(3) by adding after clause (iii) the following:

"(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Secretary of State, in consultation with the Attorney General.'"

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted

so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

BROWN-HEFLIN AMENDMENT

Mr. BROWN. Mr. President, I rise today to offer an amendment on behalf of myself and Mr. HEFLIN. The amendment is directly similar to a sense-of-the-Congress amendment which was unanimously adopted by this body last night (94-0) concerning the Equal Employment Opportunity Commission's [EEOC] proposed guidelines concerning religious harassment in the workplace (29 CFR Part 1609).

The sense-of-the-Congress amendment to the Airport and Airways Improvement Act, S. 1491, expresses the sense of Congress that the EEOC should take the following actions related to the religion category of the proposed guidelines:

First, the category of religion should be withdrawn from the proposed guidelines at this time, that is, immediately;

Second, any new guidelines for the determination of religious harassment should be drafted so as to make it explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act for 1993 are not to be restricted and do not constitute proof of harassment;

Third, the Commission should hold public hearings on such new proposed guidelines; and

Fourth, the Commission should receive additional public comment before issuing similar new regulations.

In addition to the action taken by the Senate, the House of Representatives followed the Senate action concerning the proposed religious harassment guidelines by adopting, 366-37, the Taylor-Lancaster-Wolf amendment to the Commerce, and State, the Judiciary, and Related Agencies Appropriations Act for 1995, H.R. 4063, prohibiting the EEOC from using funds to implement the proposed guidelines as now drafted.

These actions clearly indicated the overwhelming sense of Congress that actions consistent with these provisions should immediately be taken by the EEOC.

However, as of this date we, unfortunately, have not received any response whatsoever from the EEOC indicating actions the Commission intends to take in light of these expressions. We fear that the EEOC may not be as sensitive to the concerns as expressed by Congress, and therefore submit the Brown-Hefflin amendment which will codify the sense-of-the-Congress

amendment into law. The EEOC now must expressly comply with the provision unanimously adopted by this body.

Mr. HEFLIN. Mr. President, we have proposed this amendment with the belief that it is important for all of us to recall the importance that we have put on religious freedom throughout our history. This amendment will solidify the unanimous position taken by the Senate on June 16 and require the EEOC to withdraw the guidelines proposed on October 1, 1993.

As a body, we agreed that the overall impact of the proposed EEOC guidelines, specifically as they relate to religion, could lead to a business environment in which religious freedom is stifled and employers are put into an untenable position. Beyond the Senate's position there is a consensus on all sides of the political and religious spectrum that these guidelines, as currently worded, are seriously flawed at best.

Yesterday, the three nominees to the EEOC testified before the Labor and Human Resources Committee and, as I understand it, would not give a statement as to whether or not they agreed with the position taken by the Senate in the June 16 resolution. Now, I understand that the new commissioners will have to deliberate over this issue after their confirmation. Nonetheless I think it is valuable and worthwhile to send the message to the Commission that any guidelines concerning religious harassment cannot prohibit speech and expressions that are consistent with the first amendment and the Religious Freedom Restoration Act.

It is also worth noting that the House, by a vote of 366 to 37, supported an amendment to this appropriation bill prohibiting the EEOC from further promulgation of these proposed guidelines. This House resolution was supported by a diverse group including the American Jewish Congress and the Family Research Council. The amendment we are proposing today calls on the EEOC to take no action inconsistent with the Constitution and laws passed by Congress.

To be sure, we all want to do whatever is possible to prevent harassment of any kind in the workplace. However, we cannot do this as a tradeoff for religious freedom. While the EEOC probably had good intentions in promulgating these guidelines, the Commission should take notice of the enormous public outcry over this issue, the unanimous position taken by the Senate, and the overwhelming opinion of the House and realize that the constitutional protection of the free exercise of religion requires the immediate withdrawal of the proposed guidelines and the commitment by the EEOC to freedoms supported throughout our history.

The PRESIDING OFFICER. Is there debate?

Mr. HOLLINGS. We approve the amendment.

The PRESIDING OFFICER. Is their objection to the amendments approved en bloc?

Without objection, the amendments are agreed to en bloc.

So the amendments (Nos. 2376, 2377, and 2378) were agreed to, en bloc.

AMENDMENT NO. 2379

(Purpose: To express the sense of the Senate that certain criminal aliens who are being deported should be escorted abroad by Federal agents, and for other reasons)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mrs. HUTCHISON proposes an amendment numbered 2379.

The amendment is as follows:

On page 36, between lines 18 and 19, insert the following new section:

Sec. 112. It is the sense of the Senate that—

(1) any alien who is being deported upon release from imprisonment for committing an offense which is an aggravated felony, as defined under immigration laws, should be escorted out of the United States by a federal law enforcement official or employee of the Service; and

(2) the Attorney General must take adequate safeguards and determine that there is no threat to the public health and safety in deporting any alien described in paragraph (1) where the Attorney General knows or has reason to know that the alien has a communicable disease of public health significance (as determined by the Secretary of Health and Human Services).

ON THE DEPORTATION OF CRIMINAL IMMIGRANTS

Mrs. HUTCHISON. Mr. President, imagine that you and your family are aboard a commercial airline flight, and a passenger refuses to take a seat, and shouts at and threatens bodily harm to the flight crew and the airplane. Who wouldn't be frightened?

A recent article in the Houston Chronicle described just such an incident, one that ended with the disruptive passenger being removed from the airplane. Not too much news there, you say? What if I told my colleagues that the problem passenger's reservation had been made by the U.S. Immigration and Naturalization Service?

That is right. The INS. Was this person an INS employee? No, he was an illegal immigrant. What is more, he had just been released from a Texas jail for having committed the crime of indecency with a child after he had come across the border into our country. As the law calls for, the INS took him into custody after his release from prison, for the purpose of deporting him back to his native country. But then to put this criminal—unescorted—on a regularly scheduled commercial flight to Mexico is, in my view, the height of callousness and irresponsibility.

The same Houston Chronicle article, entitled "Criminal immigrants deported unescorted," discloses that it is the policy of the INS to dispatch illegal immigrants via commercial flights without escort. In fact, the INS deports scores of unescorted illegal immigrants via air each year, including those who have just finished prison terms for offenses like child molestation and armed robbery.

If it is not bad enough for the INS to put into the seat next to you on an airplane a deportee, who has just been released from prison and would do anything to escape deportation, the INS also puts aboard illegal aliens who have very serious communicable diseases.

Of the 300 or so illegal aliens the INS deports each month, it seems that more than one-half are carrying very serious germs or viruses. For instance, according to the medical director at the U.S. Immigration and Naturalization Service in Houston, some 40 percent of deportees test positive for tuberculosis—10 percent are active and contagious. It is no wonder the INS does not want its people cooped up on airplanes with aliens being deported. They would be exposed to infection with tuberculosis or some other dread disease.

Mr. President, it is an outrage that our Government subjects unsuspecting American air travelers to potential disruptions of the flights, physical danger, and serious threats to their health. The INS won't state definitively how many illegal aliens are deported by air each year, but we know that among them are a large fraction of the released convicts, who are flown home after their release from jail. We also know that many of them came to the United States infected with diseases that have been largely known for decades. We know, therefore, many of the unescorted aliens are potentially dangerous, probably desperate to avoid deportation, and perhaps contagious with some disease.

The costs, human, and otherwise, of even one major incident on a large aircraft are incalculable—and certainly much more than what the INS might claim to save by simply dropping those in its custody off at the airport.

Mr. President, I propose that the Senate put itself on record as demanding that the Immigration and Naturalization Services cease these irresponsible practices.

The amendment I introduce today expresses the sense of the Senate that criminal illegal immigrants being deported should be escorted by a Federal agency, and any criminal immigrant who is deportable and is known to be carrying an infectious disease which would endanger the health and safety of the general public should not be deported through commercial means that would expose the general public to risk.

I urge all of my colleagues to support this legislation, and put this body on record—unequivocally—that the INS should not continue to endanger innocent citizens. I hope that simply because we serve notice here the INS will see the error of its ways and change its policies and procedures. If not, Mr. President, I intend to take other steps to ensure that the INS corrects its practices.

Mr. President, I ask unanimous consent that a copy of the Houston Chronicle article I referred to earlier be printed in the RECORD.

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

CRIMINAL IMMIGRANTS DEPORTED UNESCORTED—AIR TRAVELERS AT RISK FOR VIOLENCE, TB

(By Jo Ann Zúñiga)

The federal government is deporting unescorted criminal immigrants, most of whom have served their prison sentences, alongside paying passengers on commercial flights out of Houston Intercontinental Airport.

A government memo confirmed one incident last year in which a detainee, reportedly a convicted rapist, attempted to assault a flight attendant aboard a plane awaiting takeoff.

In addition to the potential for violence, unsuspecting travelers aboard these flights are also exposed to an increased threat of tuberculosis, an airborne disease transmitted by the coughing of an actively infected person.

The medical director at the U.S. Immigration and Naturalization Service detention center here said up to 40 percent of the 300 or so deported out of the facility each month test positive for tuberculosis, with up to 10 percent of those becoming active and contagious. Physicians called those numbers "a significant threat" to passengers in an enclosed plane.

Most of those deported each month out of the detention center at 15850 Export Plaza near the airport have committed a crime, been convicted, served time in state prison and are then returned to their country aboard public planes.

The INS memo concerning the April 8, 1993, assault said the Continental Airlines attendant was rescued by fellow crew members after she was grabbed by the man. She then "advised the pilot . . . that she had just been attacked by the INS detainee."

The man was taken off the flight and driven by an INS employee to his destination.

Continental Airlines spokesperson Peggy Mahoney confirmed the incident, saying: "There was a report from our flight attendant."

But she said the deportee had a mental problem and called the attempted assault "an isolated incident."

"We do have procedures in place to ensure the comfort and safety of our employees and customers," Mahoney said. She declined to specify the procedures because of security reasons.

In one deportation witnessed April 7 of this year, two government vans with the U.S. eagle insignia drove onto a Houston Intercontinental Airport runway where a TACA International Airline plane was preparing to leave for Belize City and San Salvador. Three INS officers loaded 20 deportees onto the plane and departed.

Paying passengers then boarded and flew with the unescorted immigrants, some of whom had criminal records, sources said.

"I've had some folks on their vacation on the way to Belize to scuba dive ask me who the passengers were, but I basically had to lie," said a source, who asked to remain anonymous.

"The government doesn't want people to know what's going on," the source said.

The group of deportees had flown earlier that morning from Los Fresnos detention facility in the Texas valley to Houston on Continental flight 1076. They were taken off the plane by INS officers and transported by van to the INS detention center.

After lunch, the group returned to the airport and was loaded directly onto the TACA plane on the runway.

TACA declined comment.

INS local district director Robert Wallis said, "We cannot release specific flight information and numbers because of national security. This is a safety issue that could put our officers in danger if people have information about known criminal aliens."

Sources claim these unescorted deportations occur almost daily, although INS policy generally calls for reported immigrants with criminal, violent backgrounds to be escorted by officers.

INS officials acknowledged that unescorted flights do occur, but said in those instances they inform airline security in advance.

"Most of the people we are sending back come from our sanitized environment, have been searched and have no weapons," said Houston INS detention center manager Emilio Saenz.

Those immigrants considered a danger are handcuffed and escorted, he said. But he acknowledged immigrants with criminal records were reported unescorted as well.

In a separate flight that same day at 2:40 p.m., INS officers placed four illegal immigrants with criminal records aboard Continental flight 711 to fly unescorted on a direct flight to Bogota, Colombia.

"We clear that Continental 711 with security. There are only a very few who go unescorted with criminal records," Saenz said.

He added: "We have a wonderful working relationship with all the airlines."

The Houston INS office spends \$15,000 to \$18,000 a month in air fare for deporting these immigrants, Saenz said.

He estimated the center deports as many as 300 immigrants a month. While Mexicans are taken back to the border via INS buses, about 150 or more Salvadorans, Colombians, Nigerians and others from farther away are flown back on commercial airlines.

A former Continental employee said of the deportation practices, "It was an everyday thing. Every day we were shipping them out."

"We just went by their (INS) policy because they were government," he said. "They would bring some of these guys in handcuffs, then the handcuffs were removed and the officers left the plane."

Although saying the potential for danger exists, the ex-employee said he was not aware of any dangerous incidents occurring during any unescorted trips.

"If INS thinks they have someone who could hurt someone while in flight, they should escort. But most of the immigrants just come into the country illegally and have done nothing criminal and are not a threat," the former employee said.

Paying passengers are never informed that a deportation is occurring, he said.

"They are not (aware of) what's going on because 99 percent of the time the aliens are already on board."

INS spokesman Duke Austin in Washington, D.C., said providing INS escorts with all criminal immigrants would be too costly. And switching from commercial airlines to military or government planes would be even more exorbitant in equipment and manpower, he said.

"Can you imagine the cost to us if you started flying an escort with every deportee? And I don't think the military wants to get involved in these procedures," Austin said.

"If we had enough private planes perhaps, but there are some things that realistically and common sense-wise can't be done."

"We don't have a mountain of policy to deal with every situation. If someone posed a significant threat to public safety, then we escort him. The policy is very generic," Austin said.

"It doesn't say, if a rapist, yes; if an arsonist, no; if convicted of assault with a deadly weapon, yes."

"We can't say citizens convicted of violent crimes can't fly on commercial airlines. So why should we treat alien and citizen convicts any differently?" Austin said.

Announcing or informing passengers that a deportation was occurring also would not be an effective way of ensuring public safety, he said.

"That could be really productive. 'Excuse me, ladies and gentlemen but on this flight we have rapists, burglars, arsonists.' I could see them bailing out. The Bureau of Prisons doesn't announce it so why do you expect INS to?" Austin asked.

In regard to exposing airline passengers to tuberculosis and other infectious diseases, Austin said, "There's a big difference between active TB and testing positive for it."

"We could say 'let's put every person testing HIV-positive in a camp,' but there are human rights and individual rights to be considered," he said.

The INS detention center clinic manager, Guadalupe Rivera, said, "Up to 30 to 40 percent of INS detainees test positive."

"But there's such a high turnover, there's no time for follow-up."

"They are told what we're testing for and what to look for," said the nurse, describing a hard, red skin reaction forming a bump.

Federal sources stated deportees with active cases of tuberculosis, some taking medication and others not yet treated, have been placed on public airline flights.

Kathy Barton, Houston Health Department spokeswoman said only those who have active tuberculosis are contagious and they are no longer infectious after taking medication for about two weeks.

"Testing positive only means that you were infected in your lifetime and you may or may not come down with an active case," she said.

But Dr. Robert Awe, associate professor at Baylor College of Medicine, said: "Because the air conditioning and circulation in an enclosed airplane is so inadequate, if someone had active tuberculosis and was coughing hard, it would pose a significant threat."

"I wouldn't want to be on a plane with someone with active tuberculosis," he said.

A fellow physician concurred. Dr. Jeffrey Starke, also an associate professor at Baylor College of Medicine, said about 10 percent of adults who test positive for tuberculosis actually come down with an active case.

"From a strictly public health point of view, it would be highly desirable not to put a person who is potentially infected or

known to have active tuberculosis in a public airplane until they have been taking the medication for at least two weeks," he said.

Maria Jimenez, local director of American Friends Committee which advocates for immigrants, said that using private government planes rather than commercial airlines may be the best solution to ensure public safety as well as the rights of the people being deported.

"Once they (criminal immigrants) finish their sentence after they committed a felony and served, they are then deported," she said.

"I can't take the position that they're still dangerous," she said. "But with the immigrant hysteria as well as the criminal hysteria, I'm sure some people could perceive that."

"But theoretically, those who serve their terms have completed their debt to society."

For quick deportation of criminal immigrants or felons, the federal government "needs to give resources to transport the aliens within government-owned planes," Jimenez suggested.

"That would ensure the public safety as well as the rights of the persons being deported."

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. We approve the amendment.

The PRESIDING OFFICER. Is there objection to the amendment?

Without objection, the amendment is agreed to.

So the amendment (No. 2379) was agreed to.

AMENDMENT NO. 2380

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and Senator DOMENICI and I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself and Mr. DOMENICI proposes an amendment numbered 2380.

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

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

The amendment is as follows:

On page 24, on line 4, strike the sum "\$2,210,511,000" and insert "\$2,230,511,000";

On page 28, on line 18, strike the sum "\$2,354,104,000" and insert "\$2,400,104,000";

On page 69, on line 7, strike the sum "\$2,399,318,000" and insert "\$2,409,318,000";

On page 76, on line 10, strike the sum "\$120,000,000" and insert "\$138,000,000".

Mr. HOLLINGS. Mr. President, I send an amendment to the desk which has been cleared on both sides. I ask unanimous consent that the amendment be adopted and that the motion to reconsider be considered tabled.

This amendment amends the amounts in the bill for several priority programs.

First, the amendment provides an additional \$20 million for the Federal Bureau of Investigation to conduct digital telephony research. Our FBI Director Freeh considers this a priority, and

this provides the resources to move ahead.

Second, the amendment provides an additional \$46 million for the Federal Bureau of Prisons for operations and to open new prisons that are coming online.

Third, the amendment provides an additional \$10 million for the Federal Judiciary. It enhances operational funding for new courts and court security personnel.

Fourth, it provides \$18,000,000 for the Maritime Administration's Ready Reserve Force and provides operations and maintenance funding at last year's appropriation of \$138 million.

Mr. DOMENICI. We have no objection to the amendment. I support it.

The PRESIDING OFFICER. Is there further debate?

Is there objection?

Without objection, the amendment is agreed to.

So the amendment (No. 2380) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I sent an amendment to the desk on behalf of Senator BROWN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. BROWN (for himself and Mr. HEFLIN) proposed an amendment numbered 2381.

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

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

The amendment is as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression, even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines

published in the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to the religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

Mr. HOLLINGS. Mr. President, I withdraw the amendment.

The amendment (No. 2381) was withdrawn.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending excepted committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, the pending excepted committee amendments are agreed to en bloc.

So the excepted committee amendments were agreed to, en bloc.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and 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 a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4603), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses on H.R. 4603, and the Chair is authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. GRAMM) appointed Mr. HOLLINGS, Mr. BYRD, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, Mr. SASSER, Mr. KERREY, Mr. DOMENICI, Mr. STEVENS, Mr. HATFIELD, Mr. MCCONNELL, Mr. COCHRAN, and Mr. GRAMM on the part of the Senate.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, as we finish this amendment, might I first thank the distinguished chairman for all the cordialities that have been extended to me and indicate for the RECORD the Senator from New Mexico considers it a pleasure to have worked with him on this bill.

I repeat that I believe this is an excellent bill. We have had a lot of amendments. Some have passed. Some have not. But I believe we will take to the conference with the House a real crime bill. In fact, I think this is the crime bill.

We have put substantial money in new programs and substantially beefed up the Federal criminal agencies that needed it overall. I believe we could not have done better.

We could not have done this without the support of an excellent bipartisan staff. They worked together on most matters in the bill unless there is real disagreement, and then we choose sides, and we do the best we can.

I thank Scott Gudes, Dorothy Seder, Jeffery Goldstein, Loula Edwards, and John Shank for all the work they have done to make this job doable at least from this Senator's standpoint. It could not be done without them.

Mr. HOLLINGS. Mr. President, I would also just immediately make certain I thank Scott Gudes, Dorothy Seder, Jeff Goldstein, John Shank, and other staffers, on the Senator's side of the aisle.

Let me start at the beginning and that was where we started with our distinguished chairman of the overall Appropriations Committee. Senator DOMENICI and I conferred with the distinguished chairman, Senator BYRD, and he was very, very considerate of our 602(b) allocation. It is just like a mother getting the children together and wanting to help all the children and deal fairly and impartially.

Yet the distinguished Senator from West Virginia understood that there were a lot of conversations in which something had to be done about crime.

We get a little bit more than our share, I think. Even though it was less than the President had allocated us. It was a job. It was still, as committees were assigned, I can tell you Senator BYRD started us off on the right foot. Jim English, of the staff, has been in constant consultation and a help to us.

And then, of course, you get with the Senator from New Mexico, and you can tell just by his comments just a minute ago with the distinguished Senator from Delaware that he is very sensitive, very helpful, very cooperative, and very determined; very determined. That is just topflight in my book.

We do not give up. We fought to get these amounts in there in that crime bill. It was not easy. And you can see a lot of amendments would have come. And I could enumerate the ones we typically receive from this particular special interest and that.

It was the general interest and concern of the American public on crime that really motivated this bill.

I do not want to mislead by saying if nothing happens even on the other side with respect to that conference, because I am vitally interested in the conference and in that crime bill.

But, be that as it may, this is the crime bill. This is the money. This is where the rubber meets the road, as they say.

We are particularly proud and we are going to fight strongly, and I am sure we will be receiving every cooperation on the House side.

So my thanks to the distinguished Senator from New Mexico.

And for the floor staff here, I can tell you that Marty Paone and Lula Davis and all these folks here just work around the clock to keep us straight parliamentarily and help us get the Senators to the floor, and everything else.

I think in this bill there was the least amount of quorum calls and sitting around waiting of any bill that I have been associated with.

I thank the distinguished Senator from New Mexico.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico

Mr. DOMENICI. Mr. President, I thought I was finished a while ago, but I did not know the distinguished chairman of the committee was going to arrive.

Might I say I, too, recall the consideration that the distinguished chairman gave to us as we talked about how we would handle what was obvious, that we were going to need some new money. Some of the money available to allocate over and above last year's had to come to this subcommittee or we

could not fund the crime measure that everybody knew we ought to do.

I said in my remarks when we began this bill that oftentimes Senators question the allocation process that the appropriators make. Obviously, everybody has a job around here, and that is the Appropriations Committee's job, to allocate the resources among its subcommittees.

But I do not believe in this case, even though we received substantial money over last year, that anyone can complain about the allocation by the Appropriations Committee under the leadership of Senator BYRD on this bill, because that is where the new money had to go. It went there. We believe it is going to do some good for everybody in this country.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senators who have managed this bill so proficiently and so skillfully for their kind references to me.

We are all concerned about the greatest priority, and right now that is fighting crime. It is getting worse. That is why so many of us feel so very strongly with respect to any language that might have the practical effect of eliminating the death penalty. I hope that will never happen.

I hope that the administration and the Justice Department will not misunderstand this vote today. I hope they will understand that those of us who are opposed to that language, so-called racial justice language that is in the crime bill, are still opposed to it. We are opposed to it on any legislation.

But I did not want to see our appropriations bill bogged down in conference, and so for that reason I voted as I did. I have already explained that.

But I want to commend the chairman and ranking member for their efforts in crafting this bill. While there may be some who would like to see one particular program increased over another, this bill addresses critical national priorities under this subcommittee's jurisdiction in a very balanced and comprehensive way.

The 602(b) allocations are different in the Senate from what they are in the House. Specifically, I chose to provide the Commerce, Justice, State Subcommittee with \$282 million in outlays above the House allocation for the same subcommittee. I took this action because this bill truly is a crime bill. It represents over 82 percent of the Federal spending for law enforcement. It is this bill that supports the Federal court system, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, U.S. attorneys, the U.S. Marshals Service, the Federal Prison System, the Weed and Seed Program, Byrne formula grants to States, and community policing.

Without an adequate allocation of resources, we would be kidding ourselves and our constituents if we expected the subcommittee to draft a bill that actually did something about combating crime. The distribution of 602(b) allocations placed a priority, and I intended for it to place a priority, on the Commerce, Justice, State Subcommittee. In turn, the bill places a priority on fighting crime. It deserves the strong support of the Senate, and I hope it will have strong support in conference.

I thank both Senators, and I thank the members of their staffs. They have excellent staffs.

I yield the floor.

Mr. SPECTER addressed the Chair.
The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

HUGH SCOTT

Mr. SPECTER. Mr. President, I have awaited the conclusion of the Senate's business to comment about the passing last night of a great American, a very distinguished Pennsylvanian, Senator Hugh Scott, who would have celebrated his 94th birthday this November.

Senator Scott served in this body as the Republican leader and was the first U.S. Senator elected from Pennsylvania for 3 terms. He was succeeded by my late colleague, Senator Heinz, who was in his third term when he suffered the tragic accident which took his life in April of 1991. I have the honor now to be serving Pennsylvania in my third term.

Senator Scott was a native of Virginia, and moved to Pennsylvania to follow his uncle, Edwin O. Lewis, who was a very distinguished judge in the Court of Common Pleas No. 2 in Philadelphia. He was instrumental in the redevelopment of the Independence Mall section and had the mall named as the Edwin O. Lewis Mall.

Hugh Scott was an instant success in Pennsylvania. He had a very distinguished career as an assistant district attorney. He was elected to the Congress, where he served in the House for some 16 years, and later in the U.S. Senate for 18 years.

In the Senate, he was the Republican leader and was able to coalesce the minority forces with great skill. He served at a difficult time during the Vietnam war and during the Watergate incident, and I think was able to combine integrity and independence with the very great demands of leadership in the U.S. Senate.

I had the opportunity to know Senator Scott when I first ran for district attorney of Philadelphia back in 1965. Senator Scott was very generous to me, providing his chief of staff, Robert L. Kunzig, who later became a distinguished Federal judge on the Federal circuit, to assist me in the campaign, and Gene Cowen, to help on public rela-

tions matters. That was a notable campaign, where Senator Scott, a resolute Republican, was dancing on election night on the table of ADA, the Americans for Democratic Action.

Senator Scott was a giant in Pennsylvania politics. In 1962, when he was dissatisfied with what the Republican Party in Pennsylvania was doing, he declared for Governor himself and through that approach was able to secure the nomination and ultimately the election of William Scranton as Governor of Pennsylvania.

Sometimes, Mr. President, I think we may forget, to some extent, the great privilege and great honor it is to be a U.S. Senator, as we come to this Chamber day after day, week after week.

And while I have not been here as long as either of the two distinguished Senators on the floor—Senator HOLLINGS from South Carolina, who came here in, I believe, 1966; and Senator DOMENICI was elected in 1972. But I recall at the time the thrill I had the first time I came to the Senate dining room as the guest of Senator Scott. I remember the wave of excitement that passed through Bart's Barbershop in the PSFS building in Philadelphia when Senator Scott placed a telephone call to me in 1965 to ask if I would be the Republican candidate for district attorney.

I had not known Senator Scott personally before that time, and there was a wave of excitement. I think sometimes we forget when we are Senators and do the work day in and day out, perhaps looking more at the difficulties as opposed to the honor of serving, what it means to be a U.S. Senator. But Hugh Scott was a giant in every sense of the word.

When my oldest son Shanin wanted to be an intern, he was welcomed with open arms in Senator Scott's office and learned a tremendous amount. He spent 6 weeks in Washington, DC, and came back a different young man. When Shanin heard of Senator Scott's passing, he called me this morning and said, "Dad, I hear the memorial services will be next Thursday." He is a practicing lawyer and he has to be in Cumberland County and Williamsport. "Can we arrange a memorial service for Senator Scott in Philadelphia?" Which we will try to do.

Senator Scott was the mentor of a whole generation of Pennsylvanians, Pennsylvania politicians and Pennsylvania elected officials. He was for Senator Richard Schweiker, he was for Senator John Heinz, he was for Governor Dick Thornburgh, and he was for me. In effect, he wrote the play book in Pennsylvania politics for Republicans.

Pennsylvania is a very complicated State. As was recognized by Senator Scott and some of the rest of us, it is really an amalgam of some six States. If you contrast the farmlands in Lancaster County with the inner city of Philadelphia, there are two States.

Then go to the steel mills of Pittsburgh, it is a totally different State; really a different State. Then the Allegheny National Forest, it is a fourth State. The coal mines in Wilkes-Barre and Scranton are a fifth State. And then the bend in the river around the Philadelphia Route 202, the industrial parks, it is a sixth State.

Senator Scott mastered the art of accommodating many conflicting interests. He was elected as a Republican Senator from Pennsylvania as against a popular sitting Governor, George M. Leader, in 1958, and he won re-election, although Pennsylvania is predominantly Democratic in registration with very heavy labor union representation which customarily backs Democratic candidates, because he was able to accommodate many, many conflicting interests.

I think one of the unfortunate factors is that Senator Scott left the Senate in 1977 and has been away for some 17 years. I think people tend to forget him. When he passed away, I heard a number of people say they did not know that Senator Scott was still living.

He had an extraordinary relationship with his wife Mary. They were very, very devoted to each other. And he leaves many friends and many who admired him and have tried to emulate his courage and his tenacity and his integrity.

So I wanted to make these few comments, Mr. President. He lived to a ripe old age. He would have been 94, as I say, in November, but the time is never right.

So I commemorate a great Pennsylvanian, really a great American, Senator Scott of Pennsylvania.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

HUGH SCOTT

Mr. HOLLINGS. Mr. President, there is no necessity, obviously, to commend the Senator from Pennsylvania. But Senator SPECTER has been so tasteful and appropriate in his comments on Senator Hugh Scott. And that is one of the reasons I hung back.

When I came here as a freshman Senator in 1966, already Senator Scott was a leader. The fact is, we had Tommy Kuchel as the whip, and Senator Everett Dirksen as the minority leader on that side. But it was not long before Senator Scott took over.

I had the occasion, amongst other things, to get to know him and know various things about him, particularly with respect to his expertise in Chinese culture. I can see us both traveling in that regard and in that country. He was veritably a lecturer to me, going around and pointing out different things. He was a brilliant man. He was a giant. He was a leader. He was an outstanding friend.

It was not that I did not know he was still alive; I did not know he was sick,

and I was sorry to hear it during the debate this morning. I join in the sentiments of sympathy expressed so eloquently by Senator SPECTER.

ROSE KENNEDY

Mr. HOLLINGS. Mr. President, momentarily, of course, our distinguished President pro tempore will also make comments relative to Mrs. Rose Kennedy. I heard some earlier, but I did not want to interrupt the debate at that particular time. I have known and been with her on various occasions; 104 years of age and all the family experiences that this lady has enjoyed and has suffered and has lived through with such charm and with such dignity.

I join with the many, many others in wishing her a happy birthday. There could be no finer tribute than to have her wonderful son, the Senator from Massachusetts, serving here in a leadership position.

So I join in that. I know the Senator from West Virginia will be far more eloquent in that context.

MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

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

JULY 20, 1944—THE PLOT TO KILL HITLER

Mr. PELL. Mr. President, 50 years ago this week we learned of the unsuccessful attempt by a group of German officers to kill Adolf Hitler. At the time there was little information as to what had happened. That the attempt was unsuccessful was clear after a few hours when Hitler was heard broadcasting to the German people in his distinctive, guttural voice.

At that period the war appeared to be going well, but it was by no means over, and the thought that German military officers joined in a plot to kill Hitler was electrifying. Until that moment German propaganda had proclaimed an image of invincibility and unity for the German war effort led by Hitler. After July 20, that war effort seemed less invincible, less unified.

The horrors that followed for the plot leaders and the families are well known. Some of the finest officers of the German military were put to death for their complicity in the plot. Even a hint that someone had been involved was enough to have him killed, with an estimated 5,000–7,000 put to death by Hitler's forces in retaliation for this attempt.

For Germans, July 20, 1944, has long conveyed a mixed message. For many

it has provided a convenient symbol of resistance to Hitler that unfortunately did not appear to have a substantial basis in the public at large. For others, including some who opposed the Nazis, it was ill conceived and unlikely to succeed. Helmut von Moltke, of a distinguished German family, who was one of those killed after the July 20 attempt, had thought it better to have Hitler live and bear responsibility for Germany's defeat.

Much has been written about the July 20, 1944 plot. A particularly poignant essay appeared in yesterday's Los Angeles Times, written by Beate Ruhm von Oppen, a distinguished scholar of German affairs who teaches at St. John's College in Annapolis, MD.

Professor von Oppen recalls that on July 20, 1944, she was working in the Political Intelligence Department of the British Foreign Office when the first reports of the assassination attempt were received. Later that night she listened to Hitler's broadcast as he denounced the coup plotters whom he had ordered to be exterminated so cruelly.

Ms. von Oppen concludes her essay about the July 20, 1944 attempt with these words about its significance:

There were people who tried to end the abomination, though there was hardly any chance of success; and the sacrifice of their lives was a demonstration of the spirit of humanity in an inhuman age.

To help us remember this date and the event that it marks, I ask that the article by Professor von Oppen entitled "A Gift to Humanity at Large" be printed in the CONGRESSIONAL RECORD at this point.

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

[From the Los Angeles Times, July 21, 1994]

A GIFT TO HUMANITY AT LARGE (By Beate Ruhm von Oppen)

When the first news fragments about the failed attempt to kill Adolf Hitler came over the ticker tape in the afternoon of July 20, 1944, it was almost unbearably exciting. I was working in the Political Intelligence Department of the British Foreign Office. We had a machine that gave us intercepts of the German news agency.

I listened to Hitler's midnight broadcast. There was, alas, no doubt about it—it was his voice. He denounced the "tiny clique" of traitorous, ambitious and stupid officers who had tried to rob the German people of its leadership and way of life. The stab in the back of the embattled nation had failed. The traitors would be exterminated mercilessly.

Ten years later, in July, 1954, Theodor Heuss, the first president of the Federal Republic, called the desperate and costly attempt to overthrow the Nazi regime a "gift to Germany's future." It was, I should say, a gift to humanity at large. For, despite the sometimes obvious diplomatic use made of "other Germans" who laid down their lives for a better Germany and a better Europe, despite the usefulness of "the German resistance" as fig leaf after the war, there is more involved than Germany and its image in the world.

It was not a foregone conclusion that killing Hitler was the best thing to do—though it would free the soldiers from the oath of loyalty they had sworn to him personally. Thus, Helmuth James von Moltke thought it better to let Hitler live and bear the responsibility for the defeat. Moltke was an international lawyer working in the Abwehr, the military intelligence service, as legal adviser to the German High Command. He helped save many lives. He was one of the victims of the purges carried out after the July 20 assassination attempt.

The judge saw Moltke as at least as dangerous to the regime as those who had taken violent steps to end it. Moltke had opposed the Nazis from the beginning, but had argued against the assassination and coup attempts. He did not think they would bring about the necessary change in the German mentality.

The young Protestant theologian, Dietrich Bonhoeffer, held the opposite view. He thought that killing Hitler would be an "act of liberation," freeing the Germans from their stupefaction with the Nazi display of power. So he and his brother-in-law, Hans von Dohnanyi, were part of the circle of plotters. They were both members of the Abwehr, too, protected by its head, Adm. Wilhelm Canaris, and in league with his most active righthand man and plotter, Hans Oster.

Although the Cold War and the division of Germany and Europe are over, their after-effects are still with us. Divisions between left and right, even of East and West, persist, straining German commemorations of the anti-Hitler resistance. Social Democrats didn't want Chancellor Helmut Kohl to be the main speaker at the ceremonies marking the 50th anniversary of the assassination attempt. Some of the people connected with the permanent center of commemoration at the Stauffenbergstrasse in Berlin were worried that the military establishment is muscling in. Conversely, others objected to including exhibits representing Moscow-sponsored groups. Yet, the decision seems right not to censor them, but to let people make up their own minds about the likely motives and relative merits of the diversity of Germans who opposed the Nazi regime.

The Allies called the events of July 20 a "Generals' Plot." It was a misnomer. Obviously, generals were needed if there was to be any chance of overthrowing the Nazi regime. But the literature on the German resistance to the Nazis has made it clear how hard it was to recruit more than a few generals to the cause.

The cost in lives was terrible. Peter Yorck von Wartenburg, the cofounder, with Moltke, of the Kreisau Circle that worked on plans for a better future, joined in the conspiracy after Moltke's arrest in January, 1944, as did other Kreisauers. Yorck was one of the accused in the first of the ghastly People's Court trials that followed the assassination attempt.

His last letter before his execution speaks of atonement for "the guilt we all bear." He gave his life in expiation of the crimes of the regime he had fought. And that, surely, is the significance of the attempt of July 20, 1944: There were people who tried to end the abomination, though there was hardly any chance of success; and the sacrifice of their lives was a demonstration of the spirit of humanity in an inhuman age.

(Beate Ruhm von Oppen teaches at St. John's College. Her publications include "Helmuth James von Moltke: Letters to Freya 1939–1945" (Knopf).)

**IS CONGRESS IRRESPONSIBLE?
YOU BE THE JUDGE**

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,628,451,509,457.37 as of the close of business Thursday, July 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$17,753.19.

THE 20TH ANNIVERSARY OF THE INVASION OF CYPRUS

Mr. SARBANES. Mr. President, this week marked the 20th anniversary of the Turkish invasion of Cyprus, a tragic and brutal event whose legacy remains with us to this day. On July 20, 1974, Turkish troops assaulted Cyprus, forcing hundreds of thousands to flee their homes and villages. Less than a month later, after a cease-fire had been accepted and negotiations toward peaceful resolution of the conflict were proceeding under United Nations auspices, Turkey sent another, even larger occupation force of 40,000 troops and 200 tanks, seizing more than a third of the island. For the two decades that have followed, until this very day, Turkish military forces have illegally occupied the northern part of the island, forcibly dividing it, with the north under Turkish military domination and control. Communities have been splintered, lives shattered, a nation deprived of its cultural heritage and the opportunity to live in peace.

One of the most tragic consequences of the invasion was the destruction of families, torn asunder in the terrifying weeks of aggression. Husbands and wives, mothers and fathers, sons and daughters, sisters and brothers disappeared before each other's very eyes, never to be seen or heard from again. Even today, five American citizens and 1,614 Greek Cypriots remain missing and unaccounted for. In an appeal for an investigation into the disappearances and an end to the division of Cyprus, this week five brave Fasters for Freedom subjected themselves to tremendous suffering in order to bring public attention to this continuing tragedy.

In other respects, the incalculable toll from 20 years of occupation and di-

vision continues. Hundreds of thousands of Cypriots who fled advancing troops remain refugees in their own land, unable to return to the homes and the communities they inhabited for generations. Others have been stranded in tiny enclaves, deprived of the ability to travel or worship freely. The beautiful coastal resort of Famagusta lies empty, bearing silent witness to what once was an economic and cultural center of the island. Barbed wire fences run through the capital, physically and psychologically severing the island. The historical, religious, and cultural heritage of the northern part of the island has been plundered, with churches desecrated and icons destroyed. An entire generation has grown up in the shadow of military occupation, knowing only division and despair.

Unlike some other longstanding conflicts, there is no lack of international consensus on what must be done to resolve the situation on Cyprus. The U.N. Security Council has consistently reaffirmed that the status quo on Cyprus is unacceptable, and has endorsed a settlement based on a state with single international personality, sovereignty and citizenship, whose independence and territorial integrity should be assured. The Secretary-General has provided his good offices to negotiate such a settlement, yet such negotiations have been repeatedly frustrated by Turkish Cypriot intransigence. After a full year of negotiations on a package of confidence-building measures designed to inject new momentum into the talks, we find ourselves—as the May 30, 1994, report of the Secretary-General to the Security Council concludes—"faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side."

This is not the first time there has been a lack of political will on the Turkish side. It reflects a pattern of behavior. For example, a year ago in June Mr. Denktash refused to return to the negotiating table just as agreement on the confidence-building measures was imminent. Turkish Cypriot refusals to move toward a settlement have, again to quote the Secretary-General's report, "consistently flouted the wishes of the international community, as represented in the Security Council."

Given continuing Turkish Cypriot intransigence, it is time to begin considering alternative options to bring progress toward a just resolution of the Cyprus question. In that regard, I would note that President Clerides submitted in December 1993, a new proposal for the total demilitarization of Cyprus, including disbanding the National Guard, handing all its arms and military equipment to the custody of the United Nations Peacekeeping Force, and depositing in the United Nations account all money saved from

disbanding the National Guard and from stopping the purchase of arms, coupled with the parallel withdrawal and disbanding of Turkish and Turkish Cypriot military forces. This is a serious, constructive and thoughtful proposal that merits careful consideration.

Mr. President, for 20 years the people of Cyprus have endured profound injustice, working for the day when division and frustration would give way to harmony and cooperation. As we commemorate this tragic anniversary, let us pledge to redouble our efforts to encourage progress toward a just, comprehensive and permanent settlement that ends the current injustice and brings long-awaited peace to the people of Cyprus.

STATISTICS AND JUSTICE

Mr. D'AMATO. Mr. President, I offered an amendment on Thursday, May 12, 1994, that expressed the sense of the Senate that the conferees on the crime bill, H.R. 3355, should totally reject the so-called Racial Justice Act. The Senate adopted my amendment by a vote of 58 to 41.

In recent weeks, we have seen much maneuvering as proponents of the use of statistics to block imposition of the death penalty on convicted killers struggled to keep that provision in the crime bill conference report. The White House has lobbied many who voted for my amendment, asking them to change their minds. According to published reports, the White House was not persuasive.

Proponents have apparently floated various different versions of this provision, described as compromise language. I have seen several of those so-called compromise drafts, and all are unacceptable. They all retain the main flaw in the original provision—they allow convicted killers to use statistics about what happened in other criminal cases to block imposition of the death penalty on them.

This core concept of the so-called racial justice act is what the Senate rejected—the disconnection between the individual and the crime. The most basic concept in criminal justice is that the punishment must fit the crime. This provision, if adopted, would shatter the foundation of our entire criminal justice system, not just make death penalty administration subject to racial quotas.

In today's New York Post, Ed Koch, my friend the former mayor of New York City, has a column entitled "Many flaws in racial argument against execution." In this column, he analyzes and rebuts many of the contentions of supporters of the so-called racial justice act. He points out some of the games supporters of the provision have played with numbers. I commend this column to my colleagues, especially those who may be tempted to

support some compromise on this issue.

Mr. President, I ask unanimous consent that this Ed Koch column be printed in the RECORD immediately following my remarks.

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

MANY FLAWS IN RACIAL ARGUMENT AGAINST EXECUTIONS
(By Ed Koch)

Last Friday, The New York Times demanded that President Clinton "take a stand for racial justice in administering the death penalty." They were calling for the president to support the mislabeled racial-justice act as part of the crime bill.

The Times' editorial disingenuously went on to say, "The racial-justice bill would permit convicted murderers in some jurisdictions to show a pattern of racial bias in sentencing those eligible for the death penalty. It would not be enough to show that black defendants suffer more than their population's share of executions, which is generally true but not at issue."

The United States Supreme Court has rejected the racial-bias argument. In McClesky vs. Kemp, it ruled that statistical evidence covering all murder sentences in a jurisdiction could not support a charge of discrimination in a particular case. Every case is different with respect to the aggravating and mitigating circumstances required to be considered by each separate jury. How could it be otherwise, since the evidence the jury considers in each case is different, as are the jurors themselves?

In its PC editorial, the Times tries to convey to those not familiar with the facts that our justice system is disproportionately and, therefore, unfairly sentencing and executing black murderers.

But, rather than looking at executions based on population totals, shouldn't the Times be looking at who commits the crimes? Forty percent of those executed since 1977, when the death penalty was resumed, have been black, and 55 percent have been white. In 1992, 55 percent of the murders in this country were committed by black perpetrators.

If you press an opponent of the death penalty who seeks to make the erroneous argument that more blacks are executed than whites, they will ultimately confess that what they really mean is that fewer murders of black victims are executed than are murderers of white victims.

To satisfy such an argument, one should demand that more blacks be executed than is currently the case, since blacks are overwhelmingly murdered by other blacks. We know no opponent of the death penalty would favor that even though it is a logical extension of his or her argument.

Rep. John Conyers (D-Mich), a prominent member of the Congressional Black Caucus and a leading sponsor for the so-called racial-justice act, was quoted in early May in the Times as saying, "Since 1976, of the 236 executions for murder and the 2,800 inmates now on death row, blacks account for 40 percent, while they account for only 12 percent of the nation's population."

In effect, Conyers is for execution by quota. Implicitly, he apparently is saying that the death penalty, like the many other affirmative-action programs he favors, should also be ruled by the numbers.

Noted columnist William F. Buckley illustrated the absurdity of such arguments dur-

ing a recent "Firing Line" debate on the death penalty in which I participated. Buckley said, "Consider Japanese-Americans. They kill practically nobody *** That means that if, to use round figures, there are 1 million Japanese, 20 million blacks, 200 million whites, that unless on execution day we have in mind one Japanese convicted to death, 20 blacks and 200 whites, you can't execute anybody. Proponents of capital punishment are going to end up having to bribe Japanese to kill more people, to say nothing of whites."

To make their case, death-penalty opponents like Conyers and Rep. Don Edwards (D-Calif.) point to the fact that, out of the 37 defendants selected by Attorney General Janet Reno and other members of the Justice Department to be subject to the death penalty under the 1988 drug-kingpin law, all but four were African-American or Hispanic. And, further, out of those 37, all 10 of the defendants selected by Reno personally were African-American.

Does anyone believe Janet Reno is a racist? We all know she's an arch-liberal. Federal Chief Judge Sylvia Rambo was asked to examine the decision-making process of the department in capital prosecutions. She, in fact, found they contained no evidence of racially based prosecution motives.

The person who has stood up against the efforts—led by Conyers, Edwards and Sen. Ted Kennedy—to impose the so-called racial-justice act on the crime-bill legislation is Sen. Al D'Amato. He proposed a resolution directing the Senate conferees on the crime bill to reject the racial-justice provision. D'Amato's resolution passed 58 to 41.

White House Chief of Staff Leon Panetta said last weekend, "If we don't get the votes to break a filibuster, then we are not going to let one issue bring down the enactment of the crime bill." You don't have to be a seer to predict that both the House and Senate will vote for a conference crime bill that omits the so-called racial-justice act. And so they should.

TRIBUTE TO HUGH SCOTT

Mr. DOLE. Mr. President, from the days of Benjamin Franklin until today, Pennsylvanians have contributed a great deal to the history of the United States.

Few Pennsylvanians—and few Americans—gave more of themselves to public service than Hugh Scott.

I join with all Members of the Senate, in mourning the loss of Senator Scott, who passed away last night at the age of 93.

Hugh Scott's public service career began in World War I, when he enrolled in the Students' Army Training Corps. And after serving for 15 years as an assistant district attorney in Philadelphia, Hugh Scott took time from his career to serve for 2 years on active duty with the U.S. Navy during World War II.

During that same time, he was elected for the first of eight terms in the U.S. Congress. During his service in Congress, Hugh Scott also served for 2 years as chairman of the Republican National Committee.

In 1958, Pennsylvanians promoted Hugh Scott to the Senate, where he

would remain for 18 years—the last 8 of which he would serve as Republican Leader.

Senator Scott was leader during the administrations of President Nixon and President Ford. While there were Republicans in the White House, the Democrats controlled the Senate. I know first hand what a challenge that can be. And Senator Scott was respected by all for his abilities to advance his President's agenda.

One of Senator Scott's many special interests was the Far East. And along with then majority leader Mansfield, Senator Scott will be remembered for leading the first congressional delegation visit to China.

After the Constitutional Convention, Ben Franklin was asked what type of Government was created, and he responded, "A Republic—if we can keep it." And as we remember Hugh Scott, we can also remember that here was a man who gave his all to ensure that our Republic remained strong and free.

RURAL HEALTH CARE

Mr. DOLE. Mr. President, with the health care debate taking on more force and intensity, I would like to say a few words about the importance of not losing sight of the special needs of rural Americans.

Rural Americans make up about 20 percent of the population. And contrary to what some may believe, rural Americans are as diverse a group as Americans living in any other part of the country. That's why when proposing health care reforms, rural Americans are no more likely to adapt to a one-size-fits-all model than are Americans living in any other part of the country.

Mr. President, when Senator PACKWOOD and I crafted our health reform plan, which I am proud to say enjoys the support of 40 Senators, we gave special consideration to rural Americans.

Access to health care providers can be just as much of a challenge in rural America as is cost. That is why the Dole-Packwood bill has special provisions to improve access to health care in rural America. Many of these provisions are quite technical, but let me just summarize what they would accomplish.

More primary care: The way Medicare reimburses medical education would be changed so that young physicians can be trained in places like community health centers, or other outpatient settings, where more primary care providers are likely to be trained.

Improved reimbursement for nurse practitioners and other nonphysician providers to encourage more of these providers to practice in rural areas.

Better access to rural hospitals by extending payments for Medicare-dependent hospitals through 1998. The Dole-Packwood proposal recognizes

that these payments may make the difference between a hospital keeping its doors open or not.

Establishment of telecommunication grants in rural areas, so that providers practicing in these areas have better information and the ability to communicate with providers in distant areas.

Mr. President, these are just a few of the specific rural provisions in the Dole-Packwood proposal. In addition, many of the insurance market reforms and tax changes contained in the proposal will go a long way toward helping rural Americans.

For example, rural Americans are more likely to be self-employed or work for a small business that does not provide health insurance. In fact, over 90 percent of the businesses in my home State of Kansas have fewer than 10 employees.

Under current law, individuals who purchase their own insurance are not able to deduct the cost of that insurance. The Dole-Packwood proposal would phase in full deductibility of health insurance so that those who are self-employed or who buy their own insurance are treated the same as those employed by large businesses.

Mr. President, the Dole-Packwood proposal contains a number of insurance reforms which make insurance more readily available to individuals and small businesses. For example, we provide for the elimination of pre-existing condition exclusions and we require that insurers guarantee coverage to everyone. Additionally, we provide Government subsidies for individuals with incomes up to 150 percent of poverty.

Finally, Dole-Packwood does this without a single mandate, without a single cent of new taxes or an increase in existing taxes, and without a single penny added to the deficit. All Americans—rural or otherwise—know that the price of health care should not be jobs or the endangerment of our children's future.

I would like to submit for the RECORD a more detailed listing of some of the provisions in the Dole-Packwood proposal that are specifically targeted to rural areas.

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

PROVISIONS IN DOLE-PACKWOOD PROPOSAL SPECIFICALLY TARGETED TO RURAL AREAS

1. Extend Essential Access Community Hospital Program and Rural Primary Care Hospital Program (E.A.C.H./R.P.C.H.) to all States. Currently only 7 States have these grants available to them. The purpose is to enable these smaller hospitals to continue in their mission to provide primary care services to the residents of rural areas.

2. Better access to rural hospitals by extending payments for Medicare dependent hospitals through 1998. The Dole-Packwood proposal recognizes that these payments may make the difference between a hospital keeping its doors open or not.

3. Expand the medical assistance program to all States. Currently, this program is limited only to the State of Montana—a State which has had a lot of success assisting small rural communities to establish medical facilities.

4. Non-refundable tax credits for health care personnel who establish practices in medically underserved communities.

5. Improved reimbursement for nurse practitioners and other non-physician providers to encourage more of these providers to practice in rural areas.

6. Federal funds available for the development of health care networks in underserved rural communities. Grants and low-interest loans would assist with resources needed to develop rural health care facilities.

7. States may designate medically underserved areas which will then receive special considerations, including service from health plans in adjoining geographic areas, increased compensation for health services, and Federal assistance for development of health care services.

8. Establishment of telecommunication grants in rural areas, so that providers practicing in these areas have better information and the ability to communicate with providers in distant areas.

9. Provides resources for medical transportation for rural and frontier areas.

10. Upgrades the Federal Office of Rural Health to increase the attention to rural health care needs in the Federal establishment.

11. More primary care: The way Medicare reimburses medical education would be changed so that young physicians can be trained in places like community health centers, or other out-patient settings, where more primary care providers are likely to be trained.

12. Increased Federal support for primary care services for groups most likely to be uninsured or high risk: childhood immunization, maternal and child health, breast and cervical cancer prevention, HIV early detection, tuberculosis prevention, and health care for the homeless.

13. Increase support for public health service programs, including community health centers, migrant health centers, and federally qualified health centers.

14. Prospective Payment Assessment Commission [PROPAC] will conduct studies and make recommendations on ways to improve access to health care for vulnerable populations in rural areas.

THE MASSIVE HUMAN TRAGEDY IN RWANDA

Mr. KENNEDY. Mr. President, the entire world has been horrified by the immense human tragedy taking place in Rwanda.

Of the 8 million people who once lived in peace in that nation before the brutal civil war that suddenly erupted in April, it is estimated that half a million are dead, 2.4 million are refugees in neighboring countries, and 2.5 million are now refugees in Rwanda itself. The current situation ranks as one of the country's greatest human tragedies, and the United States should be doing all it can to end it.

Unfortunately, the human toll is escalating daily. It has exploded in ways that no one in the international com-

munity could have anticipated. Our Government, the U.N. High Commissioner for Refugees, the International Red Cross, and voluntary agencies are all struggling to cope with it. Some of the worst obstacles to easing the desperate plight of the massive number of refugees have been logistical: the difficulty of outside help in reaching the remote areas of eastern Zaire where the airstrip is small and narrow, the road system is remote, and few supplies are accessible.

The initiative announced yesterday by President Clinton in cooperation with the UNHCR and the Red Cross offer real hope that these obstacles to relief will be overcome as rapidly as possible. An airlift has begun, the amount of food will double and redouble in the coming days, medical supplies are being urgently distributed; and additional shelter is being provided.

But the horror still continues. And it will only be resolved when a meaningful cease-fire and peaceful settlement of the civil war in Rwanda are achieved and the refugees able to return to their homes in peace, without fear.

Now, however, the sudden new refugee city in Goma, Zaire, is being overwhelmed by disease and death, and our hearts go out to the victims of this enormous tragedy.

Time is of the essence, and I commend the Clinton administration, especially the Agency for International Development and its Administrator, J. Brian Atwood, and the Department of Defense, including my former assistant Micheal Myers, for their leadership in marshalling resources to meet this immense and unprecedented human crisis.

I ask unanimous consent that Mr. Atwood's announcement of the new initiative and other material be included in the RECORD.

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

AMENDMENTS BY J. BRIAN ATWOOD, ADMINISTRATOR, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT AND SPECIAL PRESIDENTIAL ENVOY TO RWANDA, JULY 22, 1994

We continue to be gravely concerned about the rapidly evolving situation in and around Rwanda. Yesterday, I briefed President Clinton on my journey to the region, and we discussed immediate actions necessary for our emergency response. I continue to be engaged in intensive discussions with the President, the Department of Defense, the National Security Council, and international donors.

Tragically, the flood of refugees is continuing as we speak. Another 250,000 people have flowed into Bukava and Kamonyola. We fear these numbers will continue to swell in the days to come, taxing an already gargantuan task of humanitarian relief.

There are some encouraging developments from the donor community. Both the United States and other donors have announced additional commitments, and teams from the U.S. Agency for International Development and the Department of Defense are scrambling around the clock—to get these supplies to the people who so desperately need them.

Again, I must stress that the international community has never been faced with a refugee crisis of such proportions in such a short period of time. The Clinton administration, working closely with the United Nations, is taking the lead in meeting this immense challenge.

NEW U.S. FUNDS ANNOUNCED

Yesterday, President Clinton announced an additional \$41.4 million of U.S. assistance in response to the Rwandan crisis.

This is in addition to the \$35 million that had been announced earlier this week, and brings the total of new U.S. monies added to the crisis to \$76 million.

THE CHALLENGE

In Zaire, 1.2 million refugees have fled to Goma; 800,000 to Bukava and Kamanyola.

In addition, there have been 350,000 to 400,000 refugees into Tanzania; 135,000 into Burundi; and 10,000 into Uganda.

The total number of refugees is approximately 2,670,000. There are approximately 2.5 million people that are internally displaced. Of Rwanda's pre-crisis population of 8 million, more than 500,000 have been killed and today almost 5 million are refugees or displaced.

People are dying to dehydration, disease, malnutrition and exhaustion and there is an increasing risk of endemic diseases such as cholera. They lack the most basic of life's necessities—food, water, shelter, and sanitary facilities.

THE U.S. RESPONSE

The U.S. is shipping massive humanitarian supplies to Rwanda.

One hundred relief flights have already taken place and the U.S. government is stepping up the pace and volume of these flights.

These flights are providing: water bladders; 135 tons of plastic sheeting for shelter; 120 tons of blankets; 20 million packets of oral dehydration salts needed to deal with dehydration and diarrhea diseases; tens of thousands of tons of food; storage facilities; trucks; and, large quantities of cholera kits, antibiotics and syringes.

The U.S. Department of Defense is helping us meet this humanitarian crisis. It should be stressed that they are being involved in a humanitarian effort, not a military one.

USAID is sending a team of cholera experts from the International Center for Diarrhea Disease Research in Bangladesh to Goma immediately. The team will organize, manage, and coordinate the logistics in dealing with the cholera epidemic.

Improving the air facilities at Goma is the first step in building up its capacity to be able to handle the needed flow of humanitarian supplies.

The DOD has sent a team to Goma to address the needs at the Goma airport, including air traffic control, supplies, materials distribution, water purification, and needs for infrastructure improvements.

There is a clear need to open up a truck route from Kampala to get larger quantities of food in within the next two weeks.

POLITICAL ELEMENTS

To move beyond the crisis, political solutions will have to be achieved in Rwanda.

Getting people to return home is the very core of our humanitarian mission.

The political condition in the country will have to be one that is stable and conciliatory enough to give people the faith they need to return to their homes.

The formation of a new government, one that embraces the involvement of moderate Hutus and is based on the rule of law, is essential to restoring order.

The U.S. government worked very hard with the UN Secretary General representative in Kigali to bring about a cease fire. This cease fire must be honored.

The Rwanda Patriotic Front swore in an interim government headed by two moderate Hutus on Tuesday. These two Hutus, President Pasteur Bizimungu and Prime Minister Faustin Twagiramungu, can play an important role in establishing credible examples that Hutus can play a peaceful role in rebuilding their nation.

The RPF must begin to let people out of the camps they have established within Rwanda. Few Hutus will want to return to Rwanda if that prospect entails being placed in detention camps. Their return is essential so that they can harvest the crops now rotting in the fields.

Former Rwandan government forces in Goma and elsewhere must be disarmed and a tribunal to administer justice and try war crimes should also be established.

The international community must also move with urgency to get UNAMIR forces in the country to help stabilize the situation. We should encourage the United Nations to move the 5,500 peacekeepers into Rwanda as soon as possible. The UN Secretary General plans on the possibility 2,000 men by the end of August.

All of these measures must be part of the larger effort to deliver assistance and distribute food in such a way that it will keep more people from leaving their homes, and encourage those that have already done so to return home.

THE INTERNATIONAL RESPONSE

Other donors, including Canada, France, Germany, Italy, the Netherlands, Sweden and South Africa, have also announced either food/in-kind or cash contributions. These contributions exceed \$110 million.

The UNDHA is planning to host a donors conference on August 1 in Geneva to follow-up on a \$434 million appeal. This appeal is for urgent humanitarian needs in Rwanda.

The EU has approved \$28 million and is planning to reprogram another 172.5 million. The French have proposed that 2,000 of the 18,000 UNOSOM troop contingent in Somalia be shifted to Rwanda and requested U.S. support in getting the UN to respond to French proposals for action.

U.S. and French officials have agreed that a UN group is needed to handle airport management in Kigali.

THE ROOTS OF THE CRISIS

The roots of the disaster in Rwanda are roots that are spreading perniciously through pockets of the developing world. At its heart, the crisis in Rwanda is an almost Malthusian scenario of too many people competing for too few resources.

Exploding population pressures, declining per capita agricultural production, a failure to establish viable democratic institutions as a means to ensure power sharing, and a lack of economic opportunity combined to spawn the horrors in Rwanda that we are now confronted by.

THE LESSON OF RWANDA

We must move beyond simply responding to crises. By addressing their root causes and promoting lasting development, we will advance a foreign policy based on prevention. Development assistance must play a vital role in containing humanitarian and security threats before they burgeon into more serious problems.

Rwanda refugees and displaced people as of July 22, 1994

Rwanda—internally displaced:
RPF territory (NE/SE) 726,000

Northwest	500,000
French safe zone	1,300,000
Kigali	50,000
Total	2,576,000
Surrounding countries—refugees	
Zaire:	
Goma	1,200,000
Bukavu	150,000
Kamanyola	650,000
Burundi	200,000
Tanzania	460,000
Uganda	10,000
Total	2,670,000

It is estimated that another 1.3 million people are on the move in the southwest.

Of Rwanda's pre-crisis population of 8 million, it is estimated that between 200,000 to 500,000 have been killed and today almost 5 million are refugees or displaced.

TERRORIST ATTACK IN ARGENTINA

Mr. LAUTENBERG. Mr. President, I rise to condemn the vicious, brutal, terrorist attack on the headquarters of Argentina's main Jewish organization that occurred earlier this week.

The perpetrators of this heinous act must be brought to justice. Violent fundamentalist organizations must not be permitted to continue unleashing their terror on innocent civilians.

I commend the President of Argentina, Carlos Menem, for mobilizing forces to investigate this heinous act. The Government of Argentina must be vigorous in its pursuit of the perpetrators of this heinous act.

I commend the U.S. Government as well for sending an international response team comprised of bomb experts to help with the investigation. This is an important and positive step. The murderers of these innocent civilians must be brought to justice.

Mr. President, my sorrow goes out to the family and friends of the victims of this act of terror. To each of them, I send my condolences. For their sake, and for the sake of the victims, justice must be served so all terrorists learn that in a civilized world, violence can never succeed.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 101-549, appoints the following individuals to the board of directors of the Mickey Leland National Urban Toxics Research Center: Dr. Patricia A. Buffler, of California; Dr. Joseph H. Graziano, of New York; and Dr. Philip J. Landrigan, of New York.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:05 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 resolution:

H.R. 4322. An Act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes.

S.J. Res. 172. Joint Resolution designating May 29, 1995, through June 5, 1995, as a "Time for the National Observance of the fiftieth Anniversary of World War II."

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that pursuant to the provisions of section 112 of the Clean Air Act (42 U.S.C. 7412), the Speaker appoints the following individuals from private life to the Board of Directors of the National Urban Air Toxics Research Center on the part of the House: Mr. Gerald van Belle of Seattle, WA, Ms. Devra Lee Davis of Washington, DC, and Dr. M. David Low of Houston, TX.

The message also announced that the House has agreed to House Resolution 486 stating that the bill of the Senate (S. 729) to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The message further announced that the House has agreed to House Resolution 487 stating that the bill of the Senate (S. 1030) entitled the "Veterans Health Programs Improvement Act of 1994", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4604. An Act to establish direct spending targets, and for other purposes.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent and referred as indicated:

H.R. 4604. An Act to establish direct spending targets, and for other purposes; referred jointly, pursuant to the order of August 4, 1977, to the Committee on Budget, and to the Committee on Governmental Affairs.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 22, 1994 she had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 172. Joint Resolution designating May 29, 1995, through June 5, 1995, as a "Time for the National Observance of fiftieth Anniversary of World War II."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2311. A bill to exempt a foreign holding company from the application of the provisions of the Public Utility Holding Company Act of 1935; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE:

S. 2312. A bill to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NICKLES (for himself and Mr. BOREN):

S.J. Res. 213. A joint resolution to provide for the payment of fair and equitable consideration in satisfaction of the claims of certain Kaw Indians; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2311. A bill to exempt a foreign holding company from the application of the provisions of the Public Utility Holding Company Act of 1935; to the Committee on Banking, Housing, and Urban Affairs.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 EXCEPTION ACT OF 1994

Mr. LEAHY. Mr. President, today I am introducing legislation to clarify a technical ambiguity in the Public Utility Holding Company Act of 1935 [PUHCA]. I am pleased that Senator JEFFORDS is joining me today as an original cosponsor. For the last 7 years, Vermont Gas Systems, Inc. [Vermont Gas], the only natural gas utility in Vermont, has traveled on an odyssey to resolve this technicality. Let me explain.

In late 1986, Gaz Metropolitain, Inc. [Gaz Metropolitain], one of the largest distributors of natural gas in Canada, acquired Northern New England Gas Corp. and its subsidiary Vermont Gas. Vermont Gas is the sole source of natural gas in Vermont, which is an environmentally sound and competitively priced energy source for many Vermonters. Gaz Metropolitain's acquisition has greatly benefited Vermont Gas and its customers—the people of Vermont—for 2 reasons.

First, the acquisition has given Vermont Gas a reliable source of natural gas. Vermont is not served by any U.S.-based natural gas company and depends on its natural gas from the Canadian natural gas pipeline. Through its affiliation with Gaz Metropolitain, Vermont Gas has increased its bargaining position to acquire competitively priced natural gas. In 1991, for example Vermont Gas negotiated a groundbreaking 15-year supply contract with Western Gas Marketing Ltd. of Canada. For the first time, Vermont Gas was able to negotiate a partial requirements contract, leaving Vermont Gas free to pursue other suppliers on a competitive basis.

Second, the acquisition has given Vermont Gas, a small company, extensive financial, managerial, and technical expertise. With the help of Gaz Metropolitain's affiliates, Vermont Gas has successfully renegotiated its existing debt at favorable rates. The substantial savings from this refinancing has kept Vermont Gas customer rates low and has strengthened its financial base. Experts from Gaz Metropolitain also have provided Vermont Gas with invaluable advice on insurance management, regulatory guidance and internal audit procedures.

Despite the benefits of Gaz Metropolitain's indirect ownership of Vermont Gas, this acquisition has yet to receive regulatory approval. Under the PUHCA, the Securities and Exchange Commission [SEC] must approve acquisitions of public utilities based in the United States. In 1987, Gaz Metropolitain applied to the SEC for PUHCA approval to indirectly own Vermont Gas. This application, however, was put on hold until the SEC determined if an acquisition by a foreign company like Gaz Metropolitain may be approved under the PUHCA. The PUHCA, first enacted in 1935, fails to adequately address public utility holding companies located outside the United States that are adjacent to U.S. utilities.

To aid the SEC in its review process, I introduced legislation in 1989, which was almost identical to today's bill, that would clarify the PUHCA to explicitly permit Gaz Metropolitain to indirectly own Vermont Gas. The Senate passed that legislation as section 501 of the Securities Acts Amendments of 1989, H.R. 1396. Section 501, however,

was dropped in the House-Senate conference committee on H.R. 1396 because some conferees felt the legislation was premature since the SEC had not finished reviewing Gaz Metropolitain's PUHCA application.

For various reasons, Gaz Metropolitain's PUHCA application is still pending before the SEC. I understand that the SEC's Division of Investment Management [Division] recently filed a brief with the commission recommending against approval of Gaz Metropolitain's acquisition of Vermont Gas. While the Division acknowledges the benefits of the acquisition, it has interpreted PUHCA to not permit foreign ownership of a U.S. public utility. The Division went on to say that "[l]egislation may *** provide a satisfactory response in this matter."

The Division's recommendation against approving Gaz Metropolitain's acquisition of Vermont Gas and its call for legislation has prompted me to introduce this bill. This legislation would clarify the PUHCA to allow Gaz Metropolitain to indirectly own Vermont Gas. It provides an exemption to Gaz Metropolitain from the registration requirements of the PUHCA. This exemption is limited solely to Gaz Metropolitain and would not exempt any other public utility holding company from the PUHCA.

The highest Government official and the chief public utility regulators from the State of Vermont strongly support this legislation. I have received letters testifying to the benefits from Gaz Metropolitain's indirect ownership of Vermont Gas and the need for this legislation from the Honorable Howard Dean, Governor of Vermont; Richard H. Cowart, the chairman of the Vermont Public Service Board; and Richard P. Sedano, the commissioner of the Vermont department of public service.

This bill ensures that Vermont Gas and the people of Vermont will continue to reap the many benefits of Vermont Gas' affiliation with Gaz Metropolitain.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUBLIC UTILITY HOLDING COMPANY EXEMPTION.

(a) IN GENERAL.—The provisions of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) shall not apply to a foreign holding company that has a gas utility subsidiary company in a foreign country contiguous to the United States and the State of Vermont, solely as a result of the acquisition, directly or indirectly, by the holding company of all the voting securities of a gas utility company that—

(1) is organized and operating under the laws of Vermont; and

(2) has its service territory contiguous to the gas utility operations of the holding company.

(b) APPLICABILITY TO AFFILIATES.—The exemption under subsection (a) also applies to a person or company that—

(1) is an affiliate (as defined in section 2(a)(11)(A) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79b(a)(11)(A)) of the holding company described in subsection (a); and

(2) is not an affiliate of any other public utility company organized and operating in the United States.

(c) INAPPLICABILITY TO OTHER ACQUISITIONS.—The exemption granted by subsection (a) shall not apply to the acquisition or retention by any holding company of voting securities of a public utility company organized or operating within the United States except as provided in subsection (a).

STATE OF VERMONT,
OFFICE OF THE GOVERNOR,
Montpelier, VT, May 31, 1994.

Re: Proposed Legislation Approving the Indirect Acquisition of Vermont Gas Systems, Inc. ("Vermont Gas") by Gaz Metropolitain & Company, Limited Partnership ("Gaz Metropolitain"), and Exempting Gaz Metropolitain and Its Affiliates from Regulation under the Public Utility Holding Company Act of 1935 (the "Act")

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR PAT: I write in support of legislation that would approve Vermont Gas acquisition by Gaz Metropolitain and exempt Gaz Metropolitain and its affiliates from regulation under the Act. You recently received letters from Richard H. Cowart, Chairman of the Vermont Public Service Board, and Richard Sedano, Commissioner of the Vermont Department of Public Service, explaining in more detail the Board's and Department's support for the legislation.

I have always viewed natural gas to be an environmentally sound and competitively priced energy source, one that is very important to Vermont's economic recovery. As you probably know, Vermont Gas is dependent upon a single pipeline located in Canada for delivery of its natural gas supply.

For that reason, the State of Vermont has viewed acquisition of Vermont Gas by Quebec's largest natural-gas distribution company to be valuable. As Chairman Cowart's and Commissioner Sedano's letters point out, we are confident that our Public Service Board and Department of Public Service can regulate Vermont Gas to ensure that its acquisition by Gaz Metropolitain will not disadvantage Vermont customers.

In short, the State of Vermont continues to believe that the acquisition will be a positive component of Vermont's strategy to promote economic growth through trade with Quebec and Canada.

Sincerely,
HOWARD DEAN, M.D.,
Governor.

• Mr. JEFFORDS. Mr. President, today Senator LEAHY and I introduce legislation that will go a long way toward providing Vermont homes and businesses with a reliable source of natural gas for years to come. This measure will allow Gaz Metropolitain, a Canadian-based firm, to purchase

Vermont Gas Systems, a Vermont gas company. Such action is strongly supported by the Governor of Vermont, the Vermont Public Service Board and the Commissioner of the Vermont Department of Public Service.

In 1987, Gaz Metropolitain acquired Northern New England Gas and its subsidiary, Vermont Gas Systems. Regulatory action regarding approval of the purchase was delayed for a number of years for a variety of reasons. While recognizing the benefits of the acquisition of Vermont Gas by Gaz Metropolitain, the Security and Exchange Commission's Division of Investment Management recently recommended that the application for approval of full acquisition be denied. The Division argued that the Public Utility Holding Company Act of 1935 [PUHCA] does not allow foreign ownership of a domestic utility.

This legislation would clarify that nothing in PUHCA precludes the Quebec utility, Gaz Metropolitain, or its affiliates, from fully owning the Northern New England Gas Corp. and its subsidiary, Vermont Gas Systems, Inc. The measure does not allow an exemption for any other holding company owning a public utility, but solely provides the exemption for Gaz Metropolitain and its affiliates.

Mr. President, this step will bring substantial benefits to Vermont. Gaz Metropolitain is one of the largest distributors of natural gas in Canada. Vermont Gas Systems supplies natural gas to communities throughout Northern Vermont, along the Canadian border. Vermont Gas Systems, a small utility, is completely dependent on gas from Canada to supply its customers. For this reason, the ownership of Vermont Gas Systems by Gaz Metropolitain has allowed Vermont gas customers to save money and provided these customers energy security.

Codifying the merger will allow Vermonters to continue to enjoy the economic clout of a larger utility, and maintain a strong bargaining position with Canadian suppliers of Vermont's sole source of natural gas. Gaz Metropolitain has negotiated competitively priced, reliable gas contracts. Integration of the two firms will result in more effective insurance and risk management, and allow for a safe, steady supply of natural gas. In addition, the State of Vermont will exercise full oversight of Vermont Gas Systems' supply contracts, rates and physical expansion consistent with the interests of Vermont consumers.

When Congress authorized PUCHA, it intended to promote integration of gas companies. As we move to a global economy, with passage of international trade agreements such as the United States/Canada Free-Trade Agreement and NAFTA, we should begin to think in terms of movement of commerce without borders. Vermont's close proximity to Quebec allows it to maintain

a strong trade relationship. This is true in a number of areas, including energy. Here is an opportunity to prove we are serious about free trade, by allowing the integration of two gas companies that are largely interdependent.

Mr. President, gas is an important component of Vermont's energy mix. Gas is a clean fuel, and vital to Vermont's economy. This simple legislation will allow for a reliable, reasonably priced supply of natural gas to Vermont for years to come. I hope my colleagues will work with us and support this important legislation.●

By Mr. DASCHLE:

S. 2312. A bill to maintain the ability of U.S. agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE COMPETITIVENESS LEGISLATION

• Mr. DASCHLE. Mr. President, as my colleagues from farm States are painfully aware, agriculture is going through a major transformation. The market in which agriculture must compete is no longer a largely domestic one, but an international one.

The global market is characterized by fierce competition and, unfortunately, inconsistent rules.

The final Uruguay round agreement concluded under the auspices of the General Agreement on Tariffs and Trade seeks to bring some fairness to the rules in global agricultural trade. Considering the fact that agriculture has never before been subject to multilateral disciplines of this nature, this is a significant and important step. It wasn't easy getting to this point.

If the Uruguay round agreement is approved by Congress, I have no doubt that the United States will live up to its obligations under the agreement. Historically, that has been the pattern. We have sought in good faith to uphold the validity of international agreements, which can only be valid if all countries comply. Most of us agree that it is better to have such agreements than not.

I am equally convinced that our major trading partners who will be members of the new World Trade Organization will seek to do the same.

What I am more concerned about is the ways in which they will seek to legitimately circumvent the restrictions of the Uruguay round agreement.

Under this agreement, agricultural export subsidies must be reduced 21 percent by volume and 36 percent in terms of budget outlays by the end of 6 years. These reductions must be made from the 1986-90 base period. Export subsidies specifically do not include, however, spending on such nontrade distorting measures as export promotion, foreign market development,

food assistance programs, and programs for developing alternative uses of agricultural commodities.

Mr. President, we are kidding ourselves if we think that our trading partners will not simply transfer the savings from cuts in export subsidies to these other so-called green box categories.

Our farmers can compete against any in the world. They should not, however, be forced to compete unarmed against foreign governments. The ink on this agreement is not even dry, and already we hear reports of the European Union devising schemes to circumvent it. If we do not recognize the almost-inevitable approach that our trading partners will take with respect to the agricultural provisions of the Uruguay round agreement, farmers in those countries will have an unfair advantage over our farmers.

That is why I am introducing today a measure that would address this concern. It is a proposal that I hope will be included in the legislation to implement the Uruguay round agreement.

This proposal, which was initiated by Representative JILL LONG in the House of Representatives, would ensure that the net savings from agriculture cuts under the Uruguay round agreement are retained for use in the nontrade distorting areas mentioned above, areas of government spending that are permissible under the agreement.

Members of this body who care about agriculture know that, once these funds are cut from the agricultural portion of the budget, they will be nearly impossible to restore. The measure will ensure that these funds can be used for such programs as the Emergency Food Assistance Program [TEFAP], General Sales Manager [GSM] export credit guarantees, and Public Law 480. Moreover, they could be used to development of such alternative uses of agricultural commodities as making biodiesel fuel from oilseeds.

In addition, the proposal continues support for export subsidies to the extent permitted under the Uruguay round agreement, providing that these programs should be funded to the maximum extent allowable under the agreement. Any excess would be directed to nontrade distorting programs.

I encourage my colleagues to consider this measure carefully and support a fair global trading environment for our agricultural producers.

Mr. President, I ask that a copy of the bill be placed in the RECORD.

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

S. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to maintain the ability of United States agriculture to remain viable and competitive in domes-

tic and international markets, the Secretary of Agriculture, consistent with the obligations of the United States to limit agricultural export subsidies as set forth in the Uruguay Round Agreement and notwithstanding any other provision of law, shall—

(1) make available and aggressively utilize in each fiscal year the funds and commodities of the Commodity Credit Corporation in the maximum amounts allowed under the Agreement for the export enhancement program, the dairy export incentive program, the cottonseed oil assistance program, and the sunflowerseed oil assistance program; and

(2) make available additional funds and commodities in each fiscal year in an amount equal to the total of the reductions below the amounts made available in fiscal year 1994 for the programs described in paragraph (1) that are made as a condition of compliance with the budgetary outlay or volume restrictions on agricultural export subsidies under the Agreement, in addition to any funds or commodities that may be authorized, appropriated, or otherwise made available, for authorized export promotion, foreign market development, export credit guarantee, and international food assistance programs, for commodity purchases under the Emergency Food Assistance Program, and to promote the development, processing, commercialization, and marketing of products resulting from alternative uses of agricultural commodities, including vegetable oil.●

By Mr. NICKLES (for himself and Mr. BOREN):

S.J. Res. 213. A joint resolution to provide for the payment of fair and equitable consideration in satisfaction of the claims of certain Kaw Indians; to the Committee on Indian Affairs.

KAW HALF BREED LEGISLATION

Mr. NICKLES. Mr. President, I rise today to offer legislation on behalf of myself and Senator BOREN which would provide full and fair compensation to resolve the land claims of the half breed members of the Kaw Indian Tribe. The claims are the result of the illegal taking of lands allotted the Kaw half breeds and the failure of the Federal Government to protect their ownership rights. In 1992, I introduced similar legislation, Senate Joint Resolution 346, which was not considered before adjournment of the 102d Congress. The legislation was referred to the Senate Indian Affairs Committee.

This history of the Kaw half breed claim began with the treaty of June 3, 1825, which allotted 23 reservations of 1 square mile each to the Kaw half breed Indians. The half breed members of the Kaw Tribe were the offspring of full bloods that intermarried with French fur traders. As a result of their intermarriages, the half breed members were estranged from the full blooded members of the tribe and their allotments were established separated from the Kaw Reservation.

The basis of the half breed claim dates back to the non-Indian settlement of Kansas territory. The Kaw half breeds were defrauded by squatters

into giving up legal title to their property. Despite the requests of the Federal Indian agent in charge of native Americans in the area, the U.S. Government did not prevent the actions of the non-Indian settlers against the allottees. Aside from simply taking illegal possession of the Indian allotments, squatters shot and killed Indian-owned livestock, burned their housing, and harvested the valuable timber on the property.

Congress, recognizing the failure of the Federal Government to uphold its trust responsibility to the Kaw half breeds, passed legislation on May 26, 1860, declaring all prior contracts for lands within the Kaw Reserve null and void. Legal ownership via a fee title of the lands was returned to the original allottees or their heirs.

However, on July 17, 1862, before the Secretary of the Interior had finished determining the appropriate heirs as required by the 1860 act, Congress repealed those provisions which vested title in the heirs of the original reservees. Also repealed were provisions which authorized the Secretary to sell the lands of the deceased original reservees who had died without heirs and distribute the proceeds to surviving original allottees.

On August 8, 1968, Congress passed Private Law 90-318 which recognized the failure of the U.S. Government to protect the Kaw half breed allotments and provide for the compensation of the heirs. The compensation provided for in private law 90-318 was based on a value of \$5 per acre for 14,720 acres resulting in a total award of \$73,600. Unfortunately, this award did not comply with the fair and honorable dealing standards as required of the United States and set forth in the Indian Claims Commission Act of 1946.

The Indian Claims Commission Act required the payment of fair market value for the land plus interest and damages. As a result, shortly after passage of the 1968 law, the U.S. Claims Court ruled that the treaty of June 3, 1825, guaranteed in article 10 the full indemnification for property stolen from the allottees.

As a result, the bill I am introducing today would provide the heirs of the Kaw half-breed reservees or their assigns with a payment formulated from the estimated 1858 value of the lands and includes damages for the removal of timber and simple interest of 5 percent. The 1968 award of \$73,600 would be subtracted from the final award.

The 1858 land value was estimated at \$32.50 per acre by the Indian agent in charge at the time. Thus, the total value of the 14,720 acres in this legislation is set at \$478,400. Estimated timber loss is \$280,963 as determined by the 1860 Walsh-Coombs Report filed with the Secretary of the Interior. Total estimated value for the loss of land and timber is \$759,363. The 5-percent inter-

est will be calculated from October 1, 1855, until the payment of the claim for an estimated total value of approximately \$6 million.

The formula divides the award into 23 equal shares of about \$260,000 each; 23 represents the tracts of land originally owned by the Kaw half breeds. Each tract has a different number of identified heirs ranging from 2 to 127 and total about 730. The bill limits the maximum any one heir can receive to 10 percent the value of any one tract. Any funds in excess after the per capita payments have been made will be put into a charitable trust to be administered by a board of directors consisting of lineal descendants of the original reservees.

These descendants include enrolled members of the Kaw, Osage, Otoe-Missouria, Pottawatomie, and Ponca tribes. Also included on the board will be one lineal descendant who is not a tribal member and one employee of the Bureau of Indian Affairs as appointed by the Secretary of the Interior.

Upon the establishment of the account and payment of funds by the Treasury Department, the Secretary is required to publish notice in the Federal Register that any and all claims arising out of the treaty of June 3, 1825, which allotted the Kaw lands, shall be extinguished. Extinguishing the claims will allow the State of Kansas to clear title on the former Kaw lands and resolve this centuries-old injustice. Today it remains a common practice in Kansas to institute a quiet title action on lands within the original Kaw Reserve to prevent problems from arising in the conveyance of ownership of these lands.

Mr. President, as a member of the Senate Indian Affairs Committee I am hopeful that this legislation can be considered and enacted before Congress adjourns. This issue is important to the Kaw half breed heirs and is an issue which they have pursued for many years. In particular I would like to recognize Tom Dennison, former chairman of the Kaw Tribe, whose tireless effort on this issue is responsible for the legislation that I am presenting today.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Kentucky [Mr. McCONNELL] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the

private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1676

At the request of Mr. MACK, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Alaska [Mr. MURKOWSKI] were withdrawn as cosponsors of S. 1676, a bill to provide a fair, nonpolitical process that will achieve \$65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

S. 1895

At the request of Mr. MACK, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1895, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 25th anniversary of the Apollo 11 Moon landing.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1863

At the request of Mr. COHEN, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1863, a bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Tennessee [Mr. SASSER], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the names of the Senator from Virginia [Mr. ROBB], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and Gen. George C. Marshall's service therein.

S. 2301

At the request of Mr. BREAUX, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2301, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

SENATE JOINT RESOLUTION 157

At the request of Mr. SASSER, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. MCCAIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate 1994 as "The Year of Gospel Music."

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 191

At the request of Mr. BURNS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 191, a joint resolution to designate Sunday, October 9, 1994, as "National Clergy Appreciation Day."

SENATE JOINT RESOLUTION 196

At the request of Mr. SMITH, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 196, a joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. AKAKA], the Senator from Maryland [Mr. SARBANES], the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BURNS], the Senator from Louisiana [Mr. BREAUX], the Senator from Mississippi [Mr. COCHRAN], the Senator

from Louisiana [Mr. JOHNSTON], the Senator from Tennessee [Mr. SASSER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding for poison control services.

AMENDMENTS SUBMITTED

COMMERCE, JUSTICE, STATE, JUDICIARY APPROPRIATIONS ACT FOR FISCAL YEAR 1995

PRESSLER AMENDMENT NO. 2353

Mr. PRESSLER proposed an amendment to the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes; as follows:

On page 94, line 12, before the colon insert the following: "Provided further, That certification under section 401(b) of Public Law 103-236 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives are notified of the steps taken to meet the requirements of sec. 401(b) of Public Law 103-236 at least 15 days in advance of the proposed certification."

COATS AMENDMENT NO. 2354

Mr. COATS proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 95, line 9, before the period insert the following: "Provided further, That the amount appropriated under this heading shall be transferred to the appropriate appropriations accounts of the Department of Defense to reimburse the Department for amounts expended out of such accounts in support of international peacekeeping activities".

WOFFORD (AND JEFFORDS) AMENDMENT NO. 2355

(Ordered to lie on the table.)

Mr. WOFFORD (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the bill H.R. 4603, supra; as follows:

On page 64, line 1, after "Provided," insert "That of the funds appropriated herein, \$10,000,000 shall be available for trade adjustment assistance: Provided further,".

DOLE (AND OTHERS) AMENDMENT NO. 2356

Mr. DOLE (for himself, Ms. MOSELEY-BRAUN, Mr. HATCH, and Mr. JEFFORDS) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following: "Provided further, of the funds appropriated in Title V and in Chapter II of Title VII, up to \$100,000,000 may be transferred, at the discretion of the President and subject to the regular notification procedures of the Appropriations Committees of the House of Representatives and the Senate, to support humanitarian relief in and around Rwanda."

HUTCHISON (AND OTHERS) AMENDMENT NO. 2357

Mr. DOLE (for Mrs. HUTCHISON for herself, Mr. DOLE, Mr. SMITH, Mr. GRAHAM, Mr. PRESSLER, Mr. MACK, Mr. BRYAN, Mr. REID, Mr. GRAMM, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following: "Provided further, of the funds appropriated by this Act for Contributions to International Organizations and Contributions for International Peacekeeping Activities in Title V, and for Contributions for International Peacekeeping Operations in Title VII, not less than \$350,000,000 shall be made available until expended to carry out the provisions of section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), to reimburse States for the cost of incarcerating illegal aliens."

BUMPER (AND OTHERS) AMENDMENT NO. 2358

Mr. BUMPER (for himself, Mr. BROWN, and Mr. DORGAN) proposed an amendment to the bill H.R. 4603, supra; as follows:

At page 113, strike lines 16 through 21.

DORGAN (AND OTHERS) AMENDMENT NO. 2359

Mr. DORGAN (for himself, Mr. BROWN, and Mr. BUMPER) proposed an amendment to the bill H.R. 4603, supra; as follows:

In lieu of the language proposed to be stricken by the Bumpers amendment, insert the following:

"NED

"For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$25,000,000, to remain available until expended."

DOMENICI (AND OTHERS)
AMENDMENT NO. 2360

Mr. DOMENICI (for himself, Ms. MOSELEY-BRAUN, Mr. HATCH, and Mr. JEFFORDS) proposed an amendment to the bill H.R. 4603; *supra*; as follows:

At the appropriate place in the bill, and add the following new section:

SEC. . SENSE OF CONGRESS.—It is the Sense of Congress that the President of the United States and the President-elect of Mexico should meet as soon as possible following the August elections in Mexico to discuss bilateral issues of mutual concern with the objective of deepening and strengthening the ties between the two neighbors, with emphasis on cooperation to establish equitable and effective regulation of the flow of citizens across the border between Mexico and the United States.

JEFFORDS (AND OTHERS)
AMENDMENT NO. 2361

Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. SPECTER, Mr. MOYNIHAN, Mr. RIEGLE, Mr. DANFORTH, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LUGAR, Mr. GLENN, Mr. LIEBERMAN, Mr. LEAHY, Ms. MOSELEY-BRAUN, Mr. SIMON, and Mr. KOHL) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

On page 64, line 20, after "realignment," insert: "Provided further, That of the total amount appropriated in this paragraph, \$10,000,000, shall be available for the trade adjustment assistance program and \$174,000,000 shall be available for grants pursuant to Title I of the Public Works and Economic Development Act of 1965 as amended".

HELMS AMENDMENTS NOS. 2362–2363

Mr. HELMS proposed two amendments to the bill H.R. 4603, *supra*; as follows:

AMENDMENT NO. 2362

At the appropriate place in the bill, insert the following:

SEC. . INELIGIBILITY TO RECEIVE VISAS AND EXCLUSION FROM ADMISSION TO THE UNITED STATES.

None of the funds appropriated by this Act may be used to issue a visas to any alien who illegally confiscates or has confiscated or has directed or overseen the illegal confiscation of the property of a United States person, or converts or has converted for personal gain property otherwise illegally confiscated from a United States person.

AMENDMENT NO. 2363

On page 118, line 3, strike "and".

On page 118, line 9, strike the period and insert "and".

On page 118, between lines 9 and 10, insert the following new paragraphs:

(3) the Secretary of State, in consultation with the Secretary of Commerce, certifies that none of the entities dealing with the commercial launch service or their subsidiaries have been found by the United States Government to have engaged in any missile-related transfer prohibited by the Arms Export Control Act or the Export Administration Act of 1979, and

(4) the Secretary of State certifies that none of the equipment or technical data acquired by Chinese or Russian entities as a di-

rect result of providing commercial launch services for United States-origin satellites will enhance the military capabilities of the People's Republic of China or Russia.

ROTH (AND OTHERS) AMENDMENT NO. 2364

Mr. ROTH (for himself, Mr. GRASSLEY, Mr. HEFLIN, and Mr. COATS) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE CASE OF UNITED STATES V. KNOX.

(a) DECLARATIONS.—The Congress declares that—

(1) the Congress has passed legislation to protect children against the evils of child pornography, including the Child Protection Act of 1984, and provided for the enforcement of those laws;

(2) on November 4, 1993, the Senate, by a vote of 100-to-0, and on April 20, 1994, the House of Representatives, by a vote of 425-3, rejected the Justice Department's new, narrow interpretation of the Federal child pornography statutes as delineated by the Solicitor General in the case of United States v. Knox and implored the Justice Department to properly enforce the law and protect our Nation's children;

(3) on June 9, 1994, the United States Court of Appeals for the Third Circuit in the case of United States v. Knox rejected the Justice Department's narrow interpretation of the Federal child pornography statutes and reaffirmed the conviction of Stephen Knox; and

(4) the Court of Appeals for the Third Circuit properly interpreted the Child Protection Act of 1984.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Justice Department should accept the decision of the United States Court of Appeals for the Third Circuit in the case of United States v. Knox;

(2) the Justice Department should vigorously oppose any effort by the defendant in that case, or any other party, to overturn the decision in that case; and

(3) in the future the Justice Department should exercise its prosecutorial discretion in accord with that decision.

BAUCUS (AND OTHERS)
AMENDMENT NO. 2365

Mr. BAUCUS (for himself, Mr. DORGAN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. 610 (a) Notwithstanding any other provision of this Act, no funds appropriated in title V of this Act under the heading "UNITED STATES INFORMATION AGENCY" under the subheading "BROADCASTING TO CUBA" may be used for any activities relating to the provision of the TV Marti program or otherwise to broadcast TV Marti.

(b) The amount appropriated in title V of this Act the heading "UNITED STATES INFORMATION AGENCY" under the subheading "BROADCASTING TO CUBA" is hereby reduced by an amount equal to the amount otherwise appropriated under such subheading for activities referred to in subsection (a).

MACK (AND DOMENICI)
AMENDMENT NO. 2366

Mr. MACK (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 2365 proposed by Mr. BAUCUS to the bill H.R. 4603, *supra*; as follows:

Strike all after the word "SEC." and insert the following:

(A) FINDINGS.—

(1) There are credible reports that on July 15, 1994, Cuban Government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban Government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban Government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban Government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.

(B) It is the sense of the Senate to—

(1) condemn the Cuban Government for deliberately sinking the "13th of March", causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that

(a) condemns the sinking of the "13th of March";

(b) provides for a full internationally supervised investigation of the incident; and,

(c) urges the Cuban Government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

DOLE (AND OTHERS) AMENDMENT NO. 2367

Mr. DOLE (for himself, Mr. MACK, Mr. GRAHAM, Mr. HATCH, Mr. HOLLINGS, Mr. COVERDELL, Mr. GRASSLEY, Mr. ROBB, Mr. PELL, and Mr. McCAIN) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

At the appropriate place in the bill, insert the following:

(A) FINDINGS.—

(1) There are credible reports that on July 15, 1994 Cuban government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.

(B) It is the Sense of the Senate to—

(1) condemn the Cuban government for deliberately sinking the "13 of March", causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that

(2) condemns the sinking of the "13th of March";

(b) provides for a full internationally supervised investigation of the incident; and,

(c) urges the Cuban government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

DOLE (AND OTHERS) AMENDMENT NO. 2368

Mr. DOLE (for himself, Mr. HATCH, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following: "No funds appropriated under the Act to the Department of Justice shall be used to implement any policy, regulation, guideline, or executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

HATCH (AND OTHERS) AMENDMENT NO. 2369

Mr. HATCH (for himself, Mr. D'AMATO, Mr. DOLE, Mr. SIMPSON, and Mr. THURMOND) proposed an amendment to amendment No. 2368 proposed by Mr. DOLE to the bill H.R. 4603, supra; as follows:

Strike all after the first word and add the following: "No funds appropriated under the Act to the Department of Justice, or any other agency shall be used to implement any policy, regulation, guideline, or executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

LEVIN (AND OTHERS) AMENDMENT NO. 2370

Mr. HOLLINGS (for Mr. LEVIN, FOR HIMSELF, Mr. GLENN, Mr. D'AMATO, Mr. KOHL, Mr. RIEGLE, Mr. WOFFORD, and Mr. LUGAR) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 51, line 9, after the sum "\$500,000" insert: "Provided further, That of the total amount included in this paragraph for the National Marine Fisheries Service, \$450,000 shall be made available for payment to the Great Lakes Fishery Commission within 90 days of enactment of this Act, as part of the United States' match to the increased Canadian contribution pursuant to the Convention on Great Lakes Fisheries. This sum shall not affect other appropriations provided for the Commission under this Act"

DODD AMENDMENT NO. 2371

Mr. HOLLINGS (for Mr. DODD) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 9, strike line 24 and all that follows through page 10, line 5, and insert the following:

COMMUNITY SCHOOLS SUPERVISION GRANTS

For grants to community-based organizations to provide year-round supervised sports programs, and extracurricular and academic programs for children in order to promote the positive character development of such children, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, \$37,000,000, to remain available until expended.

OUNCE OF PREVENTION COUNCIL

For grants by the Ounce of Prevention Council, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, \$3,000,000, to remain available until expended.

HOLLINGS AMENDMENT NO. 2372

Mr. HOLLINGS proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 51 of the bill on line 8 strike the sum "\$2,200,000" and insert the sum "\$2,000,000".

PRESSLER (AND OTHERS) AMENDMENT NO. 2373

Mr. DOMENICI (for Mr. PRESSLER, for himself, Mr. HELMS, Mr. BROWN, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, insert the following new section:

PAYMENTS-IN-KIND AS ASSESSED CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States assessed contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

PRESSLER AMENDMENT NO. 2374

Mr. DOMENICI (for Mr. PRESSLER) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 103, after line 23, insert the following new section:

SEC. 507. (a) No later than March 1, 1995, the Secretary of State shall submit to the appropriate congressional committees a report describing the technical cooperation activities of the International Atomic Energy Agency with countries on the list of terrorist countries.

(b) As used in this section—

(1) the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the

Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives; and

(2) the term "list of terrorist countries" means the list of countries the governments of which have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

CRAIG (AND DECONCINI) AMENDMENT NO. 2375

Mr. DOMENICI (for Mr. CRAIG, for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following:

SEC. . No funds appropriated herein, or by any other Act, shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to deny or refuse entry into the United States of any goods on the U.S. Munitions List manufactured or produced in the People's Republic of China, for which authority had been granted to import into the United States, on or before May 26, 1994, and which were, on or before May 26, 1994, in a bonded warehouse or foreign trade zone, in port, or as determined by the United States on a case-by-case basis, in transit.

BROWN (AND OTHERS) AMENDMENT NO. 2376

Mr. DOMENICI (for Mr. BROWN, for himself, Mr. SIMON, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . HIGH-LEVEL VISITS FOR TAIWAN.

Section 2(b) of the Taiwan Relations Act (22 U.S.C. 3301(b)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ";" and"; and

(3) by adding at the end the following new paragraph:

(7) to establish regular, cabinet-level contacts with Taiwan through exchanges of visits between cabinet-level officials of Taiwan and the United States.

BROWN (AND D'AMATO) AMENDMENT NO. 2377

Mr. DOMENICI (for Mr. BROWN, for himself, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

"Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

"(1) in clause (i)(II) by inserting 'or' at the end;

"(2) by adding after the clause (i)(II) the following:

""(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity; and

"(3) by adding after clause (iii) the following:

"(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Secretary of State, in consultation with the Attorney General.'".

**BROWN (AND HEFLIN)
AMENDMENT NO. 2378**

Mr. DOMENICI (for Mr. BROWN, for himself, and Mr. HEFLIN) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) **CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.**—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

HUTCHISON AMENDMENT NO. 2379

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

On page 36, between lines 18 and 19, insert the following new section:

SEC. 112. It is the sense of the Senate that—

(1) any alien who is being deported upon release from imprisonment for committing an offense which is an aggravated felony, as defined under immigration laws, should be escorted out of the United States by a federal law enforcement official or employee of the Service; and

(2) the Attorney General must take adequate safeguards and determine that there is no threat to the public health and safety in deporting any alien described in paragraph (1) where the Attorney General knows or has reason to know that the alien has a communicable disease of public health significance (as determined by the Secretary of Health and Human Services).

**HOLLINGS (AND DOMENICI)
AMENDMENT NO. 2380**

Mr. HOLLINGS (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

On page 24, on line 4, strike the sum "\$2,210,511,000" and insert "\$2,230,511,000";

On page 28, on line 18, strike the sum "\$2,354,104,000" and insert "\$2,400,104,000";

On page 69, on line 7, strike the sum "\$2,399,318,000" and insert "\$2,409,318,000";

On page 76, on line 10, strike the sum "\$120,000,000" and insert "\$138,000,000".

**BROWN (AND HEFLIN)
AMENDMENT NO. 2381**

Mr. HOLLINGS (for Mr. BROWN, for himself, and Mr. HEFLIN) proposed an amendment to the bill H.R. 4603, *supra*; as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) **CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.**—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

NOTICES OF HEARINGS

CHANGE IN HEARING SCHEDULE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce two changes to a previously announced hearing to be held by the Subcommittee on Public Lands, National Parks and Forests on August 4, 1994, beginning at 9:30 a.m. The subcommittee will not receive testimony on S. 1250, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado.

H.R. 2620, an act to authorize the Secretary of the Interior to acquire

certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, and for other purposes, has been added to the hearing schedule.

For further information regarding the hearing, please contact Kira Finkler of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 22, beginning at 10 a.m. to conduct a hearing on the nominations of Janet Yellen, to be a member of the Board of Governors of the Federal Reserve System and Julie Belaga, to be a member of the Board of Directors of the Export-Import Bank of the United States.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HOLLINGS. 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., July 22, 1994, to consider pending calendar business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 22, at 9:30 a.m. to hold nomination hearings on Robert Pastor to be Ambassador to Panama and Curtis Kamman to be Ambassador to Bolivia.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Committee be authorized to meet for a hearing on Dual Standard: Health Insurance for American and Foreign Employees of Multinational Corporations, during the session of the Senate on July 22, 1994, at 10 a.m.

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

SUBCOMMITTEE ON DISABILITY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Disability Subcommittee be authorized to meet for a hearing on S. 2140, the Access to Medical Treatment Act, during the session of the Senate on July 22, 1994, at 9:00 a.m.

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

ADDITIONAL STATEMENTS

SUPER-IRA—S. 2301

• **Mr. MCCONNELL.** Mr. President, I rise today to address a situation facing this Nation that is particularly troubling. I am talking about America's lack of individual savings. The United States, with a 4-percent rate of savings, falls far behind all other developed countries, and as a result, this Nation faces a capital shortage and a declining savings rate. I strongly support S. 2103, the Roth super-IRA, as a means of boosting individual savings needed to secure the long-term economic health of this nation.

Mr. President, this legislation encourages investment by creating universal access to individual retirement accounts. This bill also allows individuals to take a tax deduction on their contribution, or to contribute to a back-loaded IRA. Under this back-loaded arrangement, contributions would not be deductible, but earnings would be allowed to grow tax-free. In addition, this legislation permits an individual to make penalty-free withdrawals when used to cover expenses associated with funding higher education, placing a down payment on a first home, and coping with long periods of unemployment.

Mr. President, we are rapidly approaching a time when problems associated with savings shortfalls will come home to roost. As our population ages, they will begin to dip into their retirement savings and frankly, Mr. President, there is nothing there.

In the year 2000, 35 million people in this country will be age 65 or older. By the year 2030 that number will nearly double increasing to 65 million. This will put an even greater burden on Social Security and other retirement programs including Medicare. The Social Security Administration estimates that the current surplus will be exhausted by 2013.

This Nation's low level of savings is not entirely the fault of Americans who fail to save, but the fault of the Tax Code that discriminates against savings. Already, individuals must pay tax on their income when it is earned. If an individual saves any amount, the earnings gained are also taxed. Therefore, taxpayers already facing higher tax bills are encouraged to spend rather than save. This, Mr. President, is poor public policy which hurts our long-term economic potential.

Prior to the Tax Reform Act of 1986, similar legislation was in place that created an incentive to save through an IRA. Leading up to the 1986 tax reform, individual savings grew steadily. In 1985, 1 in 5 families contributed to individual retirement account compared to the 1 in 20 that contributes today. Between 1981 and 1985, the national savings grew from \$3.4 to \$16.2

million, and according to David Wise, a Harvard economist, half of that money was from new savings. Since the elimination of universal access in 1986, savings has steadily declined.

Mr. President, I am an avid proponent of boosting individual savings, especially when applied to meeting the needs of higher education costs. Earlier this year, I introduced S. 1787, the Higher Education Trust Fund Savings Act. My legislation would allow individuals to contribute to a back-loaded State-sponsored education savings plan that would be expressly used for meeting higher education costs.

Mr. President, fewer and fewer parents can afford to write out a check to cover the rising costs of education. In fact, I had to take a second mortgage on my home to cover my two daughters' college expenses. Mr. President, with college tuition costs continuing to grow at 8 percent annually, more and more students will be forced to burden themselves with thousands of dollars in loans or simply forego a college education.

Recently, the National Association of State Treasurers held their annual meeting and a resolution was passed supporting my bill S. 1787. I value this endorsement since State treasurers are the administrators of these savings programs and are on the front lines of higher education funding.

Like the super-IRA bill, S. 1787 encourages savings and investment in our nation's most important resource, education, through the vehicle of tax reform. Mr. President, I encourage my colleagues, who share my concerns regarding access to higher education, to cosponsor this legislation so we can ensure an educational future for our children and grandchildren.

Mr. President, in closing, I urge my colleagues to add their names to Roth super-IRA proposal. This legislation will help strengthen this Nation's economic outlook, and will help families provide for their own future.●

FACES OF THE HEALTH CARE CRISIS

• **Mr. RIEGLE.** Mr. President, I rise once again in my effort to put a face on the health care crisis in our country. Today, I would like to share the story of Carol Chapman of Rogers City, MI. Carol testified at a Senate Special Committee on Aging hearing that I held in Lansing, MI, last May.

Carol is 63 years old and has Grave's disease, a life-threatening disorder in which the body's immune system attacks the thyroid. She is facing this rapidly advancing illness without medical insurance coverage.

In January 1993, Carol was not feeling well, and went to see her family doctor. Although her physician found that Carol had arthritis and some problems with her thyroid, she did not suggest any treatment.

July 22, 1994

Four months later, Carol was experiencing chronic diarrhea, nausea, rapid heart rate, and felt weak and shaky. She had lost 30 pounds and was beginning to lose muscle strength in her arms and legs. She could no longer work at her job as an in-home care provider for an elderly woman. Carol returned to her physician, who ran tests and found that she had a hyper-thyroid goiter problem. An operation for the condition was ruled out by a surgeon, who referred her then to a specialist in thyroid problems. He diagnosed Carol as having Grave's disease. He prescribed a course of treatment that included taking seven types of medications daily. Her condition also requires regular office visits for medical monitoring.

In September 1993, the Grave's disease began to affect Carol's eyesight. She experienced double vision, light sensitivity, and constant irritation in her eyes. The following January, Carol began to experience extreme pain in her right eye. Specialists found that she had excessive pressure on the optic nerve which required expensive surgery. Because of Carol's low income level, the \$4,300 cost for the procedure was paid by the State of Michigan. Although her field of vision has improved somewhat, Carol's sight is so deteriorated that she can no longer drive her car.

Carol desperately wants to be independent once again. She wants to be able to drive, and to work in order to support herself. But at this point Carol needs a talking clock, a large-numbered phone, and a large faced watch, all of which her family and friends have provided. She relies totally on them for transportation, shopping and doctors visits.

Understandably, Carol's biggest fears are that she will need to go back into the hospital and that she will lose her sight completely. Her physicians are monitoring her thyroid and are now considering surgery.

Because she does not have health insurance, Carol's disease has placed her in an extremely poor financial situation. She lives on the \$589 a month she has received from Social Security since her former husband died, and also receives \$30 per month in food stamps. But Carol must pay \$138, or one quarter of her small income, for prescription drugs and payments on her medical debts, which now total over \$3,100. She has an equal amount of credit card debt built up from the cost of transportation and lodging during her visits to physicians in Ann Arbor and Alpena. Every doctor's visit adds another \$100 to \$200 to her overall medical debt, plus expenses for the trip.

Carol has not always been without health insurance. While married, she was covered by her husband's policy, but she lost that coverage when they divorced. After that Carol moved to

Florida to be near her ill mother, and her father. There, she worked as a bookkeeper and her employer provided her with comprehensive health care coverage.

But when Carol returned to Michigan in 1990, after her parents died, she was unable to find work in her field. So she took what part-time jobs she could find as a caregiver to the elderly, most of which paid minimum wage and none of which provided health benefits. Her last job, as a private home health aide, paid \$140 a week and she held this job until April of last year, when she became too ill to continue.

While working as a caregiver, Carol looked into buying private health insurance coverage. But her various pre-existing conditions meant that the premiums were not affordable. The best rate she was offered was set at \$272 a month, nearly three-quarters of her monthly wages at the time.

At age 63, Carol is not old enough to be covered by Medicare, and she has been denied Medicaid because she is not yet totally disabled.

Mr. President, no one should face financial ruin because they suffer from a disabling disease. Carol Chapman has raised three children, cared for her parents, and supported herself throughout her adult life. Yet she is now burdened with growing medical debts as well as the fear of how she will take care of herself should her condition worsen. Americans like Carol should have access to affordable health insurance coverage. Mr. President, I will work with my colleagues in the Senate to pass health care reform legislation that guarantees all Americans affordable, comprehensive insurance coverage. •

CHARLES W. COLSON ARTICLE ON PUTTING NONVIOLENT CRIMINALS TO WORK

- Mr. SIMON. Mr. President, the Washington Post recently carried an article by Charles Colson, who once was on President Nixon's staff and spent some time in prison, and since that time has been doing very constructive work heading a group called, Prison Fellowship.

His article in the Washington Post had a title I don't like, "Let's Get Soft On Criminals!" but it is designed as an attention-getter, and what he is really saying is, "Let's get smart about how we deal with criminals."

The reality is that we in politics, to much too great an extent, are demagoguing on this issue because it is so easy to pander to public opinion rather than to lead public opinion to come up with responsible answers.

I ask to insert the Charles Colson article into the RECORD at this point, and I urge my colleagues to read it.

The article follows:

[From the Washington Post, July 17, 1994]

LET'S GET SOFT ON CRIMINALS!—PUT THE

NONVIOLENT TO WORK

(By Charles W. Colson)

I was once federal prisoner 23226: a resident of Dormitory G at the Maxwell Federal Prison Camp in Alabama. I was surrounded by 45 criminals—I should say other criminals—a collection of human beings as pathetic and forlorn as I've encountered anywhere.

To be sure, the camp contained a handful of stereotypical thugs: burly, tattooed men who had committed violent crimes. But most were like Cecil, a white-haired, Kentucky mountaineer who could not write and could scarcely read. Cecil's chosen occupation was making whiskey. It was an altogether honorable profession in his part of the country, but the revenuers took a different view of it. And so Cecil was quietly doing his time, as had several of his friends and an older brother before him.

Then there was Pete. He was doing his third stint for passing bad checks and other penny-ante scams. Pete was a pudgy-faced fellow with a wonderful laugh. He pursued his illicit profession apparently out of sheer enjoyment. "I can't help myself," he told me. "It's so easy—and fun." After my release I kept in touch with Pete for a while; like a compulsive gambler, he kept returning to prison.

One of the brighter personalities I met was Jerry, a handsome young man who had been raised by his mother and a succession of her male companions. Jerry managed to land a scholarship to a state junior college, where he was caught transporting \$30,000 worth of drugs. A first offense, it got him three years. Jerry was typical of many young men behind bars: not smart enough to be a successful crook, not bold enough to do any big-time stuff and not rich enough to snare a good lawyer to get him off the hook.

None of the boys of Dormitory G would have committed a violent crime. Night after night, I listened as they replayed their cases, fervently protesting their innocence. Many received Dear John letters from wives or girlfriends. They lost touch with their children. Those who had careers saw their life's work slip through their fingers. And over time they grew bitter. Many talked about getting even with "the system" when they got out, or outsmarting it the next time around.

I served my sentence nearly 20 years ago, but today's prisons are still filled with the same kind of low-level criminals I knew. The dirty little secret of the American prison system is that two out of three prison inmates are sentenced for nonviolent offenses. The cost of their incarceration is high. Taxpayers shell out an average of \$20,000 per year per inmate in State prisons, roughly \$30,000 in the more modern and humane Federal prisons.

Looking around at my prison mates, I wondered at the time why our system fails to distinguish between the hardened, dangerous criminal and the nonviolent offenders I was rubbing shoulders with. Yes, society must punish lawbreakers: justice requires it. But is prison really the most effective way to punish nonviolent offenders who pose no direct threat to the community? Many states have strictly supervised, successful, community-based programs where offenders can work, support their families and compensate their victims. Why can't many more?

In prison I manned the laundry alongside a man named Doc Crenshaw. Doc had been an eminently successful obstetrician, a former chairman of the American Medical Association. A cultured man in his late fifties, his

big mistake was to serve on the board of a bank that misused depositors' funds. The entire board went down. Behind bars, Doc repeatedly begged to be allowed to work in the local hospitals, which suffered from a shortage of obstetricians. He was told to shut up and do his time. So taxpayers footed the bill for a trained obstetrician to spend two years folding undershorts.

Doc Crenshaw is the quintessential example of an offender who should have been sentenced to community service. Alternatives to prison save money and reserve prison space for truly dangerous offenders. They also serve a powerful redemptive function. My group, Prison Fellowship, runs scores of community service projects that put non-violent prisoners to work with hammer and nails, renovating houses for poor families. I've talked with hundreds of inmate patients who say they feel good about the chance to help others, to contribute in a positive way to society, instead of sulking in a cell like the men I knew in Dormitory G.

Sensible as these policies may sound, they are not likely to strike a chord in today's climate of panic over crime. In response to the public's fear of crime, politicians are doing what politicians always do: talking tough and proposing tough new laws. Therefore we have the budget-busting, billion-dollar omnibus crime bill.

In a perverse way this bill may compound our current prison problem, producing a lot more places like Dormitory G. While some funds are earmarked for alternative forms of punishment, the overall thrust is for more police, more prisons, longer sentences. For example, the Senate version expands mandatory minimum sentencing. But mandatory minimums toss people into prison with no regard for individual circumstances. Take the case of Richard Anderson, a 48-year-old longshoreman with no previous record, no evidence of drug use and 24 years of employment. In return for \$5 in gas money, Anderson drove a friend to a fast-food restaurant where the friend sold drugs to a DEA agent. Under a mandatory sentencing law, the judge had no choice but to give Anderson a 10-year prison sentence with no possibility of parole.

Later, Anderson's sentence was reduced; not all prisoners are as lucky. Even the chairman of the U.S. Sentencing Commission, Judge William Wilkins, has said mandatory minimums lead to "unfair sentences." Under current Federal law, every year 3,200 first-time offenders are given minimum sentences of five years or longer. Do we really want to increase the number of laws that impose such draconian sentences? If so, we'd better be prepared to build a lot more versions of Dormitory G.

Still, the most dangerous aspect of the proposed crime bill is the brazen Federal takeover of State systems. The bill provides for 10 new regional prisons for violent offenders. That sounds good until you read the fine print. To transfer inmates to the regional prisons, states must first qualify by bringing State sentencing policies in line with Federal practices—precisely the kind that put people away 10 years for a \$5 offense.

Today the Federal system holds a much higher percentage of nonviolent offenders than do the states. But under the new system, the feds will require states to follow suit, filling their already glutted prisons with Cecils, Jerrys and Docs. A study conducted for the National Legal Aid and Defender Association found that the new regional prisons will absorb an average of 375 prisoners from each State—but the State

will have to add 12,000 new prisoners to its own system. The upshot is that for every \$1 of Federal help, states will have to shell out \$30. Not much of a bargain.

Since serving my own sentence, I have worked in prisons for 20 years, visiting 600 prisons in 35 countries, and I have discovered that the old strategies for getting tough on crime don't do the job, no matter how politically attractive they may be. For far less money, we could create tough, supervised community work programs for nonviolent offenders—programs with teeth, holding offenders accountable and requiring them to pay compensation to their victims. As for the real predators in our communities, we'd then have the prison space to keep them locked up for a good long time.

Take it from Prisoner 23226. If the House and Senate conferees want to break their deadlock and produce an effective crime bill, they should talk with the boys in Dormitory G. •

ORDERS FOR MONDAY, JULY 25, 1994

Mr. HOLLINGS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Monday, July 25, that following the Prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator JEFFORDS recognized to speak for up to 30 minutes; that at 10 a.m., the Senate proceed to the consideration of Calendar No. 498, H.R. 4602, the Department of the Interior appropriations bill, and at 1 p.m., Monday, the Senate vote on a motion to instruct the Sergeant-At-Arms to request the presence of absent Senators.

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

Mr. HOLLINGS. Mr. President, I now ask that it be in order to request the yeas and nays on the motion to instruct.

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

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I thank the Chair and the staff and the distinguished President pro tempore of our Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from South Carolina [Mr. HOLLINGS].

PROGRAM

Mr. MITCHELL. Mr. President, the Senate will return to session at 9:30 a.m. on Monday to begin consideration

of the Interior appropriations bill. There will be a procedural vote at noon on Monday. I repeat. There will be a rollcall vote at noon on Monday.

Mr. President, I have just been advised that at noon on Monday, a number of Senators will be participating in an important ceremony involving the visit to the United States of the Prime Minister of Israel and the King of Jordan and, therefore, after consultation with the chairman, I have concluded that the vote on Monday will occur at 1 p.m. as opposed to noon.

I repeat, the Monday vote will occur at 1 p.m. That will be the next vote, and that will allow Senators who wish to do so to participate in the welcoming ceremony to the Prime Minister of Israel and the King of Jordan.

HAPPY 104TH BIRTHDAY, MRS. ROSE KENNEDY

Mr. BYRD. Mr. President, in the annals of our country, few families can lay claim to such a record of distinguished public service as can the Kennedys of Massachusetts.

During just my own career, I have been privileged to serve here in the United States Senate with John F. Kennedy, Robert F. Kennedy, and our distinguished colleague, the senior Senator from Massachusetts, the Honorable EDWARD M. KENNEDY.

Currently serving in the House of Representatives is Representative JOSEPH P. KENNEDY II, the son of the late Senator Robert F. Kennedy.

And in other public positions, younger members of the Kennedy family have followed the path of public service and public leadership.

I remind our colleagues of this well-known record as a preface to extending my own greetings to the lady who, on the occasion of her 104th birthday today, Friday, July 22, stands as the matriarch of this incomparable family of patriots and public servants, Mrs. Joseph P. Kennedy, known with the deepest affection to millions upon millions of Americans and other people around the world simply as "Rose."

Mr. President, I know of no other woman in American history who can lay claim to having been the mother of three men who reached the United States Senate and one son who served as President of the United States.

If for no other reason, that would merit our attention here as Mrs. Kennedy celebrates her 104th birthday.

But for an added reason, Mrs. Kennedy deserves our attention on the occasion of her birthday.

Just as Mrs. Kennedy deserves the gratitude of our country for the contributions that her sons have made to our national life, just so, Mrs. Kennedy deserves our admiration for the nobility with which she has carried herself as a cruel Fate struck blow after blow after blow against her in the loss of her

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sons in service to our national life, including her oldest son, Joe, who lost his life in military service during World War II.

The loss of one such son—cut down in his prime and at the moment of such unexcelled promise—might be sufficient to push one beyond the limits of endurance. But Rose Kennedy lost three sons.

The benediction of these covering heavens Fall on their heads like dew! for they are worthy To inlay heaven with stars.

Rose Kennedy is a woman of deep and genuine religious faith—a woman whose vision stretches beyond temporality into eternity. Buoyed by that faith, Rose Kennedy bore her grief and her losses with a hope touched by the Love of God and blessed by a Comforting Spirit.

Was never mother had so dear a loss!

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Alas, you three, on me, threefold distress'd,
Pour all your tears! I am your sorrow's
nurse,

And I will pamper it with lamentations.

Mr. President, with her strong faith, against all odds, Rose Kennedy prevailed and shared her victory with her fellow countrymen and women to the point of inspiration.

Mr. President, with fascination, we oftentimes study the biographies and careers of the great men and women who peopled the histories of other mighty nations and past empires. Usu-

ally these biographies feature the lives of renowned personages—Alexander the Great, Julius Caesar, Queen Elizabeth I of England, Louis XIV of France, George Washington, and Abraham Lincoln, to name but a few.

But in the history of every nation are men and women who have made their contributions to their countries with perhaps less fame—those men and women who, through their own faithfulness, character, resolve, and courage, have helped to forge the character of those whom they loved—their mates, their offspring, or their friends—thereby leaving their own imprint on history.

Certainly, Rose Kennedy is one of these—those known best to those whom they have loved most dearly, but who, at the same time, is admired by others who understand the contributions that her steadfastness has meant to those nearest to her.

So, on this special day for Rose Kennedy, I know that I speak for our colleagues who are proud to serve with her illustrious son whom we know as TED KENNEDY, and I know I speak for Mrs. Kennedy's admirers and well-wishers everywhere in saying, "Happy Birthday, Happy Birthday, Happy Birthday Mrs. Rose Kennedy."

RECESS UNTIL MONDAY, JULY 25, 1994, AT 9:30 A.M.

Mr. BYRD. Mr. President, at the request of the distinguished majority

leader, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9:30 a.m. on Monday next.

The motion was agreed to, and at 8:47 p.m., the Senate recessed until Monday, July 25, 1994, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 22, 1994:

THE JUDICIARY

FREDERIC BLOCK, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE EUGENE H. NICKERSON, RETIRED.

JOHN GLEESON, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE JACK B. WEINSTEIN, RETIRED.

ALLYNE R. ROSS, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE LEO GLASSER, RETIRED.

DEPARTMENT OF JUSTICE

EDWARD JOSEPH KELLY, JR., OF NEW YORK, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS, VICE FRANCIS K. PEO.

ROBERT MOORE, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS, VICE JAMES L. FYKE.

DEPARTMENT OF DEFENSE

JOSEPH NYE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE GRAHAM T. ALLISON, JR.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION.)

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION.)