

SENATE—Thursday, June 16, 1994

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9:30 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:

Submitting yourselves one to another in the fear of God.—Ephesians 5:21.

Gracious Father in Heaven, this exhortation by the apostle Paul is addressed to families and is the key to social order. Often it is the family which suffers most when father or mother are involved in leadership in public life. Tragically, the family and the home are at the bottom of priorities, and responsibilities, schedules, and involvement in life beyond the family take precedence.

Living Father, deliver Your servants, Senators and staffs, from this tendency which is so destructive of social order in general. Grant husbands and wives grace to give each other priority, parents and children to take family responsibility as a matter of first importance.

Give us grace, patient God, to submit ourselves, one to another—spouse to spouse, child to child, child to parent, parent to child.

In His name who is the Way, the Truth, and the Life, 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, June 16, 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.

EXECUTIVE SESSION

DEPARTMENT OF COMMERCE

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now go into executive session to consider the nomination of Lauri Fitz-Pegado, of Maryland, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service, which the clerk will report.

The assistant legislative clerk read as follows:

Nomination, Department of Commerce, Lauri Fitz-Pegado, of Maryland, to be Assistant Secretary.

SCHEDULE

Mr. MITCHELL. Mr. President, pursuant to an order which is printed on the inside cover page of the Executive Calendar for today, the Senate will now debate for 2 hours the nomination of Lauri Fitz-Pegado to be Assistant Secretary of Commerce. At 11:30 this morning, the Senate will vote on a motion to recommit that nomination.

Following that vote, the Senate will resume consideration of the airport improvements bill.

I have previously stated earlier in the week on several occasions, and I repeat today, that the Senate will remain in session this week until we complete action on three matters:

First, the nomination of Lauri Fitz-Pegado, which I now anticipate will be completed prior to noon today.

Second, the airport improvements bill and all amendments thereto.

Third, the legislative appropriations bill.

I believe we can complete action on those measures this evening. However, if we have not completed action on those measures by this evening, we will remain in session late tonight, all day tomorrow and all day Saturday, if necessary, to complete action on those measures.

Senators, therefore, should be aware, in making and adjusting their schedules, of the Senate actions in this regard.

Let me repeat that so there can be no misunderstanding. We will remain in session until such time as we complete action on the three matters listed—the nomination of Lauri Fitz-Pegado, the airport improvements bill, and the legislative appropriations bill.

Mr. President, I note the presence of the distinguished chairman of the Com-

merce Committee and the distinguished Senator from North Carolina here for the nomination.

I, therefore, yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, this particular nomination was referred, in the first instance, to the Banking Committee, on which the distinguished Senator from North Carolina is a member, and also to the Commerce Committee. I wanted to say just a word on behalf of the Committee on Commerce at this particular time, in that momentarily a hearing scheduled for the distinguished Special Trade Representative on the GATT agreement, Ambassador Mickey Kantor, will be coming up. We have all been waiting to fit into his particular schedule. I have to chair that hearing.

This morning, the Senate is taking up the nomination of Lauri Fitz-Pegado to serve as Director General of the United States and Foreign Commercial Service.

Ms. Fitz-Pegado's nomination was submitted to the Senate on September 22, 1993, and was jointly referred to the Commerce and Banking Committees. The Banking Committee held a hearing and reported the nomination on October 19, 1993, and the Commerce Committee held a hearing on February 10, 1994 and reported the nomination on May 17, 1994.

Ms. Fitz-Pegado received an M.A. from the Johns Hopkins School of Advanced International Studies, and graduated Phi Beta Kappa from Vassar College in 1977. From 1977 to 1982, she served as a Foreign Service officer and in other capacities with the USIA. Subsequent to that Government service, she worked in a public affairs capacity at Hill & Knowlton—formerly Gray & Co.

It is that service at Hill & Knowlton which has generated some controversy, and about which I have asked the nominee some hard questions. As a member of the Hill & Knowlton team working for Citizens for a Free Kuwait, Ms. Fitz-Pegado helped to promote the story that Iraqi soldiers had ripped countless babies from their incubators and thrown them on the cold floor to die. We now know that this organization was funded almost exclusively by the Kuwaiti Government.

There have been varying discussions as to the accuracy of this report. Ms. Fitz-Pegado asserts that she had no reason to doubt the veracity of this

story told to her by the daughter of the Kuwaiti Ambassador to the United States. However, there was no public disclosure that the witness sent by Hill & Knowlton to testify before the human rights caucus, chaired by Congressman TOM LANTOS, was in fact the daughter of the Kuwaiti Ambassador to the United States. Ms. Fitz-Pegado has indicated that Chairman LANTOS was aware of the witness' identity, and for safety reasons decided not to make disclosure of that information.

Additionally, an issue has been raised as to whether Ms. Fitz-Pegado's nomination presents a conflict of interest with respect to her husband's employment.

The general counsels of the Department of Commerce and the Office of Government Ethics have both reviewed this matter and do not find the conflict arising from her husband's business activities. Under her ethics agreement, Ms. Fitz-Pegado has promised to take certain actions, including disqualifying herself from participation in certain decisions at the Department of Commerce, and to seek specific advance approval from ethics officials at the Department before participating in any matter if her husband should acquire a financial interest or become a consultant or employee of a specific entity.

The U.S. Foreign Commercial Service is charged with promoting exports through his network of domestic and international offices. The Director General of the U.S. and Foreign Commercial Service supervises offices, manages trade fairs and exhibitions, trade missions, overseas trade seminars, and other promotional events. In addition, the U.S. and Foreign Commercial Service promotes U.S. products and services throughout the world and assists State and private sector organizations in finding export financing.

The Director General of the U.S. and Foreign Commercial Service will play an important role in the implementation of the administration's priority in providing export assistance to small- and medium-sized businesses and in the creation of one-stop shopping, so to speak, which will combine the export services of a number of Government entities so as to provide more expeditious services to businesses.

I have decided to support the nomination of Ms. Fitz-Pegado and encourage her to work aggressively to represent the United States well overseas. Though I have had some questions about the nominee, I believe that it is time that the Senate vote on the nomination and get in place a nominee to assist Secretary Brown and the administration in these important efforts.

I am sorry, on behalf of our Commerce Committee, that it is a matter of ordering priorities this morning. This is a high priority, and that is why I am first here on the Fitz-Pegado nomination. We have another high pri-

ority in this hearing that we have members of the committee who have been waiting for the distinguished special trade representative which we have momentarily at the time here scheduled.

So I thank the indulgence of my colleague from North Carolina. It will be his motion, as I understand, to recommend to the Banking Committee and not to Commerce. I take it, then, that it will be an issue with the distinguished Senator from North Carolina, members of the Banking Committee, of course, and all Senators to consider his particular position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS] yields the floor.

The Chair recognizes the Senator from North Carolina to make a motion to recommit.

The Senator from North Carolina [Mr. FAIRCLOTH].

MOTION TO RECOMMIT

Mr. FAIRCLOTH. Mr. President, I move that the nomination of Lauri Fitz-Pegado be recommitted to the Committee on Banking, Housing, and Urban Affairs.

The ACTING PRESIDENT pro tempore. There will be 2 hours of debate on this motion.

The Senator from North Carolina [Mr. FAIRCLOTH].

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, the business before the Senate is the nomination of Lauri Fitz-Pegado to be Assistant Secretary and Director General of the U.S. Foreign and Commercial Service in the Department of Commerce. That nomination should be recommitted to the Banking Committee.

Mr. President, Lauri Fitz-Pegado has coached perjured testimony before Congress. She has served as a lobbyist for the Communist Government in Angola. She worked for the murderous Duvalier regime in Haiti, a regime which has left us with the tragic legacy we are attempting to deal with today.

Mr. President, this is just the tip of the iceberg. She has done much more. She has been a hired gun for disreputable foreign interests. She has deliberately attempted to mislead Senators about her past.

In short, Lauri Fitz-Pegado has disqualified herself from service in the position to which she has been nominated.

None of these facts and allegations were disclosed either to Chairman DON RIEGLE, or ranking Republican ALFONSE D'AMATO, or to the other members of the Banking Committee when her nomination was voted on there.

I have since made the Banking Committee aware of these concerns, and Senator D'AMATO has supported my call for the Fitz-Pegado nomination to

be returned to the committee. Senator RIEGLE had agreed to confer with me on the matter. It is unfortunate that the Senate is considering this nomination before that process has taken place.

Mr. President, the irony of this nomination is that it troubles most Members of the Senate, and yet at the same time most Members of the Senate don't want to touch it.

Many of my Democrat colleagues privately tell me that they believe that Lauri Fitz-Pegado is an embarrassment. They are appalled by her past actions, particularly her role in the propaganda war leading up to Operation Desert Storm. Yet, they feel constrained by party loyalty to ignore all of that.

My Republican colleagues also have no particular use for Lauri Fitz-Pegado. But they, too, feel constrained. Some are afraid that exposing Lauri Fitz-Pegado will reflect badly on the Bush administration, on the Kuwaitis, or others. Some are uncomfortable with the liberal human rights groups and journalists who have also been questioning the Lauri Fitz-Pegado nomination.

Well Mr. President, let me tell you that it has been a pleasure for me to work with honest liberals, people who have a sense of right and wrong, and who have the courage of their convictions. I may not agree with them on everything, or even most things. But it is refreshing to deal with people who profess a set of beliefs, and then don't immediately start explaining why they can't do what it is they say they believe.

But, Mr. President, I'm not going to make any apologies for the truth. If the truth embarrasses anyone—regardless of party—there is nothing I can do about that. My working with liberal human rights groups and journalists ought to serve as an example of how honest people of different political views can agree to question disreputable nominees like Lauri Fitz-Pegado.

Mr. President, I have no desire to needlessly damage the reputation of individuals or of Government agencies. There are elements of Lauri Fitz-Pegado's past which, if discussed on the Senate floor, might unintentionally harm those involved in legitimate national security operations.

Also, a fuller disclosure at this time of her husband's role at the London office of the Angolan State Oil Co.—the oil company owned by the Communist Government of Angola—and of the circumstances surrounding the theft of some \$60 million there, might harm good people who were simply at the wrong place at the wrong time.

The place to discuss those matters is in committee. If Members are interested in arriving at the truth, then

they will vote for the motion to recommit this nominee to the Banking Committee. If they are puzzled by these references, then perhaps they don't know as much about Lauri Fitz-Pegado as they might think.

So, Mr. President, today I will talk about only one of the reasons why her nomination should be returned to the Banking Committee for investigation. When the Senate is aware of this and other facts, it will know what many already know; America can do better than Lauri Fitz-Pegado. In fact, it could hardly do worse.

A reason—which by itself should be sufficient to reject the nomination of Lauri Fitz-Pegado—was her role in orchestrating perjury before Congress and the U.N. Security Council as the representative of "Citizens for a Free Kuwait."

In 1990, after the Iraqi invasion of their country, the Kuwaiti Government in exile formed "Citizens for a Free Kuwait." They hired the lobbying firm of Hill & Knowlton to attempt to influence public opinion in the United States toward entering the conflict. Lauri Fitz-Pegado was in charge of the effort.

Her strategy was to use alleged witnesses to atrocities to tell stories of human rights violations in occupied Kuwait. Using their testimony live and on video news releases, she orchestrated what has come to be known as "the baby incubator fraud."

She first coached a 15-year-old Kuwait girl, identified only at the time as "Nayira," to testify before Congress that she had seen Iraqi soldiers remove Kuwaiti babies from hospital respirators.

Nayira claimed to be a Kuwaiti refugee who had been working as a volunteer in a Kuwaiti hospital throughout the first few weeks of the Iraqi occupation. She said that she had seen them take babies out of incubators, take the incubators, and then leave the babies "on the cold floor to die."

Nayira's emotional testimony riveted human rights organizations, the news media, and the Nation. That incident was cited by six Members of the Senate as reason to go to war with Iraq.

However, it was later discovered that the girl—who had only been identified as an escapee from occupied Kuwait—was in fact the daughter of the Kuwaiti Ambassador to the United States. It also turned out that Lauri Fitz-Pegado had concealed Nayira's real identity.

Apologists for Lauri Fitz-Pegado say that she did not hide Nayira's real identity, because she had told Congressman TOM LANTOS who Nayira was. But what they do not tell you is that Congressman LANTOS' Congressional Human Rights Foundation received rent-free office space from Lauri Fitz-Pegado's firm, Hill & Knowlton. Their telephones were answered by the Hill & Knowlton switchboard, and Citizens for

a Free Kuwait made a \$50,000 donation to the foundation after the invasion.

Instead of apologizing for Lauri Fitz-Pegado, we should be investigating those ties.

Since then, every reputable human rights organization and journalist has concluded that the baby incubator story was an outright fabrication. Terrible things were done by the Iraqis, but Nayira never saw what she said she saw.

Recently, Mr. President, an article appeared in Roll Call magazine which challenged that assertion. Well Andrew Whitley of the Human Rights Watch agreed with my position on CBS television.

Further, after that Roll Call article appeared last week, the international human rights group, Amnesty International responded. Amnesty International, which I believe not too many years ago won the Nobel Peace Prize—and which is generally not considered to be a tool of the radical right—said that article was a distortion of their position. Roll Call has not printed Amnesty International's letter.

Mr. President, I ask unanimous consent that the entire text of Amnesty International's rebuttal to the Roll Call article be printed in the RECORD at this point.

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

AMNESTY INTERNATIONAL USA,
New York, NY, June 10, 1994.

To The EDITOR,
Roll Call: The Newspaper of Capitol Hill, Washington, DC.

To THE EDITOR: Re: "Pennsylvania Avenue" by Morton M. Kondracke (Roll Call, Thursday June 9, 1994). Amnesty International would like to once and for all clarify its findings concerning the organizations December 1990 report, Iraq/Kuwait: Human Rights Violations Since August 2, which contained allegations cited by medical and other sources that large number of babies had died after removal from incubators by or on orders of Iraqis. Mr. Kondracke's statement that "Amnesty International now concedes that some babies did die, but cannot say how many," is a distortion of the organizations update following an investigative mission to Kuwait in early 1991.

After a two-week visit to Kuwait in early 1991, Amnesty International issued an international news release on April 19, 1991, which among other issues updated the baby story. Quoting from page 2 of that news release, Amnesty International said, "However, on the highly publicized issue in the December report of the baby deaths, Amnesty International said that although its team was shown alleged mass graves of babies, it was not established how they had died and the teams found no reliable evidence that Iraqi forces had caused the deaths of babies by removing them or ordering their removal from incubators."

The news release concludes on the last page, page 6, with the following:

"Amnesty International said it rechecked its information in early 1991 after doubt was cast on the credibility of its reports of incubator deaths. Although the number of baby deaths cited in the report was in question,

testimony from several sources appeared at the time to confirm that babies had indeed died on a large scale. 'However, once we were actually in Kuwait and had visited hospitals and cemeteries and spoken to doctors at work, we found that the story did not stand up,' Amnesty International said. The organization says it remains unclear how many babies died in Kuwait during the occupation or how they died. Officials at Al-Rigga cemetery, the main cemetery used for those killed by the Iraqis, maintain that mass graves contain the bodies of about 120 babies buried during August and September. They insist the deaths resulted from removal from incubators, but cite as evidence only vague reports, allegedly from bereaved families. 'Although some medical sources in Kuwait, including a Red Crescent doctor, were still claiming that babies had died in this way, we found no hard evidence to support this. Credible medical opinion in hospitals discounts the allegations,' Amnesty International said."

We hope that this finally captures Amnesty International's position on the "Baby Incubator" allegations.

Sincerely,

ROGER RATHMAN,
National Press Officer.

Mr. FAIRCLOTH. Mr. President, even a study commissioned later by the Kuwaiti Government could not produce a shred of real evidence that the Ambassador's daughter had managed to do a few weeks of volunteer work in occupied Kuwait—in a hospital overrun by bloodthirsty Iraqis.

Again, Fitz-Pegado apologists say otherwise. But tell them that you want Nayira to testify at a formal hearing, on the record, and under oath, and then find out how interested they really are in arriving at the truth.

Mr. President, the perjured Nayira testimony was discovered by John McArthur of Harpers magazine, and later reported by the television news program 60 Minutes. Fitz-Pegado first maintained that she had believed the girl's story, and that she hadn't meant to deceive anyone.

But, Hill & Knowlton later said that they did know about Nayira's family ties, but that Congress—in the person of Congressman LANTOS—wanted the fact withheld.

They were blaming Congress for their part in the cover-up. What's more, they put on a repeat performance in front of the United Nations Security Council on November 27, 1990.

In the testimony before Congress they claimed they couldn't fully identify who the witness was because they wanted to protect her family that was supposedly still trapped in Kuwait. In front of the United Nations, Lauri Fitz-Pegado abandoned that pretense, and instead employed witnesses who testified using false names and occupations.

The most important of these phony witnesses was a man who called himself Dr. Is-ah Ibrahim. With Lauri Fitz-Pegado there in New York, he claimed to have personally buried 40 babies pulled from incubators by the Iraqis.

Dr. Ibrahim told the Security Council that he was a surgeon. But after the

war when the incubator scam was exposed as a total fraud, he admitted to being a dentist who never buried any babies.

After the war, when the baby incubator fraud was exposed, the royal Kuwaiti Government hired the firm of Kroll & Associates to verify that what Nayira said she saw actually happened. The so-called Kroll report was severely criticized by human rights groups. But even that report—paid for by the Kuwaitis—could not verify Nayira's story.

Nonetheless, in an on-the-record interview with John MacArthur of Harpers magazine, Lauri Fitz-Pegado cited the Kroll report as vindication for her actions.

Yet, how did Fitz-Pegado account for the discrepancies that even existed between what the Kroll report said, and what Nayira and Hill & Knowlton had earlier said? How did she account for the lies?

When she was pressed to account for the lies, she said—and I quote—"Oh come on John. Who gives a ———."—and then she used a word that is so foul that I will not repeat it on the Senate floor.

Mr. President, I ask unanimous consent to insert the full text of that interview in the RECORD at this time, as well as a copy of the comments that human rights group Middle East Watch made about the Kroll report.

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

RICK MACARTHUR'S TELEPHONE INTERVIEW WITH LAURIE J. FITZ-PEGADO OF HILL & KNOWLTON, JUNE 26, 1992, HARPER'S MAGAZINE

RM: Hello?

Q: Yes, is this Rick MacArthur?

RM: Yes, how you doing?

Q: Fine, thank you. I wanted to get to you, um, and tell you that I had read the transcript from your overseas, uh, event. And that I really, um, have wanted to say something to you for many months about your portrayal of this event. But I think the last straw for me was your comment at the event where the implication was somehow that I was not the account supervisor on this account. I'd just like to be very clear with you, Rick, I'm a senior vice president here. I've been here for ten years. I am not an account executive, and nor have I been for many, many, many years. I did supervise the account, I did have control over the account. I happen to be a black woman and I can't . . . I consider it rather sexist and racist that you would imply that it was a caddish move on the part of Hill and Knowlton(?) to put me on television. I pick my responsibility . . . (Laughs) . . . bilities very, very seriously. And I am not a pawn that has been put out by Hill and Knowlton to take the heat, uh, when indeed, I will take complete and total responsibility and take much pride on everything that Hill and Knowlton did on behalf of Citizens for a Free Kuwait. I don't work in the kitchen, I am not a clean-up woman. And I want to make very clear to you that your comments to me are sexist and racist.

RM: Okay.

Q: All right? So I (Overlap) . . .

RM: . . . but now . . .

Q: . . . set the . . . set the record straight.
RM: Okay, but now . . . now let's have a real conversation.

Q: Well, that was a real conversation.

RM: No, no, no, no, no, no. Before you . . . before you get upset or more upset, why don't we go off the record and have a serious conversation. Do you want to have a serious conversation about what happened?

Q: It depends upon what you want to talk about.

RM: Do you want to go off the record, or do you want to stay on the record? What do you want to do?

Q: I don't . . . I don't . . .

RM: You tell me. I . . .

Q: . . . I don't have very much to say to you.

RM: . . . everybody . . . everybody . . .

Q: You talked to everybody, you've written your book, you've made your speeches. So you are convinced that you know what happened (Overlap) . . .

RM: No, no, no, no, no. I need to know . . . I need . . .

Q: You have never bothered to call me.

RM: There's some specific discrepancies that we need to talk about and some internal politics that we need to talk about which might be very helpful in straightening out the record.

Q: I'll be very happy to go on the record. John . . . uh, John. You have some questions for me? Ask 'em.

RM: Yeah. You want to be on the record straight ahead? Because I was gonna give you an opportunity to talk to me off the record because I do feel that, uh, Gray and Company are making you take the fall. I mean, why did they put you on "60 Minutes"?

Q: No, this is not . . . this is not Grey and Company, this is Hill and Knowlton.

RM: Have you seen the memo that I've got from Bob Gray to the Kuwaitis?

Q: Yes, yes.

RM: The December 11th (Inaudible) memo?

Q: Yes, I'm very much . . . look, I ran the account. There's nothing you have that I don't have.

RM: Okay, okay, okay, all right. But you don't want to talk about anything off the record, you want to just continue to be the front person. I'm not saying . . .

Q: I'm not a front person, Rick.

RM: I'm not saying it in an insulting way, but Bob Gray is the reason . . . Bob Gray is the reason Hill and Knowlton had the account. And you and I know that.

Q: What do you mean, he's the reason?

RM: (Laughs). Why do you think the Kuwaitis go to Hill and Knowlton? They don't go to Hill and Knowlton because of you or because of Tom Ross or because of anybody at Hill and Knowlton. They go to . . .

Q: They go to Hill and Knowlton because Hill and Knowlton (Overlap) . . .

RM: They go to Hill and Knowlton because of Bob Gray.

Q: Well . . . well, that's your opinion.

RM: (Laughs). Okay. But let's . . . all right (Overlap) . . .

Q: Clients come to . . . clients come to Hill and Knowlton because Hill and Knowlton does a good job.

RM: I'll say you did a good job on this one. Q: There's a sta . . . there's a staff that's efficient.

RM: Okay.

Q: It's not because of one person.

RM: Okay. Okay. But things are just gonna get worse and I . . . and I, in the next . . . in the next couple of months, and I just want to offer you the opportunity (Overlap) . . .

Q: Well that's . . . that's . . . that's your . . . that's your opinion.

RM: I have the opportunity . . . I . . .

Q: What would you like to ask me?

RM: I . . . just for the record, I want to give you the opportunity to think about talking to me off the record or not for attribution or any time in the future . . .

Q: I don't have any (Overlap) . . .

RM: . . . about what . . . about what really happened?

Q: No, I will talk to you on the record.

RM: All right, okay, let's go, then. Why does Naira(?) say babies and you guys in your press release say fifteen babies?

Q: Ask Naira.

RM: She won't talk to me.

Q: Well, I . . .

RM: I can't get her on the phone.

Q: Well then . . . then that's your problem as a reporter to (Overlap) . . .

RM: So why did you . . . why did you put fifteen babies in the . . . in the press . . .

Q: Because that's what she said.

RM: . . . not in the . . . not in the testimony, not in the hearing.

Q: It was in the written testimony.

RM: But in the hearing she doesn't say fifteen babies.

Q: That . . . that isn't a . . . Naira's problem, you have to ask me Naira.

RM: Okay. Why are you protecting Naira, I don't understand it? Why are you protecting the Kuwaitis?

Q: Why are you putting words in my mouth? Have I said anything about protection?

RM: It's what it sounds like to me.

Q: I just answered your question. You asked me a question, you answered it.

RM: No, you didn't. You just said ask Naira, you didn't say.

Q: Because I . . . I am not in Naira's head.

RM: You just simply followed . . .

Q: I am not in her head.

RM: You just followed a written . . .

Q: I know . . . no, I know . . .

RM: . . . you followed a written testimony without . . . without regard to what is said in the hearing. That . . . that's your policy.

Q: No, no, no, don't say that.

RM: Okay.

Q: I did not say that. I said that is what Naira said. That is what is in the written testimony. If Naira did not say that at the hearing, then you ask her.

RM: Okay, but as a policy, does Hill and Knowlton simply disregard what people say at hearings?

Q: What do you mean, disregard?

RM: Why (Overlap) . . .

Q: She deviated (Overlap) . . .

RM: . . . did you go and ask her afterwards why did you not mention the fifteen that you wrote in your written testimony?

Q: She . . .

RM: I mean, did anyone stop and say, "Naira, what . . . what do . . . why didn't you say fifteen babies in your spoken testimony?"

Q: She was extremely emotional, she did not read word for word at that testimony. And no, no one asked her why she didn't say fifteen, she said babies-a.

RM: Okay.

Q: That could mean one, two, five, ten, fifteen, and that was really not the issue.

RM: But you guys said fifteen in the press release.

Q: Well, that is what . . . no, we guys didn't say anything. We only said what Naira said.

RM: She . . . she wrote . . . she didn't say fifteen . . . she . . .

Q: She wrote it (Overlap) . . .
 RM: . . . she wrote fifteen.
 Q: Well, then you ask her.
 RM: Well, okay. It'd be great if you'd help the Kuwaitis let me talk to her. I mean (Overlap) . . .
 Q: Well, I can't . . . I don't control the Kuwaitis.
 RM: You must have influence with them.
 Q: I control Laurie Fitz-Bodato(?).
 RM: All right.
 Q: Okay?
 RM: Okay, number two. (Laughs). Uh, you've seen the Kroll(?) Report, obviously.
 Q: Obviously
 RM: No . . . Naira says that she got a snapshot, a glance, at a commotion in the distance, in which she thinks she saw one baby on the floor. That doesn't sound like fifteen babies torn from incubators.
 Q: Well, why are you asking me this, John?
 RM: Because you guys spread this story.
 Q: We spr . . . you know, your . . . (Laughs) your terminology is just so offensive, it really is.
 RM: It was a press release, what is a press release?
 Q: Read the story.
 RM: What's a video news release, what does a public relations firm do?
 Q: Well, a public relations firm . . .
 RM: It spreads stories.
 Q: No, public relations firms get information from people.
 RM: Yeah, yeah?
 Q: Okay? All right. So, we got that information from Naira.
 RM: Yeah?
 Q: Now, if you would like to ask Naira about anything that has happened subsequently, I am not a mind reader. You ask Naira.
 RM: I . . . I've been trying to ask Naira for a year and they won't let me talk to her.
 Q: Well then . . . well then, that's your problem, isn't it?
 RM: Yeah, but don't you see any . . . is there no responsibility whatsoever on the part of a public relations firm to get the facts straight before they spread them?
 Q: We had our . . . we had our facts straight when they occurred.
 RM: But they're not . . . so they're not facts anymore. They were facts at the time, and they're not facts anymore?
 Q: No, facts are facts.
 RM: And you still believe that fifteen . . . that she saw fifteen babies removed from incubators?
 Q: I believe (Overlap) . . .
 RM: After seeing the Kroll Report?
 Q: I believe what Naira told me in 1990.
 RM: So you don't believe the Kroll Report?
 Q: I did not say that, and do not put words in my mouth.
 RM: So what do you think of the Kroll Report?
 Q: I believe that the Kroll Report substantiates Hill and Knowlton's presentation of materials.
 RM: Fifteen babies torn from incubators?
 Q: Oh, come on, John. Who gives a—whether there are fifteen or two?
 RM: What?
 Q: It's the issue.
 RM: What? (Laughs).
 Q: It is the issue.
 RM: But . . .
 Q: Of the babies. You want to go around counting . . . the fact that there were babies, whether it was one baby, two babies, five babies or fifteen babies, the event happened.
 RM: The . . . the number doesn't matter, first of all. We'll get into the event itself,

but the number doesn't matter, you're telling me.
 Q: I am telling you that if one baby died, it was too many.
 RM: Everybody's against babies dying.
 Q: If one (Overlap) . . .
 RM: And we know that babies dying . . .
 Q: And I am telling you . . .
 RM: But don't . . .
 Q: . . . that we were told in 1990 and had no reason to question.
 RM: And now the Kroll Report corrects the record, you think, or not?
 Q: I don't think anything about it. I know that the Kroll Report has presented additional information. And if you want to sit here and haggle over whether it was one baby or fifteen and if that is so important to you, and that is the only thing that you're focusing on . . .
 RM: No, no, it's not the only thing . . .
 Q: . . . you're not focusing on the issue.
 RM: We'll move on. We'll move on, we'll move on, we'll move on.
 Q: You're focusing on the issue, but to me (Overlap) . . .
 RM: We'll move on.
 Q: . . . the issue is that she said babies and she said fifteen. Now (Overlap) . . .
 RM: She didn't . . . she . . .
 Q: . . . you . . . you talked . . . look, it's in the testimony, John.
 RM: Yeah, I know, she . . . and you guys put it in the press release.
 Q: And that is what I personally was told. I was told fifteen.
 RM: I gotcha, I believe you.
 Q: Okay, so now you talk to Naira about whether it was fifteen, two, six, five or twenty.
 RM: I think it's likely, Laurie, that the, uh . . . that Naira lied to you and that so did the Kuwaitis.
 Q: Well, I do not believe (Overlap) . . .
 RM: And I'm giving you the chance to . . . to . . . to explain the . . . the discrepancy.
 Q: I . . . I am not going to explain the discrepancy. I know what I was told in 1990. I know what was written, and you will have to speak to the source of the information to determine whether there has been any discrepancy.
 RM: All right, just . . . all right . . .
 Q: I'm not going to answer that.
 RM: . . . all right, just for the record, does the Kroll Report invalidate Naira's testimony?
 Q: Does . . . no, it doesn't. In my mind, it does not.
 RM: Even though it contradicts what she said.
 Q: Well, you say it contradicts what she said.
 RM: Don't you read . . . do you speak English?
 Q: I didn't say that.
 RM: I mean, my God, the . . . you see what the reports says, don't you?
 Q: All that you're talking about is whether it was a baby, babies, one or fifteen.
 RM: Fifteen babies is a lot more than . . . see . . . is a very different story from seeing a baby on the floor from a distance (Overlap) . . .
 Q: And what did she say?
 RM: . . . in the middle of a commotion.
 Q: And she said there were other incubators in the room (Overlap) . . .
 RM: She had no proof, there's no corroborating evidence. There are these two . . .
 Q: Oh John, please.
 RM: . . . there are these two nurses who get trumped up at the last minute.

Q: Please, John. You know, that . . . you really . . .
 RM: Now, let's get to the specifics. On the December 11th, 1990, uh, Bob Gray memo to everybody, the thought and action U.S. Strategy paper . . .
 Q: Yes?
 RM: . . . why does Bob Gray refer to witness . . . eyewitnesses in quotes?
 Q: Why does he refer to eyewitnesses in quotes?
 RM: Yeah. Because let me just read it to you again. This is his, uh, recommendation, because he's obviously very worried that there's gonna be a sort of a peace backlash in the country, so he says, "The people/human rights message must be told over and over. Kuwait is 'people' who still are suffering under the boot of an oppressor. As U.S. diplomats and hostages return home from Kuwait, this should be underscored (sic) . . . underscored further by eyewitnesses." Now, why would he put quotes around eyewitnesses?
 Q: Because people had accounts out of Kuwait. Some of them were first-hand, some of them were second-hand. We . . . we were not in a position during the war to find . . . to go into Kuwait ourselves to get primary source information about what was happening. So if someone said that he or she was an eyewitness, we had no way to determine whether that was absolutely true, whether they were secondhand witnesses, or not. So we put quotes . . . eyewitnesses in quotes, because that is how they we . . . they were portrayed to us. This is what they said, we had no way of confirming that. Just as you had no way of confirming that when . . . when . . . when Kuwait was occupied by the Iraqis. We did this . . . we represented these people during an occupation.
 RM: But the people who came out of Kuwait were claiming to be eyewitnesses.
 Q: Said that they were witnesses.
 RM: Okay.
 Q: Exactly. So that's why it's in quotes.
 RM: So the quotes does indicate skepticism on Gray's part.
 Q: No, it doesn't indicate skepticism. It . . . it indicates exactitude. Being precise and being accurate.
 RM: But if . . . but when you put quotes around something, it's indicating (Overlap) . . .
 Q: It's indicating that that's what . . .
 RM: . . . some question . . .
 Q: . . . no, it indicates that that's what . . .
 RM: . . . some question as to whether they're eyewitnesses or not.
 Q: . . . no, well that's what . . . well, quotes also do . . . also indicate a direct statement by someone. If someone says that he or she is an eyewitness, then you would put it in quotes. You're a writer, you know that.
 RM: Well, if you're quoting somebody. But it's not quoting anybody, he's just making a general statement (Overlap) . . .
 Q: Well (Overlap) . . .
 RM: . . . about eyewitnesses in quotes.
 Q: . . . that depends upon how you want to interpret that, Rick Macarthur. All right? It is in quotes because that is what people said. They were eyewitnesses. We have no way to corroborate that.
 RM: All right, so then as a . . . as a matter of practice, does Hill and Knowlton repeat statements by people they don't . . . uncorroborated, uh, testimony (Overlap) . . .
 Q: We corroborate (Overlap) . . .
 RM: . . . by eyewitnesses?
 Q: . . . to the extent that we can.

RM: But . . .
Q: Especially in a war time . . . or in an occupation time situation. This account was not a normal account, Rick. This was an account that took place while a country was being occupied.

RM: Yeah?
Q: Okay? So you do the best you can.
RM: Okay. But well, do you . . . do you feel that Naira's testimony was, uh, was corroborated?

Q: I have . . .
RM: Before . . . ?
Q: Yes.
RM: . . . before the Kroll Report?
Q: Do I feel it was corroborated?
RM: I'm saying back in the . . .
Q: Yes . . .
RM: . . . back in the fall.
Q: Yes.
RM: By whom? By whom?

Q: By people who came out of Kuwait and said they had seen the same thing. That is the best we could do. Was to not go simply on what one fifteen-year-old child said, but also news reports, there were news reports

RM: I know, I read 'em all.
Q: Okay.
RM: I read 'em all. They're in my book.
Q: You have Amnesty International, you had reputable organizations saying the same thing. Why would we have questioned her? Why? Tell me why.

RM: Because, uh, in the . . . in the name of, uh, truth, I suppose.

Q: Because . . . because . . . in the name of the truth?

RM: Trying to figure out the truth.
Q: Oh, so you just assume people are guilty until proven in . . . innocent?

RM: No, but I assume a certain amount of checking.

Q: Okay, so (Overlap) . . .
RM: I assume a certain amount of checking on the part of a big, serious . . .

MIDDLE EAST WATCH,
July 16, 1992.

PRELIMINARY COMMENTS ON KROLL'S REPORTS

In its attempt to vindicate the 15-year old daughter of the Kuwaiti ambassador, the Kroll Associates report appears to indict the Kuwaiti government as a whole and its public relations campaign handlers in the United States. The report says that it could not find evidence to support the widely circulated reports given by official Kuwaiti spokesmen of large scale raids on hospitals by Iraqi troops who pulled babies out of incubators causing the death of scores or hundred babies. However, it claims to have found evidence to support a version given by Nayirah, the ambassador's daughter. Even in her version, Kroll says her published testimony was embellished and misunderstood.

In the fall of 1990 and in the early months of 1991, Kuwaiti government spokesmen; Dr. Ali al-Huwail, Dr. Ahmed Abdel-Aziz al-Hajeri, Dr. Ibrahim Bahbahani reported that Iraqi troops had gone into a number of Kuwaiti hospitals and pulled babies out of incubators causing scores of babies to die. In one testimony, another Kuwaiti official spokesman, Dr. Abdel-Rahman al-Sumait, said that 312 babies died in this way. Their accounts centered around the Maternity Hospital, a 500-bed specialized hospital that is part of al-Sabah Medical Complex, where they claimed the Iraqi troops pulled babies out of incubators and shipped the incubators away.

Kroll did not find evidence to support these reports. The firm incredibly asserts that it was not able to locate Dr. Abdel-Rahman al-

Sumait, the author of the most outrageous claim.

In its general conclusion, the report said that the firm was able to confirm that "seven babies died directly because of the looting of incubators and ventilators from pediatric wards at Al-Jahra and Al-Adan hospitals," (page 8). But in arriving at this figure Kroll had to change the issue to be investigated; the charge had been that Iraqi troops had pulled babies out of incubators causing them to die. But only one of the seven reported by Kroll fit this category. The other six, according to the report itself, died because of lack of equipment or because of a decision by an Iraqi doctor to move incubators from one ward to another, in an attempt to consolidate civilian wings. Similar incidents had been reported before by Middle East Watch and other human rights organizations. While we have held Iraqi authorities responsible for such actions, these actions may not be reasonably considered the same as pulling babies out of incubators, which is tantamount to murder.

The claim that one baby reported by Kroll to have died in August 1990 as a result of being taken out of an incubator is based on the testimony of Salwa Ali Ahmad, a nurse who said that she had witnessed the incident. However, this nurse's testimony as reported by Kroll is contradicted by other more reliable witnesses at the hospital. In some key aspects, her testimony as reported by Kroll is also at variance with testimony she herself had given before, including in a published report by Reuter from Kuwait earlier this year.

We recently re-interviewed a number of al-Adnan Hospital's staff. They again denied that the incident as described could have happened at al-Adnan. They questioned the nurse's contention that she could not report it to the hospital administration or note it in the records. They said that despite Iraqi interference, hospital administration remained largely in Kuwaiti hands and that the hospital staff reported everything that happened in the hospital. The fact that she waited all this time to come forward with this report cast serious doubt about her recollection, they said. As for not being able to note such developments in the records for fear of Iraqi retribution, they pointed out that the hospital records from the period contained information more damaging to the Iraqis than what she claimed to have witnessed, including reports of execution and torture by Iraqi troops. Indeed, it was her duty to both report the incident and to note it in the records. One doctor further noted that assuming the incident took place, the baby could have been saved by putting him or her in one of the incubators the Iraqis left behind since she is quoted by Kroll as saying that there were vacant incubators that the Iraqis left behind. Kroll's report actually claims that the Iraqis, after allegedly throwing the babies out of the incubators, then either left the incubators in other parts of the hospital or left them on the street. (In fact, according to our sources, it was the hospital staff who hid the incubators inside the hospital.)

One hospital administrator who recalled Salwa as working in the Casualty Department (the Emergency room at the hospital) said that the nurse might have been confusing another incident with incubator death. He said that one day the hospital needed to send an ambulance equipped with a ventilator to transport a newly born baby who was in critical condition from al-Ahmedi Hospital to al-Adnan to receive more specialized

care. This administrator told Middle East Watch that when dispatchers were not able to find an available ventilator to send with the ambulance, they sent it without one but when the baby arrived at al-Adnan they could not save it.

Kuwaiti health workers have reported to MEW that tremendous pressure has been put on them to testify in support of the incubator death allegations. A number of them reported that they were severely reprimanded for denying to reporters and human rights organizations any knowledge of the incubator deaths. Some were pressured to recant.

Several doctors quoted by Kroll as claiming knowledge of the incubators story had previously flatly denied the story when they were interviewed by Middle East Watch, Physicians for Human Rights and others, immediately following the liberation of Kuwait.

One doctor quoted by Kroll as saying that she had been aware of theft of incubators from al-Adnan has obviously changed her testimony. We have her on tape saying, "Incubators from our hospital they didn't took. Why? Because we hide them in the basement. We didn't keep the babies. It's finished. We have no chance to keep the babies in special care bedrooms or intensive care at that time because we are short of modern instruments like C-scan and ultra sound and medication."

The section of the report related to Nayirah's testimony in fact confirms doubts about her credibility and raises questions about the possibility that someone deliberately "doctored" her testimony. For example, Kroll's report now says that Nayirah never volunteered at al-Adnan, that she was there for only "moments." In her testimony before Congress she said "The second week after invasion, I volunteered at the al-Adnan Hospital with 12 other women who wanted to help as well. I was the youngest volunteer. The other women were from 20 to 30 years old." Kroll now says that she volunteered at a different institution and that she decided to go to al-Adnan for a visit, and that during the "moments" she was there she witnessed the incident that she reported to the Congressional Human Rights Caucus.

Kroll's report says that Nayirah only saw one baby and assumed that there would be more. Kroll is adamant though that Nayirah never said anything about fifteen babies. However, in Nayirah's testimony as distributed by the Kuwaiti government, she is quoted as mentioning fifteen, raising the possibility that someone connected with the Kuwaiti government public relations campaign added that figure, if in fact Nayirah did not mean to say that there was more than one baby. Nayirah's testimony and the nurse's are also at odds. Nayirah talks about a baby on the cold floor but the nurse said that the baby was on a table. Kroll says that Nayirah was in the hospital for "moments", indicating that she could not have witnessed the death which according to the nurse took place half an hour after the incident that Nayirah claimed to have witnessed.

An al-Adnan Hospital administrator pointed out to MEW that it takes more than "moments" just to walk from the hospital's entrance to the maternity ward and to the rooms where incubators are kept. He wondered why someone wanting to volunteer could have gotten to the maternity ward in moments without being processed or given instructions in other departments. He also pointed out that the areas for the volunteers were normally in the Casualty Wards and geriatric care or in general cleaning of the

hospital and in food services. Very few would go to the maternity ward but certainly not on their first day.

AZIZ ABU-HAMAD,
Senior Researcher.

Mr. FAIRCLOTH. Mr. President, as a supporter of our country's involvement in the Gulf war, I am offended that Lauri Fitz-Pegado believes that those kinds of illegal and unethical activities were necessary to get this country to face the threat of Saddam Hussein.

I believe that if the other members of the Banking Committee, Democrat and Republican alike, had been aware of even this limited set of facts during the confirmation process, her nomination would have been rejected by that committee.

Mr. President, Lauri Fitz-Pegado did not inform the Banking Committee of this baby incubator scam. I believe that if the other members of the Banking Committee—Democrat and Republican alike—had been aware of even this limited set of facts during the confirmation process, her nomination would have been rejected by that committee.

So recently I made the suggestion that the nomination be returned to the Banking Committee where it could be scrutinized. The reaction of Lauri Fitz-Pegado to that suggestion has been telling.

While maintaining that she has nothing to hide—that everything had been fully disclosed—she has at the same time mounted a furious lobbying campaign to try to stop an open hearing. Instead of documents being subpoenaed, witnesses being deposed, and honest media being present in an open hearing, she has tried to lobby her way to Senate confirmation.

Believing that she can lobby the U.S. Senate in the same way that she has lobbied for Third World dictators, Lauri Fitz-Pegado even showed up—unannounced and with a taxpayer financed Department of Commerce lobbyist—at my office 2 weeks ago.

Finding that I was not in, she followed up with a letter claiming that she had made multiple attempts to schedule meetings with me—not true—and that now she would like a private closed-door meeting to lobby for my support.

Mr. President, that precisely sums why America can do better than Lauri Fitz-Pegado. President Clinton said in his 1992 campaign that he was going to shut down the revolving door between lobbyists and Government. This is not the way to shut it down. Mr. President, with the likes of Lauri Fitz-Pegado, he has greased it.

Mr. President, that is wrong. We need an open hearing, with members of the media present, and with witnesses under oath, before we even think of voting to confirm this woman.

Lauri Fitz-Pegado deserves her day in court. I want her to have it, and that is all that I have asked for.

She deserves the chance to explain her involvement with the Marxist Government of Angola. She deserves the chance to explain her ties to the bloody Duvalier regime in Haiti. She deserves the chance to explain her lobbying for the arms dealer, Adnan Khashoggi. She deserves the chance to explain her role in the baby incubator scam.

But Mr. President, the American people deserve to hear her explanations in the full light of day, on the record, and under oath—not in clandestine sessions in which she tries to lobby her way from congressional office to congressional office, all the way to Senate confirmation.

Lauri Fitz-Pegado is a professional image enhancer. She has spent her working life teaching people how to deny rather than explain; how to change the subject and then to counterattack. It works on a lot of people, a lot of the time.

But Mr. President, the U.S. Senate should not except Lauri Fitz-Pegado's image enhanced version of her past. It should demand independent investigation by professionals, and it should demand that witnesses appear under oath.

If confirmed, Lauri Fitz-Pegado would have control over a global network of 200 trade offices in 70 countries. Mr. President, I have said that my opposition is not based on party or on ideology. It is based on the fact that there are few people in America who have less business being in charge of our Nation's trade secrets than Lauri Fitz-Pegado.

President Clinton promised in his 1992 campaign that he would have—and I quote—"the most ethical administration in the history of the Republic." Yet, serious, serious ethical questions have been raised about Lauri Fitz-Pegado.

Not one committee of the U.S. Senate has investigated those questions. I do not mean listening to her side of the story, or to mine for that matter. I mean investigated.

Many serious questions have been raised about Lauri Fitz-Pegado in such media outlets as CBS, ABC, the New York Times, the Wall Street Journal, Business Week, U.S. News & World Report, and others. But not one witness has been deposed. Not one document has been subpoenaed.

If the U.S. Senate takes its obligation to advise and consent seriously, it will return this nomination to the Banking Committee. If Lauri Fitz-Pegado and her apologists truly believe that there is nothing to hide, then she should welcome the chance to present the evidence that will clear her good name.

But if serious allegations are raised about a nominee, and the U.S. Senate simply refuses to seriously investigate them, my colleagues should not wonder why politicians have come to be ranked

below snake oil salesmen in public trust.

I invite my colleagues to join me in this motion for open, on-the-record, and under-oath hearings.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina yields the floor.

One hour will be controlled by the Senator from North Carolina, and 1 hour will be controlled jointly by the Senator from Michigan [Mr. RIEGLE] and the Senator from South Carolina [Mr. HOLLINGS].

Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I rise in my capacity as chairman of the Banking, Housing, and Urban Affairs Committee. As the Chair has just noted, we share jurisdiction on the handling of this nomination with the Senate Commerce Committee. I expect that at some point the chairman of that committee, Senator HOLLINGS of South Carolina, will be here—I am told he already has been here to represent the position of that committee. So let me now address it from the point of view of the jurisdiction of the Banking Committee.

I rise to oppose the motion to recommend the nomination of Lauri J. Fitz-Pegado to the Banking Committee. Just by way of background, she has been nominated to be Assistant Secretary of Commerce, and Director General of the U.S. and Foreign Commercial Service. Her nomination for this position was jointly referred to our Senate Banking Committee as well as to the Senate Commerce Committee pursuant to an agreement in which both committees shared jurisdiction over nominees to this position.

We held our hearing on her nomination on October 4 of last year, and then we met on October 19 to report out her nomination at that time.

There is a little history with this which I will cover, but when I put the question it was reported out without objection.

But after that committee action was taken and before we finished for the day, Senator FAIRCLOTH, my good friend from North Carolina, came to the committee and announced that he would be opposing her nomination and asked that he be recorded against reporting her from the committee. So he was duly recorded and that is, of course, reflected in the committee record.

Pursuant to our earlier agreement with the Commerce Committee, her nomination was then referred to the Commerce Committee after we had acted in the Banking Committee. The Commerce Committee then held a hearing on her nomination on February 10, 1994, and at that hearing in

the Commerce Committee, opponents of her nomination did appear and did testify on the nomination itself. The Commerce Committee then later met on May 17 of this year and reported out her nomination on a voice vote. And in examining the record of that committee, I find that there were no Democratic or Republican votes recorded against her.

I understand and have listened to the points made by the Senator from North Carolina [Mr. FAIRCLOTH] who has expressed his concerns about this nominee. As he knows and as I have said to him, I think those concerns should be fully presented, as they are being presented by him today.

I have also said previously—and I do not know whether this would have been covered in his remarks, which I was not present to hear fully—that I had suggested as well that any questions he had for the nominee should be presented and answered for the record and, in fact, I had suggested, if it would be helpful to his sense of clearing up these matters, that I was prepared to invite her to come to my office and meet with him and with me so there would be an opportunity for any further face-to-face discussion or drawing out of these matters that he felt was necessary.

I did not feel it was appropriate, nor do I feel it is appropriate, to recommit the nomination to the committee at this stage, particularly after we have had a situation where two committees have now already acted. So I think the appropriate place to deal with it, having had the nomination reported out favorably by both committees, is right here in the Senate, and that is, of course, what we are doing today: dealing with it on the Senate floor.

So I say, with due respect to my colleague from North Carolina, that I understand and acknowledge his rights and position in this matter. I fully understand the strength of his feeling and why he is proceeding as he is. We just have a difference of opinion as to whether or not a recommitment is the manner in which we should resolve this question with respect to a judgment that every Senator is now called upon to make.

I want to say as well with regard to the nominee's background, it is important that it be noted—and I will just run through her early training leading up to her professional work—that she graduated with a BA degree from Vassar College and then went on and earned a master's degree from Johns Hopkins Advanced International Studies. She served in the U.S. Information Agency in the beginning of her professional career and also has been active on the Council of Foreign Relations since 1983.

It is true that during her private-sector career, she represented foreign governments. During her hearing before the Senate Banking Committee, I spe-

cifically asked her whether she understood that she would never again—ever—be able to represent foreign governments if she were confirmed in this position. And she clearly stated that she understood that requirement and that she made the pledge that she was required to make she would abide by it. I think that issue has been addressed in that fashion.

But I think beyond that, Members will have to evaluate the points that have been raised. There is an abundant committee record here. We had a number of questions posed for the record by colleagues on the Senate Banking Committee. They were all answered by Ms. Fitz-Pegado, and all those questions and answers are in the record and can be referred to by colleagues as they feel the need to do so.

But this is a nomination that has received the strong endorsement and support of the President of the United States and the Secretary of Commerce. It has now been reviewed by two committees. There have been public hearings held in two committees. There were witnesses heard in opposition to the nominee in the Commerce Committee and, as I say, from reviewing the record in that committee, there were no votes recorded in opposition to her nomination. The only recorded vote in opposition within our committee is that of Senator FAIRCLOTH, who expressed his contrary view.

I will just finally say to my colleague from North Carolina, who is on the floor, I have great respect for his prerogatives and his viewpoint on this issue. He is an extremely diligent member of the committee and follows these matters very closely, and he is certainly within his rights to raise these questions and to propose a recommitment motion.

I happen to disagree with that approach here, respectfully, but I am strongly of the view that when Members have questions that are of great concern to them, they ought to raise them, they ought to get answers in an appropriate fashion. So I will always be supportive of making sure that Members have the information they feel they need in order to make a judgment. Then, when judgment time comes, if people are going to disagree, as we often do around here, I understand that as well. That is the nature of the process, and that is part of why we have a democracy, so we can have these opinions sort of presented and, in the end, vote on these matters and resolve them and go on to the next questions that arise.

So with that, I will yield the floor and reserve what time remains on our side at this time.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I agree with what my good friend, the Senator from Michigan, has said. He made only one mistake, and that is when he said Lauri Fitz-Pegado graduated from Vassar. She did, indeed, but she graduated Phi Beta Kappa. That should be in the record.

I also wanted to make it very clear that one of the people I most respect, as well as like and trust, in the 9 years that I have served in the Senate is a young woman named Ms. Sue Schwab, who was the Director of precisely this agency under President Bush and who worked for the Senator from Missouri, Senator JACK DANFORTH, who is on the floor. Sue Schwab could not be more in favor of Lauri Fitz-Pegado's nomination and, in fact, came to my office just on her own to urge what I was already feeling, and that is to support her.

So, therefore, Madam President, with that and for many other reasons, I very strongly support the nomination of Lauri Fitz-Pegado to be Assistant Secretary of Commerce and Director General of the U.S. Foreign Commercial Service of the Department of Commerce, which is a mouthful of words, but a very, very important job.

Let me speak to the essence. In my view, we are considering one of the best qualified—for any position—probably the best qualified for this position we have ever had, in terms of what she has already done, for a position in Government which is absolutely critical to my State and to this Nation's economy.

Nine months ago when President Clinton nominated Ms. Fitz-Pegado, he chose a capable and committed person to assist U.S. exporters. It is always, frankly, reassuring when we see a nominee for a Government post of this importance who has actually had the experience, not betting that something might work out, but somebody who actually had the experience, who has the qualifications, who wants the job and has the motivation.

She is one of these persons, and I urge my colleagues to vote to confirm Ms. Fitz-Pegado. As the previous chairman of the subcommittee that oversees U.S. and foreign commercial service, this Senator has paid very, very close attention to that position and to its work for the past 9 years, the mission and the work of one specific part, a small part but crucial part, of the Federal Government. And that mission is to promote U.S. exports to a network of 75 district, branch, and regional offices in this country and a current total of 134 posts in 69 countries throughout the world. Those countries account for approximately 94 percent of the world market for U.S. manufactured goods.

What I am saying is, whoever runs this position is of enormous importance to exports, therefore to jobs, trade balance, et cetera, for this country.

This network of U.S. and foreign commercial service plays a vital role in helping American businesses of all sizes to enter international markets, increase their sales in those markets and maintain American business' competitive edge in the international arena, something to which we are all sorely sensitive.

The service that I hope she will head sponsors all kinds of activities to equip U.S. firms to sell in the world market. It manages trade fairs, exhibitions, and trade missions, for example.

It works with chambers of commerce, with State governments, and with world trade groups and clubs in educating American firms on the best ways to open up the doors for them to get into foreign markets. It conducts an enormous, vast computer network to make the best and the most current market research and trade contact information available to U.S. businesses.

The U.S. and Foreign Commercial Service has a special charge to focus its attention on small- and medium-sized businesses—not IBM, not Boeing, but small- and medium-sized businesses—that are by definition the ones that have the most difficult time in penetrating foreign markets. So much do they have a difficult time that they have a preset mentality, many of them, Madam President, that they cannot export, that they would rather not try because of what they presume will be the impossibility, because they do not know that there is somebody in the Federal Government who is on their side and who can clear their way and make life better for them.

Small- and medium-sized businesses need Ms. Fitz-Pegado's nomination to succeed. Exports from small businesses have increased in recent years, but we have a very long way to go to where they ought to be. A recent study indicates that about 3,760 large corporations still account for 71 percent of the value of total U.S. exports.

All I am trying to say is medium and small businesses, we need your attention. They need Ms. Fitz-Pegado's help. The Foreign Commercial Service works at connecting small- and medium-sized businesses with the tools and with the financing, such as export credits, that so often are what stands between them and succeeding in the international marketplace.

Madam President, exports as a fact equal job growth. Congress should take a keen interest in the U.S. and Foreign Commercial Service. All 100 of us should know what it does. I do not think that is the case. And also we should take that same interest in the nominee before us, who is poised to run it aggressively and energetically. I can say this based on firsthand experience in working with the office that assists businesses in my State—the office hopefully which she will preside over here in Washington.

West Virginia, my State, which went out of double-digit unemployment figures, Madam President, about a month, 2 months ago, for the first time in 15 years—for the first time in 15 years we went down to single-digit unemployment. We are still way above 8 percent, way, way above the national average, but it was kind of a treat to actually be in single digits. Do we need exports? Do we need jobs? You better believe we do. That is why I am standing here. We are one of the most export-sensitive economies of any State in the country, by which I mean we export an enormous percentage of our gross State product, and we need all the help we can get to do more, to get more jobs. West Virginia firms export coal, chemicals, primary metals, wood, and other products. In one recent year, 18,000 jobs in West Virginia were dependent on exports. That is a tiny amount of jobs. It ought to be three or four times that.

This is why I have put so much effort into pushing our Government programs like the Foreign Commercial Service, as has the Senator from Missouri [Mr. DANFORTH], to work even harder at helping small and medium-sized businesses in West Virginia and nationwide to break through the barriers that stand between our products and markets all across the world. We need a coordinated, focused, and targeted strategy to take full advantage of each and every opportunity that comes to us.

I remember after Kuwait I called a large meeting with U.S. and Foreign Commercial Service Federal employees there, a large meeting, when American businesses were to go over and rebuild Kuwait, and it was like a \$100 billion opportunity. I got a big room in a motel, a big ballroom, and there were people hanging from the ceilings; so many West Virginia businesses, small businesses, wanted to do that. But then nothing really ever came of it because there was not enough focus and intensity in helping them understand to whom they could go from their desire to export to the fact of the ability to export. That means leadership. That means Ms. Fitz-Pegado.

Madam President, I went into all of this detail not to enthrall you this morning but simply to make it very clear that America needs a well-qualified, very seasoned person with the educational background and many years of experience that Lauri Fitz-Pegado has to oversee this very important part of our Government.

Her career, as Senator RIEGLE has indicated, is very distinguished. Most recently, for 10 years she has worked as a public affairs strategist for United States and international interests. Some will criticize that. I say thank heavens for it. That work has involved meeting and negotiating with international officials and representatives all over the world for the past decade.

Before her career in the private sector, she was a Foreign Service officer

with the U.S. Information Agency serving in Mexico and the Dominican Republic for 3 years. She was born here in Washington. She went to public schools here in Washington and graduated Phi Beta Kappa from Vassar. She later received a master's degree in international affairs from Johns Hopkins School of Advanced International Studies, with a concentration in Latin American affairs and international economics. A wife and a mother, she has built an extraordinarily impressive career.

So Ms. Fitz-Pegado offers 17 years of public and private experience in management, policy analysis, and business promotion. She has been involved in extensive negotiations with international public and private-sector officials. Her background in marketing and promotion gives her exactly the skills that we need.

She pointed out in her testimony to the Commerce Committee that she feels as if she has been in training for this job all of her life, and I am totally in agreement with her on that.

She is going to be energetic; she is going to be a tremendous leader for this very important branch of Government, and I urge all of my colleagues to reject the idea of revisiting this nomination, thereby shunting it aside and killing it, and to confirm Lauri Fitz-Pegado for a job she has earned, she deserves, and in which she will excel.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I oppose the motion to resubmit this nomination.

First, let me say that the comments the Senator from West Virginia made about the significance of the U.S. and Foreign Commercial Service are absolutely on point. This is a very important part of our Government, a very small part of our Government, comparatively speaking. I think there are only 1,000 or so people in the U.S. Foreign Commercial Service and they are scattered not only all over the United States but all over the world. But they do an important job of helping American businesses do business in international markets.

As Senator ROCKEFELLER pointed out, the predecessor of the would-be nominee at the U.S. and Foreign Commercial Service is a woman named Susan Schwab. Susan Schwab came to work in my office in probably the early 1980's. She was at that time a legislative assistant, and her particular area in my office was international trade. It is a subject that I became interested in in the late 1970's, and she was just terrific as a legislative assistant, very, very knowledgeable on trade matters and very savvy about how trade policy worked its way out of Government. She did such a good job that she then became my legislative director. But

President Bush nominated her and she was confirmed as the Director General of the U.S. and Foreign Commercial Service. So she went from supervising a group of about five or six people in my office to supervising this worldwide group of individuals.

All of the feedback that I heard was that she did an outstanding job in that capacity as well. She called me, too. The position that Sue Schwab took was that Ms. Fitz-Pegado is qualified for this position and that she should be confirmed. So that is a very good recommendation as far as I am concerned.

I respect very much the Senator from North Carolina. But the points that have been made against Ms. Fitz-Pegado have been considered, and they have been particularly considered in the Commerce Committee. As a matter of fact, concerning the No. 1 charge that has been made against her, which was the charge that the Kuwaiti commercial was fraudulent, her claim is, well, she did not know it to be fraudulent. She did not know that this was something that was, in fact, a message from the daughter of the Ambassador to the United States, and that it was apparently a made-up story. So in order to get to the bottom of that, we had a panel that appeared before the Commerce Committee on just this subject.

Madam President, it is my judgment that the case against Ms. Fitz-Pegado just simply has not been made. Therefore, I think that the burden of proof—which to me, and perhaps the rest of the accusers—has not been a burden which has been met.

I just want to say one thing about this whole business of confirming Presidential nominees. I know that the argument could be made that, well, Ms. Fitz-Pegado is maybe not the person we would have appointed for this job, or we would have nominated for this job, or there could be somebody, or hundreds of people, thousands of people, who are better for this job. It is the view of this Senator that there are a lot of people who would be better for the job of President of the United States than President Clinton. That is not a surprise. I am a Republican. I did not vote for him.

I mean, that to me is the nature of politics, that you have different views, and your person wins or your person loses. But I do believe that once a President is elected to office, that President should have a considerable amount of latitude as to who is nominated and who serves in the President's administration.

So I believe that a very strong presumption should be extended to Presidential nominees. In fact, there have only been a handful of cases in the time that I have been in the Senate when I have ever voted against a Presidential nominee. Sometimes I have been holding my nose while I have been voting.

It is not an ironclad position. There have been cases where, for one reason or another, I have felt compelled to vote against the nominee. But I believe that there should be a very, very strong presumption in favor of supporting the President of the United States. I also believe that when charges are made against an individual who is the nominee, we have to extend to that individual a presumption, and that there has to be a very heavy burden of proof to charges made against the individual.

My own view is our process of dealing with Presidential nominations has become extreme, not really bearing on reality. I do not know of anybody in the world who is hired in the same way that Presidential nominees are hired. I do not know of anybody for any job who is put through quite the same meat grinder that we put people through.

I mean for the most ordinary position; let us take, for example, a position that amounts to nothing, like a member of the Interstate Commerce Commission. There is a job that requires nothing. They do not do anything. It is just a shell of a position. Yet, when somebody is nominated for a Commissioner in the Interstate Commerce Commission, the FBI goes out and interviews maybe two or three dozen people in connection with that job. Nobody in the private sector does that—at least to my knowledge nobody does that. Nobody in the real world does that. But we are so concerned about getting to the bottom of things and not making mistakes, that we have this extremely elaborate way of picking Presidential nominees and confirming Presidential nominees.

My own view is that we have gone overboard, that it is not realistic, and that people who become Presidential nominees really more or less take their lives in their hands. I mean people can have perfectly decent lives, and before you know it they are the subject of editorials in newspapers and front-page stories, and all kinds of charges being made against them.

I have a special feeling that when a person is nominated by the President of the United States we should be careful. We, as a Senate, should be careful, and not scared about digging out all of the relevant facts; but careful about the individual who has been nominated for the job. Let us face it. The country is not going to come to a screeching halt if the wrong person, by chance, is the Director General of the U.S. and Foreign Commercial Service. I mean the country is too strong to be threatened by making a mistake for the U.S. and Foreign Commercial Service.

I think the country is more likely to be hurt by the demoralization of a part of the Commerce Department, the demoralization of a very important part of our Government, this particular service, and by the personal toll that

the process takes on those who are caught up in this protracted and, I think, unfortunate process that we have made of the system of confirmation.

For all those reasons, Madam President, I will vote against the motion to recommit.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Madam President, I suggest the absence of a quorum, and ask that the time consumed by the quorum be equally divided by both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Madam President, as I understand it, the pending business is the nomination?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I yield myself whatever time I may need.

Madam President, I support the motion to recommit offered by the distinguished junior Senator from North Carolina. It is a constitutional responsibility of the Senate to consider the President's nominations to senior executive branch positions. If information emerges about a particular nominee during the Senate's consideration, that information must be examined, not ignored for the sake of convenience or comfort.

At the time of the hearing held on this nominee before the Banking Committee and the Commerce Committee, only a few of the facts were known concerning this nominee's suitability.

But since then, Madam President, much more information has emerged about her lobbying activities for arms merchant Adnan Khashoggi, for Haiti's "Baby Doc" Duvalier, for the Marxist government of Angola, and information about the infamous baby incubator fraud after the Iraqi invasion of Kuwait. There are also new questions about her husband's involvement with the state-owned oil company of Angola and his current activities, which raise issues of conflict of interest for the nominee.

I can imagine what would be going on out here if this nominee had been sent up here by a Republican President. It would never see the light of day with the Democratic majority.

It is incumbent on this body, if we take seriously our responsibility to exercise our duty to advise and consent, first, to get the full story. I know we would have gotten the full story if this had been a Republican nominee with a

Democratic majority in the Senate. If there is nothing to it, then the nominee has nothing to fear and will have had an opportunity to clear her name. But we will not know until we have had an opportunity to explore all of the facts.

I might add that this is not a partisan issue. Members of the Senate on both sides of the aisle have expressed serious concern about the nominee's fitness. I support the efforts of Senator FAIRCLOTH and urge my colleagues to recommit this nomination to the Banking Committee for further examination.

It seems to me that we are entitled to the facts. That is all the Senator from North Carolina wants. The facts may be that there is not a problem, but we do not know. Again, it is an instance of one-party control and how damaging it can be from time to time. We should send it back to the Banking Committee. We are going to have these very limited Whitewater hearings, apparently, some time this year or next year or next decade, whatever, and I hope this is not a forerunner of what we may expect in that investigation.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

THE PROPOSED TEXT FOR THE GENERAL AGREEMENT ON TARIFFS AND TRADE [GATT] NEGOTIATIONS

Mr. THURMOND. Madam President, over 2 months ago, on April 15, 1994, representatives from 115 countries met in Marrakesh, Morocco, to formally sign the Uruguay round final text of the General Agreement on Trade and Tariffs [GATT]. The negotiations leading to this event have taken over 7 years and countless hours to complete. The text of the GATT agreement is over 22,000 pages and weighs 385 pounds. The GATT is an ambitious undertaking in its objectives: lowering tariffs on imported and exported goods, creating more trade opportunities for U.S. companies, protecting intellectual property rights, and opening foreign markets to more U.S. goods and services.

Madam President, the GATT negotiations have focused on continuing the seven previous rounds of talks which were intended to reduce the barriers of international trade. The major areas of negotiation have concentrated on agricultural trade, textile trade, services, and trade related to foreign investment, as well as protection of intellectual property rights.

The GATT agreement is supposed to help our economy by increasing our exports to foreign markets. When we increase our exports, companies hire more workers, payroll tax receipts rise, and, in general, help our businesses

continue to grow and prosper. According to the Clinton administration, two important goals of the GATT is to help resolve trade disputes between countries and to reduce trade barriers in all markets.

Madam President, those of us who were serving in the Senate during some of the previous GATT rounds have heard many of the same arguments that the Clinton administration is making in regard to this agreement. In fact, the claims regarding the Uruguay round are strikingly familiar to those made by the Carter administration at the close of the Tokyo round talks in the late 1970's. At that time, we were told that bold new steps, such as those incorporated into the Tokyo round, were needed to eliminate our trade deficit and to make America more competitive in the global marketplace. Yet, Madam President, the exact opposite happened. After implementation of the Tokyo round, the United States trade deficit grew from \$14 billion in 1979 to over \$115 billion for 1993. Further, we saw a major decline in the steel, textile and apparel, and electronics industries. During this same time, these industries were struggling to survive due in part to the closed markets of other countries.

Madam President, I am not asking that my colleagues rethink their philosophy on trade. However, we should be examining the agreement to see if all that is promised will be forthcoming. It seems to me that the benefits of this agreement appear to fall into the same vague and dubious category as previous rounds which failed to produce their lavishly predicted results. Not only are there problems with the trade components of this agreement, but there is also a problem with the establishment of a new international body, called the World Trade Organization [WTO]. The creation of the WTO causes me great concern.

Some reports mention that this entity, which is included in a 14-page section of the GATT agreement, was treated as an afterthought to the negotiations. With something as important as the sovereignty of our Nation, I regret that our negotiators did not consider this issue in depth.

The WTO is intended to be the arbitrator of trade disputes between signatory countries. The WTO has two main components: the Ministerial Conference and the General Council. The Ministerial Conference will meet every 2 years and receive decisions on matters covered by trade agreements. The General Council will govern the WTO on a daily basis. Also established under the General Council are several committees to review and make recommendations on more specific issues such as the balance of payments, dispute settlements, and specific sectors of trade.

The Dispute Settlement Body, which is established under the General Coun-

cil, will be the ultimate arbitrator of trade disputes. The decisions handed down by the WTO will be voted on by the member countries. Each country gets one vote and, except in some cases, a majority vote rules. While the WTO has been described as a United Nations of trade, the United States will not have veto power over WTO decisions. All decisions are final.

The United States will have four choices of action if the WTO rules against our country. We can either: first, leave the WTO; second, pay tariff penalties to other countries; third, not enforce our domestic laws; or fourth, change our laws to comply with the WTO ruling. Most of the Federal, State, and local laws that would be contested have been enacted to protect the rights, safety, and health of our workers and the environment of our country. Why should the United States pay tariffs to other countries for implementing rational standards in these important areas?

Madam President, I would like to read from the "International Herald Tribune" as written on April 26, 1994. It reads, "It is true that the WTO means a loss of congressional sovereignty. But that will be no bad thing if it clips the wings of Capitol Hill's powerful protectionists." Let me also read from the European Commission background brief on the Uruguay round. It states, "The agreement on the WTO also contains a binding clause which requires members to bring their national legislation in line with the agreements that are part of the WTO structure." Madam President, while creating an international bureaucracy this agreement is also restricting the ability of Congress to do its constitutional duty.

Madam President, I ask unanimous consent that the full text of the articles from which I was quoting be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Madam President, one argument used to justify the WTO is that other countries would not impose harsh penalties against the United States since we have such a lucrative marketplace. However, I do not think any of us can really be sure how the developing nations of the world, which account for 83 percent of the WTO membership, will vote when a situation arises.

Madam President, another concern I have regarding the GATT is the total cost of the agreement. According to news reports, the United States will lose an estimated \$40 billion from tariffs over the next decade if this agreement is implemented. While some of the lost tariffs might be recouped from the increased trade that the United States is expected to experience, the pay-as-you-go provisions of our budgeting process require that money lost

from tariff cuts must come from revenue increases or spending cuts. At this time, I would not be inclined to support a budget waiver to help pay for the GATT. With our National debt of over \$4 trillion, we need to be fiscally responsible in our actions. I think that if this agreement is important enough to pass then we should not have to waive the budget act to enact it.

Madam President, hopefully, some of these concerns can be addressed by the administration before the implementing legislation is presented to Congress. I look forward to working with the administration and my colleagues to get a fair trade agreement.

[EXHIBIT 1]

THE URUGUAY ROUND

3. Sectoral Assessment of the Uruguay Round

3.1 Agreement on the World Trade Organisation.—The agreement to subsume Gatt into a new wider World Trade Organisation is a token of the commitment of the EU and organisation's other members to a multilateral trading system. The aim behind the WTO is that members agree to settle their trade disputes multilaterally through the WTO instead of bilaterally or even, in the case of Section 301 of the US Trade Act, unilaterally.

The United States, which has taken unilateral action against a number of its trading partners in recent years, was reluctant throughout the Uruguay Round to accept the creation of the WTO. But they agreed at the end on condition that the (to them) confrontational name originally envisaged, the "Multilateral Trade Organisation", or WTO, became the WTO.

The WTO will create a single institutional framework encompassing the Gatt, all agreements concluded under its auspices and the complete results of the Uruguay Round, including the agreements on trade in services (GATS) and in intellectual property rights (TRIPS). Its structure will be headed by a Ministerial Conference which must meet at least once every two years. Its members have to accept the results of the Uruguay Round in their entirety via what the WTO agreement calls "a single undertaking approach".

The agreement on the WTO also contains a binding clause which requires members to bring their national legislation in line with the agreements that are part of the WTO structure. This further restricts the scope for unilateral action.

The European Union is satisfied with the result of the negotiations on the WTO. It creates the required institutional framework for making sure that the reduction of trade barriers can be translated into effective and permanent access to markets.

In addition, the European pharmaceuticals and chemicals industry will receive patent protection for their inventions in many developing countries that have refused such protection thus far. European sound recordings, films, books and computer programmes will now also be protected against piracy.

3.12. Dispute Settlement Agreement.—A fair and effective procedure for settling disputes is at the heart of any successful system of multilateral trade. The Uruguay Round has succeeded in setting up an integrated dispute settlement structure which can deal with cases arising between parties to any Gatt or WTO agreement or sub-agreement.

Procedures have been defined which are virtually automatic. The decisions on the es-

tablishment, terms of reference and composition of dispute panels will no longer depend on a consensus agreement, which in the past has meant that any Gatt member could veto the creation of a panel to investigate its alleged breach of rules. The same automaticity will apply to the adoption of the findings of the panel. Panels will be expected to submit their findings within six months of being set up.

The new agreement includes an appeals procedure. The findings of the appeals body must be made known within 60 days.

One of the central provisions of the agreement is that members shall not themselves make determination of violations, or suspend concessions, but shall make use of the new dispute settlement procedure. Furthermore, a binding commitment to bring national legislation in conformity with these rules has been agreed, so that the United States can neither resort to nor even maintain arbitrary provisions of the kind used to impose unilateral sanctions against its trading partners.

Finally, the mechanism of "cross-retaliation", allowing under some conditions sanctions to be applied in the field of merchandise trade for infringements of the services and/or TRIPS agreement will permit an effective enforcement of the pledge to liberalise trade in these two new areas.

3.13. Agreement on civil aircraft.—Although taking place simultaneously, negotiations on trade in civil aircraft were not part of the Uruguay Round proper. But in view of the central subsidy issue involved in the manufacture and sale of civil aircraft, a link was established between these negotiations held within the Gatt Civil Aircraft Committee and the negotiations on the Uruguay Round Subsidy Agreement (see 3.8 above).

The negotiations on civil aircraft failed to reach an agreement when the US rejected a compromise draft from the Committee's chairman. The negotiations have been extended for another year in the hope that the main protagonists, the EU and the United States, can strike a deal. The chairman's draft, which is largely acceptable to the EU, will form the basis for the next phase of the negotiations. The Americans objected to the granting of "grandfather clauses" to protect old subsidies from Gatt action and to new provisions covering indirect subsidies.

Meanwhile, the civil aircraft sector is subject to the general provisions on subsidies contained in the Uruguay Round subsidy agreement. But, at the EU's insistence, the sector is specifically exempted from the 5% threshold beyond which certain subsidies are deemed to create "serious prejudice" for competitors.

This means that the special case of the civil aircraft industry as being one where subsidies have to be dealt with on a less stringent basis has been recognised.

[From the International Herald Tribune, Apr. 26, 1994]

U.S. MUSTN'T DAWDLE ON THE TRADE PACT
(By Reginald Dale)

WASHINGTON.—Now that the world's biggest-ever trade agreement has been signed and sealed in Marrakesh, it is time to get it through the U.S. Congress, and the sooner the better.

Already some dangerous ideas about the trade pact are afoot on Capitol Hill. The longer the agreement remains unratified, the more vulnerable it will be to protectionist pressures.

Administration officials insist they will do everything necessary to ratify the pact, the

fruit of seven years of arduous negotiations in the Uruguay Round. They say that President Bill Clinton is fully committed to the cause.

But it is not clear the administration has learned the lessons of last year's near-fiasco over the North American Free Trade Agreement, saved only by a bout of last-minute political arm-wrestling by Mr. Clinton.

The administration's biggest mistake over NAFTA was complacency—underestimating the opposition and leaving its drive to win approval far too late. As a result, last-minute waverers squeezed a lot of promises out of Mr. Clinton that he would have been better off not making.

This time there is much less organized opposition, but that could change as November's mid-term elections draw closer.

Congress is by no means yet committed to the Uruguay Round and its schedule is already overloaded. The committees responsible for the trade pact also happen to have jurisdiction over the two biggest pending items of domestic legislation—health care and welfare reform.

Some major misconceptions need to be nipped in the bud. One is that it does not matter if the implementing legislation is put off until next year.

Yes, it does. Delay will increase the chances of the pact being blown off course—perhaps by a major new trade dispute with Japan, China or even Canada.

Another mistaken impression is that the agreement can still be changed. Many Republicans think they can tighten up lax rules on subsidies, while some in both parties are demanding greater scope for unilateral U.S. action.

The House Republican whip, Newt Gingrich, even wants to cut out the part of the agreement establishing the World Trade Organization, which he regards as a sinister organ of world government that will ride roughshod over American interests.

But U.S. agreement to the World Trade Organization was an integral part of the Uruguay Round compromise. There is no way of reopening the negotiations now. Under the fast-track procedure in force for the treaty, Congress must in any case vote "yes" or "no" on the whole pact at once.

It is true the WTO means a loss of congressional sovereignty. But that will be no bad thing if it clips the wings of Capitol Hill's powerful protectionists. It will actually be good for the United States to be overruled by the world organization when Washington tries to take politically motivated action against other countries' exports.

Where the debate enters the world of Alice in Wonderland is when it gets to how to pay for it all.

Under U.S. budgetary rules agreed in 1990, Congress must find ways to offset the revenue lost from the Uruguay Round tariff cuts, which could amount to nearly \$14 billion over five years or perhaps \$40 billion over 10 years.

With the elections approaching, nobody wants to propose new taxes or spending cuts to bridge the gap. But nor does anyone want to suggest a waiver from the rules and set a precedent that opponents might exploit later on—the Democrats for health care or the Republicans for cuts in the capital gains tax.

The whole thing is absurd. In the next five years the government is likely to collect about \$3 in revenue for every \$1 lost in tariffs, because of vastly increased trade.

It is ridiculous to impose a budgetary penalty for freer trade, which pays for itself many times over. Congress should be brave

enough to admit it has made a mistake and exempt trade agreements from the rules.

The main thing for Congress to remember is that agreements to open up world trade are never perfect, but the United States has always benefited from them.

Mr. Clinton should remember that his decisive support for NAFTA won top marks even from his critics as the high point of his first year in office. It is time for a repeat performance—preferably without the cliff-hanging finale.

Mr. THURMOND. Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Nevada [Mr. REID].

Mr. REID. Madam President, I wish to use the time of the opponents of the motion, and I ask unanimous consent that my statement appear as in morning business.

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

STATE LAWSUITS AGAINST FEDERAL GOVERNMENT RE: IMMIGRATION COSTS

Mr. REID. Madam President, yesterday I had the opportunity to testify at what may be the only hearing on immigration this year in the Congress. Representatives of the administration and Members of the Senate were allowed to testify about their views concerning various proposals aimed at resolving what I believe to be an immigration crisis. The stories we are reading on a daily basis evidence that, unless we deal with this crisis now, we risk jeopardizing the health and welfare of future generations of Americans.

I hesitate to use the word "crisis" in describing the current situation, but I really cannot think of another word that more accurately describes the current state of our Federal immigration laws. How else can we explain the flurry of lawsuits being brought by the States against their own Government, the Federal Government? That is right. The States are now suing the Federal Government. Florida, California, Texas, Arizona, Illinois, and New Jersey have either brought lawsuits or are considering bringing them against the Federal Government. They are all seeking financial reimbursement for the costs associated with Washington's failed immigration policies.

Whether these lawsuits ultimately prevail on their merits is really not the point. The point, quite simply, is that the State Governors are sending a wake-up call to Washington to do something—anything—to deal with the escalating problem of illegal immigration. The unduly burdensome costs imposed on the States are staggering.

For example, Florida estimates that it spent over \$1 billion providing assistance and benefits to those not lawfully within the country.

California estimates that it will spend over \$3.6 billion this year to pro-

vide services and benefits to those not lawfully within the country.

New York estimates that it will spend over \$1 billion this year to provide services and benefits to those not lawfully within the country.

In Texas, a Rice University study estimated that in 1992 alone, the State of Texas paid more than \$1.2 billion for these costs.

These costs are staggering.

I believe it is regrettable that States have reached the point where the only remedial avenue available to them, is to seek redress in a court. What is even more regrettable is that even if the States prevail on the merits of their claims in the court system, the problem will not go away.

The unfortunate result of these lawsuits is that they have the combined effect of increasing the tensions between the State and Federal Government and escalating anger at the current Federal policy. To ignore this would be a mistake. It is an abdication of our legislative and even our constitutional responsibilities to set the laws of the land.

Our response to this problem so far has been wholly inadequate. We have allotted a mere \$35 million—and remember the figures I have gone over from these States involve billions and billions of dollars—we have allocated \$35 million to deal with this problem. I realize there are other bailout solutions proposed. But I would suggest that even if the Federal Government wanted to, it would not be able to adequately compensate the States for the costly burdens owing to our failed immigration laws. And even if we did, the real solution would not simply be to throw money at the States. Without reforming our policies, these costs will have been borne year in and year out. If we could just bail out the States with these, in effect, lump sum payments, that would be one thing. But it would be a payment every year of multibillions of dollars.

It does not require an economic analysis to determine that the way we are headed is not economically feasible.

The Attorney General often talks about attacking the crime plaguing our society, concentrating on the root causes of crime. I believe that the best way to determine the solutions to our immigration-related problems is to focus on the root causes of the problems.

Arguably, the greatest root cause of our current problem is a porous border. Our Border Patrol is understaffed and our enforcement operations are underfinanced. I introduced legislation earlier this year that directly addresses this problem and offers a solution that will fund itself. My legislation, the Immigration Stabilization Act of 1994, Calls for the creation of a border control trust fund. This fund will be financed by the imposition of nominal

border crossing fees. Those crossing by car or truck will be required to pay between \$3 and \$5 depending on whether the vehicle is privately owned. For those who cross the border frequently, this legislation directs the Commissioner of the INS to establish a reduced multiple-crossing fee.

Madam President, this is not anything that is unusual. To go into some of our national parks and some of our State parks and you pay a fee. We have toll roads all along our highway system in this country. It has worked well.

These fees would be placed directly—that is the border crossing fees—into the Border Control Trust Fund. It would allow us to increase the full-time Border Patrol agents to 9,900 by the year 1998. That sounds like a lot of people, almost 10,000. But if you think of the thousands of miles of border we are obligated to maintain for 24 hours a day, that really is not a lot of people. But we need those people.

This fund will also be used to provide financial assistance to State and local law enforcement agencies that have entered into cooperative arrangements with the INS. In short, it beefs up our border security and eliminates the often adversarial relationship between the Federal and State and local governments that is fostered under current law.

While the border may be the root cause of our problems, it is also the smoking gun evidence that States will use in proving their case against the Federal Government. The case has to be made that protecting our borders is the primary responsibility of the Federal Government.

Why should the States be burdened with the negligence, for lack of a better word, or the malfeasance of the Federal Government?

If the State of Texas were still a republic, Governor Richards would not be justified in asking Congress to take steps to reduce illegal immigration. If Texas were still a republic, controlling its southern border would unquestionably be Texas' responsibility. All decisions regarding that border would be made not in Washington, but in Austin, TX.

However, the days of the Lone Star Republic are gone. The responsibility for defending and controlling this border rests with the Federal Government. And, the duty we owe to defend this border from our enemies is no less important than the duty we owe to control this border to prevent unlawful entry.

Again, Madam President, I want to emphasize that the root cause of our problems is law enforcement. It is not immigrants.

In recognizing that the root cause is one of law enforcement—or lack thereof—we must ask ourselves what price are we willing to pay by allowing our

laws to carry meaning only in the books in which they are printed? The States suing the Federal Government make a pretty compelling case that this price is enormous.

The benefits and services provided in this country are great. Medical services, unemployment compensation, aid to families with dependent children, emergency medical assistance, education and many, many other social services are provided by the Government. In part, because of the easy access to fraudulent identification documents, almost anybody can obtain these benefits and services.

It is because all of these services are easily available that the tenor of this whole debate has become so heated. It is also why some States have resorted to suing the Federal Government. There are Members in the other body who are offering amendments requiring a cutoff of all forms of benefits whatsoever—including education and emergency medical care.

I believe this kind of solution is short-sighted and often mean spirited. As a humane nation, we cannot refuse to provide emergency medical assistance because someone is unlawfully within the country. As a nation dedicated to education and justice, we cannot refuse to educate those children borne to illegal immigrants. That is unfairly punitive and does not serve the interests of building a more productive society.

There are other benefits and services, however, that should not go to people who are not legally within this country. Welfare, unemployment compensation, Supplemental Social Security, and housing subsidies are only a few of the benefits and entitlements that we should stop people who are not legally within this country from obtaining. We must do something with the operations of our country to ensure that the recipients who receive these benefits are lawfully within the country. Should we not be doing more to ensure that the scarce funds provided for in these benefits go to those who are lawfully within the country? The recipients of many of these benefits are often the poorest and most downtrodden of our society. It is manifestly unjust for the Government of the United States not to protect and care for the citizens of the United States.

I find it interesting that many of those opposed to reforming our immigration laws argue that this Nation has historically been able to absorb large waves of immigration. This may be true. But they forget to point out that almost all of the benefits and services available today were not available during many of the earlier waves of immigration.

There are other more unfortunate costs that States must bear for our failed immigration policies. Those are the costs of incarcerating criminals

who are not lawfully within the country. According to the California Department of Corrections, there will be some 18,000 undocumented individuals in their persons—the California State prisons—next year. The annual cost of keeping one inmate in prison in the State of California is almost \$21,000 a year.

The bottom line is that the State of California, on this one aspect of their burden, is having to spend \$375 million a year on a responsibility that fairly and realistically should be borne by the Federal Government.

California is not alone in dealing with the growing number of undocumented criminals residing in our prisons. Texas and Florida are also saddled with enormous costs, and their prisons too are overcrowded with undocumented criminals. In Texas, Governor Richard's office estimated it costs the State and local governments almost \$56 million just to incarcerate criminals who are not lawfully within the country. That is only for the State of Texas. In Florida, the Immigration and Naturalization Service continually releases asylum claimants before their asylum status or criminal history is even checked.

Keep in mind that in discussing the costs and burdens placed on the States for incarcerating these individuals we are not even counting the cost that society pays for the transgressions committed. The States are not the only victims. U.S. citizens and those individuals in this country lawfully are being twice victimized by this phenomenon; first, by the crimes committed against them, and, second, when their tax dollars are being used in apprehending, trying and imprisoning criminals who, but for the failure of our current laws, should not have been here in the first place.

What has been the Federal Government's response? Sadly, the crime bills contain language calling for Federal reimbursement for the incarceration costs—if we provide the money, which we probably will not do—or, in the alternative, that the Federal Government take custody of undocumented criminals. The taxpayers are paying for this whether they are taxpayers of the State of Texas, California, Florida, Nevada, Washington, Kentucky—we are all paying for this.

Again, the solution is not going to be found simply by throwing money at the States and wishing the problem away. Reform is needed, or the States will be facing this problem again next year, the year after, the year after, and for the foreseeable future.

The New York Times, a paper that none would argue as being anti-immigrant, best summarized the burdens giving rise to these State lawsuits in an editorial that said among other things:

[These States] didn't invite illegal immigrants; nor did these States create the pov-

erty that plagues those unfortunate families. Illegal immigrants are no more the responsibility of the taxpayers in Los Angeles than they are of the taxpayers in Butte [Montana]. After all, Washington sets the Nation's immigration laws; it also decides how carefully its laws are enforced. It follows that Washington ought to pay for the consequences of porous borders. [These States] pleas are just.

Madam President, I ask unanimous consent that this editorial be printed in its entirety in the RECORD.

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

(See exhibit 1.)

Mr. REID. It is time we ask ourselves whether we are going to have our immigration policies decided in the Federal courts or in the Congress, where the Constitution and the people of this country have deemed they should be decided do not engage in meaningful reform of our current immigration policies, the courts will decide our immigration laws. That is where the policy will be set. It will be set in the chambers of judges in all the circuits of this country when it should be decided in the Chambers of the House and the Senate. It is regrettable that these suits are being filed. It would be even more regrettable to allow the courts to set our immigration policies.

EXHIBIT 1

[From the New York Times, Jan. 11, 1994]

THE UNFAIR IMMIGRATION BURDEN

A handful of states have been inundated by illegal immigrants and are unfairly bearing the costs that should be borne by the entire nation. They deserve a helping hand when President Clinton submits his budget to Congress next month.

Only a few states—California, Texas, Illinois, Florida, New York and New Jersey—account for the vast majority of the estimated five million illegal, often poor immigrants who have entered the U.S. over the last decade. California alone may account for half. Cities like Los Angeles and New York have been pounded by costs associated with new immigrants.

The Governors of Florida and California are planning to sue Washington for money their states spend providing education and emergency health care for illegal immigrants. Their plea is just.

Gov. Pete Wilson says California wants Washington to pay more than \$2 billion a year that his state spends on education, emergency health care, prisons and other outlays on illegal immigrants. Gov. Lawton Chiles of Florida wants Washington to pick up the \$750 million tab that his state has spent on illegal immigrants from Cuba, Nicaragua and Haiti, among others. New York spends at least \$800 million a year on illegal immigrants. But to help meet these huge budget hits, Congress has allotted a measly \$35 million.

California and Florida didn't invite illegal immigrants; nor did these states create the poverty that plagues those unfortunate families. Illegal immigrants are no more the responsibility of taxpayers in Los Angeles than they are of taxpayers in Butte. After all, Washington sets the nation's immigration laws; it also decides how carefully its laws are enforced. It follows that Washington ought to pay for the consequences of porous borders.

If Congress refuses to recognize the plight of Florida, California and New York, the political mood will inevitably turn ugly. Governor Wilson has already proposed denying illegal immigrants education and some other services. And if such costs are piled onto already strapped state budgets, states may react with stingy services for all poor residents. Worse, demagogues will be tempted to demonize all immigrants, legal and illegal, many of whom are guilty of no more than fleeing political oppression and economic degradation.

There's a humane palliative. Congress can find the few billion dollars a year it would take to ease the burden on the worst-hit state budgets. The costs of illegal immigration in the U.S. aren't huge in total. But they are back-breaking in cities like New York and Los Angeles. Congress needs to rescue hard-pressed localities. Then it can turn to the harder task of rescuing individuals trapped in poverty—taking them off welfare rolls and connecting them permanently to useful work.

NOMINATION OF LAURI FITZ-PEGADO, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE

The Senate continued with the consideration of the nomination.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

UNANIMOUS CONSENT AGREEMENT

Mr. FAIRCLOTH. Madam President, I ask unanimous consent that it now be in order to ask for the yeas and nays on both the motion to recommit and the confirmation of the nomination, if the motion to recommit fails.

Mr. FORD. Madam President, I know of no reason to object to that and, as I understood last night, the Senator had this kind of an agreement; is that correct?

Mr. FAIRCLOTH. For an 11:30 vote.

Mr. FORD. The Senator is asking unanimous consent now for the yeas and nays on both of those?

Mr. FAIRCLOTH. On the motion to recommit—

Mr. FORD. If the motion to recommit is not agreed to, then the Senator wants a vote on the nomination itself?

Mr. FAIRCLOTH. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. I have no objection.

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

Mr. FAIRCLOTH. I now 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. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. FORD. Madam President, I understand there is no more time on the Democratic side and there is approximately 10 minutes remaining on Senator FAIRCLOTH's time. I have just discussed with him and he is willing to yield what time he has remaining to the distinguished Senator from California [Mrs. FEINSTEIN], for a statement as if in morning business, which will appear at a later point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. There are 8 minutes and 50 seconds remaining.

Mr. FORD. How much time?

The PRESIDING OFFICER. Eight minutes fifty seconds.

Mrs. FEINSTEIN. I very much thank the distinguished Senator from Kentucky.

(The remarks of Mrs. FEINSTEIN appear at a later point in the RECORD during the consideration of the Federal Aviation Administration Authorization Act of 1994.)

The PRESIDING OFFICER. All time on the pending motion has expired.

The question occurs on the motion to recommit the nomination to the Committee on Banking, Housing, and Urban Affairs.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 147 Ex.]

YEAS—37

Bennett	Dorgan	McConnell
Bond	Faircloth	Moynihan
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Simpson
Cochran	Helms	Smith
Conrad	Hutchison	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thurmond
D'Amato	Lott	Wallop
Dole	Lugar	
Domenici	Mack	

NAYS—61

Akaka	Daschle	Heflin
Baucus	DeConcini	Hollings
Biden	Dodd	Inouye
Bingaman	Durenberger	Jeffords
Boxer	Exon	Johnston
Bradley	Feingold	Kennedy
Breaux	Feinstein	Kerrey
Bryan	Ford	Kerry
Bumpers	Glenn	Kohl
Byrd	Gorton	Lautenberg
Campbell	Graham	Leahy
Cohen	Harkin	Levin
Danforth	Hatfield	Lieberman

Mathews	Pell	Sarbanes
McCain	Pressler	Sasser
Metzenbaum	Pryor	Shelby
Mikulski	Reid	Simon
Mitchell	Riegle	Wellstone
Moseley-Braun	Robb	Wofford
Murray	Rockefeller	
Nunn	Roth	

NOT VOTING—2

Boren	Warner
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So the motion was rejected.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Lauri Fitz-Pegado, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 148 Ex.]

YEAS—69

Akaka	Ford	McCain
Baucus	Glenn	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Boren	Harkin	Moseley-Braun
Boxer	Hatfield	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Packwood
Bryan	Inouye	Pell
Bumpers	Jeffords	Pressler
Byrd	Johnston	Pryor
Campbell	Kassebaum	Reid
Chafee	Kennedy	Riegle
Cohen	Kerrey	Robb
Danforth	Kerry	Rockefeller
Daschle	Kohl	Roth
DeConcini	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Domenici	Levin	Shelby
Durenberger	Lieberman	Simon
Exon	Lott	Stevens
Feingold	Mack	Wellstone
Feinstein	Mathews	Wofford

NAYS—30

Bennett	Dole	Lugar
Bond	Dorgan	McConnell
Brown	Faircloth	Moynihan
Burns	Gramm	Murkowski
Coats	Grassley	Nickles
Cochran	Gregg	Simpson
Conrad	Hatch	Smith
Coverdell	Helms	Specter
Craig	Hutchison	Thurmond
D'Amato	Kempthorne	Wallop

NOT VOTING—1

Warner

So the nomination was confirmed.

Mr. MITCHELL. 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.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:
A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. 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. FORD. 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. FORD. Mr. President, may I take a few moments, because a number of my colleagues have raised questions regarding the concerns that airport operators have raised about title V of the bill, the impact on airport bonds and the possible imposition of civil penalties on airport sponsors for violations of the law.

Mr. President, after months and months and months of tedious and torturous negotiations—and I underscore both those words—a compromise was reached with the two airport associations and the airlines. Let me repeat that. A compromise was reached with the two airport associations and the airlines. At the time of the final negotiations, I committed to the airport association to continue to work on these two issues, to clarify the language if necessary. I also committed to address and eliminate problems that are not intended by this legislation. I am aware that there are serious concerns about the effect this legislation may have on new fees, or fee increases that are committed in the future for bonds or financing agreements for airport capital improvements.

I do not want to weaken airport bond financing capabilities, or ratings, nor do I want to inadvertently cause airport financing costs to increase. Such a result is in no one's best interests.

I strongly believe that setting out a procedure for airport fee disputes will be a plus for the bond market, as they are always seeking certainty. Also, the elimination of the possibility of airport funds bleeding off the airport to fund local government services, should also send a strong, positive message to Wall Street and preserve the integrity of the airport funding system.

I plan to work with the airports, the financial community, and other experts to make modification in the conference as necessary to prevent any adverse effects on airport financing. And I am not sure there will be much modification

because of the long, long period of negotiations for the final agreement between the two airport associations and the airlines.

Mr. President, with respect to the civil penalties provision, it is intended to inform local government officials and airport sponsors that revenue diversion will not be allowed. This provision should also strengthen DOT's ability to enforce the law. Mr. President, I believe this provision is needed, in that a prohibition on revenue diversion has been the law since 1982 and airports continue to divert revenue. One of the biggest problems with airport fees has been the lack of enforcement at the Department of Transportation. My interest—my interest alone in including a civil penalties provision is not in assessing penalties but to create a strong disincentive for those who may be tempted to seek to divert airport revenues and to ensure that violations are corrected and that any funds that are diverted illegally are restored to the airport.

I want to make certain that the Department of Transportation and the FAA, should they find a violation, will provide a reasonable period of time to make corrective action to restore the funds or otherwise come into compliance before a penalty is assessed. As I stated in my opening remarks several days ago to S. 1491—in fact it was last Thursday—the Secretary of Transportation has wide latitude to mitigate or compromise the penalty, and that authority should be used. I hope the Secretary would not impose civil penalties for inadvertent diversion, but, instead, seek to recoup those funds in a timely fashion, worked out with the airport sponsors. Mr. President, I hope the provisions of this compromise never have to be used.

I want to continue to encourage airports and airlines to work out their differences at the local level. The few occasions when a dispute has reached the level where the parties are unable to reach an agreement has proved the need for legislative guidelines and a swift policy at the Department of Transportation to resolve the dispute.

I have included language in the compromise that ensures the compromise will not affect the fees and arrangements that are a part of a written agreement between an airport and the airlines.

The language also makes clear that in enacting this legislation, the Congress does not intend to affect fees that are not in dispute or are required under financing agreements or bond covenants entered into prior to the bill's enactment.

So, Mr. President, I hope this brief explanation will alleviate many of the concerns some of my colleagues have raised with me as chairman of the Aviation Subcommittee of the Committee of Commerce, Science, and Transportation.

MISAPPLICATION OF REVENUE DIVERSION POLICIES

Mr. HARKIN. Mr. President, I appreciate the chairman's efforts to prevent revenue diversion by airports. However, I would like to engage the chairman in a brief colloquy that expresses strong concern about the misapplication of revenue diversion policies to a situation affecting the Des Moines International Airport and its rental of facilities to the Des Moines Independent Community School District.

The school district is one of only three in the country to train high school students to become aviation maintenance technicians. It's graduates, with the training and the experience that can only be gained from learning at an operating airport, are working all over the Midwest, ensuring that the Nation's aircraft are safely maintained.

In 1993, the Department of Transportation inspector general conducted an audit to airport revenues across the country. Its goal was to shed some light on the very serious issue of airport revenue diversion, and to determine which airports were engaged in unauthorized revenue diversion.

I understand that the IG found Des Moines to be a fully self-sustaining airport, and generally found its procedures and accounting satisfactory. However, I am told that the IG concluded that the airport was not in full compliance with its grant assurances because it was not charging full market value for use of airport land on which a public school facility has been built, which is considered to be a form of revenue diversion.

I am greatly troubled by the IG's finding with regard to Des Moines. The use of this facility as a training school for aviation maintenance technicians is a situation wholly distinct from the classic cases of airport revenue diversion, where moneys generated by the airport are spent on off-airport service that do not benefit this airport or airport users, and deprive the airport of needed revenue.

This school is not only a governmental entity, operated by the school district. Most importantly, it provides critical services to the airport community. It must be located at an airport in order to fulfill its mission. And it provides a means of offering our Nation's young people an opportunity to develop needed aviation skills that can only be learned in an operating aviation environment. To insist on charging market value for a facility lease under the circumstances in this case, particularly when the airport is already self-sustaining, would in my view, be a serious distortion of the rules preventing airport revenue diversion.

A Blue-Ribbon Panel study commissioned in 1993 predicts an impending

shortage of maintenance technicians who have the training necessary to operate in tomorrow's complex aerospace system. The school district and the airport are working together to supply a much needed commodity in aeronautics—skilled technicians who have the qualifications to provide services necessary to ensure the safety to air travelers.

I am concerned that the IG may have found this to be in violation of the airport's sponsor agreement and the Airport and Airway Improvement Act 1982. I do not believe that we had in mind requiring nonprofit governmental entities, such as this school, which fulfill an important aviation need—one without which airports cannot exist—to pay full market value for rental of airport property when the airport is already self-sustaining.

Mr. FORD. I appreciate the Senator's thoughtful address on this issue. Airport revenue diversion is arguably a very serious matter. Our intention at the time the Airport and Airway Improvement Act was enacted was and remains that an airport be as self-sustaining as is feasible, and that the revenues generated by an airport should be used by the airport and should not be sent downtown for other purposes.

I agree with the Senator from Iowa that the rental to the school district for the maintenance technician school should be considered an appropriate and aviation-related use, and not subject to the strict imposition of the requirement that full market value be paid for the facility, particularly insofar as the airport is self-sustaining. The school needs to be on the airport. It is not a commercial enterprise. It is not generating a profit from which to pay for a full market value lease, and the work it performs on the airport directly benefits the airport and its users.

I would also reiterate, however, that this body remains strongly opposed to diversion of airport revenue. The Airport and Airway Improvement Act of 1982 clearly prohibits such diversions, and rightly so. We must ensure that our Airport Improvement Program dollars are maximized at our Nation's airports. These funds are not meant to augment a local government's accounts, enabling it to use airport revenues to fund projects unrelated to an airport, no matter how worthy those projects might be.

SECTION 503(a)(2)

Mr. SARBANES. I would like to engage the chairman and floor manager in a colloquy concerning section 503(a)(2) of the bill.

Since 1970, the State of Maryland has maintained a Consolidated Transportation trust fund under which all transportation revenue, including that generated by airport and port facilities, transit fares, motor vehicle registration fees and other fees is deposited.

Revenues generated by the Maryland-owned and operated Baltimore/Washington International Airport—BWI—are included in this trust fund. These commingled revenues are then, in turn, disbursed to pay the expenses of the Department's programs. This mechanism has helped ensure that Maryland has an integrated, intermodal transportation system and has provided the Maryland Department of Transportation with the flexibility necessary to meet local needs and changing conditions on a timely basis.

I ask unanimous consent that a letter from the Secretary of Maryland's Department of Transportation which describes this arrangement and the use of trust fund money be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. SARBANES. In section 511(a)(12) of the Airport and Airway Improvement Act of 1982, the Congress specifically allowed various airports, under certain conditions, to be exempted from the requirement that all airport revenues be used only for airport purposes. In short, airports whose funding mechanisms were established prior to the 1982 act which have similar consolidated trust funds or similar funding mechanisms could continue to be eligible for Federal AIP Program funding even though airport revenues were used for other purposes. Given that BWI is owned and operated by the Maryland Aviation Administration, which in turn is part of the Maryland Department of Transportation whose funding mechanisms were created in 1970, it is evident that BWI qualifies under the grandfather provision of the 1982 act.

I want to clarify the committee's intent with respect to section 503(a)(2) and to ensure that nothing in this section would disrupt BWI's status as a fully qualified section 511(a)(12) airport.

Mr. FORD. The Senator from Maryland is correct. Let me assure my colleague that it is not the intent of section 503(a)(2) to disrupt BWI's status as a fully qualified section 511(a)(12) airport.

Mr. SARBANES. I thank the chairman for these assurances. I also want to underscore an important point raised in the letter from Maryland's Secretary of Transportation and I quote: "Regardless of the effect of the grandfather provision, as a practical matter, BWI should not be characterized as a so-called revenue diverting airport, inasmuch as, since 1972, the MDOT Transportation trust fund expenditures for BWI have been in excess of \$167 million more than the amount of revenue generated by BWI which has been credited to the same fund. In sum, the State of Maryland is more appropriately characterized as a revenue

infuser when it comes to its proprietorship of BWI."

EXHIBIT 1

MARYLAND DEPARTMENT
OF TRANSPORTATION,
June 9, 1994.

HON. PAUL S. SARBANES,

U.S. Senate, Senate Office Building, Washington DC.

DEAR SENATOR PAUL SARBANES: I am writing concerning the status of State of Maryland owned and operated Baltimore/Washington International Airport (BWI) vis-a-vis the issue of "revenue diversion" and Section 503 (a)(2) of S. 1491, the "Federal Aviation Administration Authorization Act of 1994" which would re-authorize the Federal aid-to-airports program.

We firmly believe that BWI is a fully qualified airport for purposes of receiving federal aid, pursuant to Section 511 (a)(12) of the Airport and Airway Improvement Act of 1982, as amended. That section states:

"all revenues generated by the airport, if it is a public airport, . . . will be expended for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property; except that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in the governing statutes controlling the owner or operator's financing, provide for the use of the revenues from . . . the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all other revenues generated by the airport . . . shall not apply;" (emphasis added)

Legislation passed in 1970 (Chapter 526 of the laws of Maryland of 1970) created the financing mechanisms for the Maryland Department of Transportation. All revenues of the department are credited to the consolidated Maryland Transportation Trust Fund. All state owned transportation facilities and programs, including those of the Maryland Aviation Administration, which was created in 1972, are operated and financed through this consolidated fund. Thus revenues generated at the MAA owned and operated Baltimore/Washington International Airport are commingled with other departmental revenues, and are used to pay the expenses of the department and its ongoing operations and capital programs.

The Maryland Aviation Administration, as operator of BWI, has executed and abided by all relevant Federal Aviation Administration grant assurances since the Administration's inception in 1972. The Administration is therefore acting in compliance with applicable Federal law when all BWI revenues are remitted to the department's trust fund and commingled with other sources of departmental revenue.

Since creation of the Maryland Department of Transportation, the Maryland Aviation Administration and the state's Transportation Trust Fund all occurred prior to the September 3, 1982 "grandfather" date set forth in Section 511 (a)(12) and reaffirmed by Section 503(a)(2) of the pending re-authorization. BWI is fully qualified airport within the meaning of these provisions.

Regardless of the effect of the grandfather provision, as a practical matter, BWI should not be characterized as a so-called "revenue diverting airport," inasmuch as, since 1972, the MDOT Transportation Trust Fund expenditures for BWI have been in excess of

\$167 million more than the amount of revenue generated by BWI which has been credited to the same fund. In sum, the State of Maryland is more appropriately characterized as a "revenue infuser" when it comes to its proprietorship of BWI.

Thank you for your continuing interest and support, and your commitment to ensuring that the travelling and shipping public continue to be well served through Maryland's domestic and international gateway airport, BWI.

Sincerely,

O. JAMES LIGHTHIZER,
Secretary.

Mrs. FEINSTEIN. First and foremost, I would like to thank the manager of this bill, the Senator from Kentucky, for his patience, his diligence, and his cooperation on this bill. Since last year, this bill has faced one hurdle after another, but Senator FORD and his staff have addressed each hurdle, and recognizing the importance of this bill to the Nation's airports, have moved this bill toward final passage. I for one appreciate his effort. The Senator has also engaged me in three colloquies to clarify issues of concern—on the issues of regional planning districts, the escrow account and how it affects Los Angeles International Airport, and the safety requirements on intrastate trucking—and for that I am appreciative.

The Senator from Kentucky, a little over a month ago now, helped craft a temporary authorization bill that began the funds flowing from the Airport Improvement Program, but provided airlines and airports the opportunity to return to the negotiating table to address an ongoing dispute on the issue of rates charges. Previous to the passage of the short-term bill, I expressed, as did a number of my colleagues, great concern over proposed legislation that was circulating with regard to the establishment of rates and charges and how they affect the airports, the airlines, and the traveling public. Senator FORD heard that concern and brought the parties back to the negotiating table to avoid passing a bill that placed too much of a burden on one side or the other.

The dispute over rates and charges, which I will discuss in a few moments, has attracted a great deal of attention and consumed a great amount of time. But, the bill contains much more than just this provision.

The most fundamentally important aspect of this bill is that it authorizes over \$2 billion a year in airport grants for fiscal year 1994 thru fiscal year 1996. Grants from this program are vital, particularly for small airports, and are used to do such things as improve runways, install navigational equipment, conduct master plans, soundproof residences, that are near airports, acquire firefighting vehicles, among others.

These funds are critical to the ongoing development of our Nation's infrastructure and their delivery can be delayed no longer.

RATES AND CHARGES

Let me return to the issue of rates and charges. The bill language that we have before us today is much better than what we were about to consider 6 weeks ago when we adopted the short-term bill in order to resolve some of these matters, and is as close to a genuine compromise as we are likely to get. Most importantly, in my opinion, we have preserved the right of an airport to establish rates and charges according to a compensatory or residual methodology, and have maintained the Secretary's discretion to determine what is and is not a reasonable rate.

Both sides have given ground on this language, and I appreciate the efforts of the chairman and his staff to keep the parties at the negotiating table. Both airport trade associations, the American Association of Airport Executives and the Airports Council International—though ACI did so with some hesitation—have agreed to support this bill.

What makes this issue so tremendously difficult, is the fact that no two airports are alike. Airports accommodate different airlines, establish different fees, and enter into an infinite variety of agreements. Instead of being able to establish one simply policy, the policy must remain broad enough, and the Secretary must maintain adequate discretion, so the entire spectrum of airports and airport issues can be accommodated. Are all the airports happy? No. Are all of the airlines happy? No. But the bill we have before us today is a great deal better than the crash course we were on 6 weeks ago.

I would like to briefly discuss some items that remain in the bill, yet need continued consideration.

CIVIL PENALTIES

This legislation imposes civil penalties on an airport sponsor should the sponsor violate an airport grant assurance and divert revenue off the airport. As a result of the proposed language, civil monetary policies could be unlimited in amount, and each violation of each individual grant assurance would be considered a separate violation. A grantee could be liable for millions of dollars in civil penalties.

Let me make a few more points. Civil penalties are paid out of public funds and will ultimately be paid by the taxpayer. To my knowledge this is the first time that any grant program would impose penalties for violating a grant assurance. The National League of Cities is strongly opposed to this part of the bill, and feels that it will set a dangerous precedent for other grant-in-aid programs. I will submit a letter from the National League of Cities for the RECORD. Finally, the legislation would deny an airport sponsor future grant funds in light of a violation, and I think that this is sufficient without imposing additional penalties.

I would rather not see civil penalties in the bill, but if it remains, at a bare

minimum, there should be a period where the airport sponsor has the opportunity to correct the violation.

ESCROW

This bill provides that should a dispute arise over fees, the disputed increase in fees will be paid into an escrow account until the matter is settled. This places an airport at a tremendous disadvantage in any negotiation over a landing fee. If an airport raises a fee, and the increase is thrown into an escrow account for up to the 6 months it could take to resolve a dispute, an airport could face tremendous financial strain by not receiving these funds. An airline, knowing that an airport faces financial trouble, gains significant leverage in an attempt to reach an agreement.

I would like to thank the manager of this bill for ensuring that nothing in this bill is retroactive in terms of affecting the interim settlement agreement between LAX and the airlines that was reached last November. The provision that the committee included in this bill specifically exempts from the requirement for escrow the fees currently in dispute at LAX. Without this provision, the financial situation at LAX could quickly become grave, and I appreciate the chairman's including this provision in the bill.

BONDS

Concerns remain that language in this bill will affect the ability of airports to finance airport capital projects. It is my understanding that the bill, as drafted, would require a bond issued to be signed off on by every airline at an airport. This would increase costs and cause unnecessary delay in needed improvements as well as create roadblocks to beginning new projects. In difficult financial times, it would be counterproductive to pass legislation that will increase the cost of capital projects at Los Angeles International Airport, San Jose International Airport, Oakland and San Francisco International Airports, or any other airport in California or in the Nation.

I am also concerned that this provision on bonds will, in effect, give the airlines veto power over airport capital projects. The real issue is who will have ultimate control at an airport. While I would clearly prefer cooperative arrangements between airports and airlines, if that is not possible, the final say must be with the municipal sponsors. The cities remain while air carriers come and go.

The chairman recognizes this concern and intends for this bill, in no way to interfere with an airports' bond financing, capability. In this vein I urge the chairman and his staff to consult closely with bond rating agencies, bond and underwriters counsel, airport financial officers, and others to ensure, before this bill is passed, that the cost of capital financing is not increased as a result of this legislation.

REVENUE SHARING

The final issue I would like to address, to some extent, is the entire reason we are dealing with the issue of rates and charges. That is diversion of revenue from an airport for non airport-related use. The bill, as drafted, strengthens the penalties against those airports that divert revenue illegally.

It is my strong belief that one can create a partnership interest between air carriers and airport owners to maximize concession revenue, reduce airline costs, and control operating expenses. I believe agreements can be reached between airports and air carriers that would allow for concession revenue to offset landing fee costs for the carriers, while serving as an important source of revenue for the airport owner to use for community purposes such as police or fire protection.

Currently, airport owners lack any incentive to reduce costs or generate revenues at an airport. At the same time, the airlines are occupied with the idea that airports' costs must be as low as possible, but do not see revenue potential as helping them achieve that goal. This adversarial position has not allowed for a partnership which can mutually benefit the airport owners and airlines.

Let me share with you my history and experience in dealing with one major airport in this country—San Francisco International Airport [SFO]. SFO is the fifth busiest airport in the Nation, and the seventh busiest in the world.

In the late 1970's and early 1980's San Francisco was having a major problem with crime. The crime rate had soared. A year earlier, proposition 13 which limited the ability of all California cities and counties to raise revenue was passed. It became very clear that local government had to begin to operate those departments which could be run like a business as a business in order to produce a bottom line profit.

In California and across the Nation, the big cities cannot raise the revenues needed to provide the level of police protection that is necessary to keep the city safe and attractive for its citizens and visitors. I think every mayor of every big city would agree with me on this point.

This is the situation that Los Angeles finds itself in today.

Cities run airports, make no mistake. In some cases it is States or counties, but in most instances, cities run airports.

This legislation clearly recognizes the city's ultimate responsibility by in fact making the city liable, in the form of civil penalties, for any violation of grant assurances. It does not hold concessionaires, rental car agencies, taxi services, or air carriers responsible for the long-term maintenance and operation of the airport. The bottom line is that the burden falls on the city.

Work began on SFO in 1927 when it was originally Mills Field. For the next 40 years, the people of San Francisco passed and supported the bonds, at great risk, to enable the building of the airport. They put up their full faith and credit that regardless of whether the airport was a success or failure, those bonds would be repaid.

At SFO, 32 million annual passengers travel through the airport. During the days of the early 1980's SFO was not an impressive airport. Its concessions were poor, its restrooms were not as clean as they should be, its personnel for many not as friendly, the garage was a mess, ingress and egress was extremely difficult, and complaints abounded.

Airlines also had their grievances. The cost of operating at SFO was increasing, arguments between the airport operator and the airlines were chronic. The airlines felt that they had little say in management.

In 1981, the airport commission, the city attorney, and I began an effort to try to turn around SFO. We recognized that airports are one of those departments that could produce a bottom line for the city which we would use to put police on the street, to lower the crime rate, which would therefore make it better for visiting conventions, tourists, and also for airlines because San Francisco would grow as a destination city with a low crime rate.

I, as mayor, pressed our case verbally with the air carriers and legally in the courts. Several months of extraordinary, and, it is fair to say, difficult negotiation took place with the final negotiations being handled by myself, in my office. Thanks to United Airlines and 21 other airlines, a unique agreement was put into place.

AGREEMENT

This agreement has been of great benefit to the air carriers, the airport, and the traveling public. I believe it presents a model for other large airports in a similar situation. Under the agreement, the city of San Francisco receives an annual service payment which last year equaled approximately \$15 million.

In 1981, when the agreement was established, the air carriers assumed 51 percent of the costs of operating San Francisco International. They now only assume 27 percent of the costs of operating San Francisco International. So the costs to the airlines as a percentage of airport operating costs have decreased over the years.

Since the agreement at SFO was established in 1981, the city has received payments in excess of \$19 million. You should also know that during the years I was mayor, much of that money went for additional police and over those years the crime rate in San Francisco went down by 27 percent.

While the airlines have experienced savings as a result of lower landing fees in excess of \$329 million.

The incentive to run a good airport under this agreement is tremendous. As a point of comparison, during the fiscal year ending in June 1993, Los Angeles International Airport [LAX] generated only \$8.5 million more in concession revenue than SFO—109.2 million to \$100.7 million—even though LAX served nearly 15 million more passengers than SFO—32 million to 47 million.

Today, SFO is one of the outstanding airports in the Nation and the world. It is visitor friendly, the staff are courteous, air carriers have a new relationship with management which is a cooperative rather than antagonistic one. Carrier costs of operation are down, and San Francisco is receiving a steady stream of revenue based on the fact that there is now an incentive to merchandise and market concessions.

I believe that such an arrangement as exists at SFO or one similar can exist at Los Angeles International Airport and other airports. I believed there can be a dramatically changed atmosphere, with reduced costs for both the airport operator and the airlines.

Times have changed since the SFO agreement was reached, and in today's climate, and at other airports, this specific type of an agreement may not work, but others might.

The bottom line is this: Airports and air carriers should have the flexibility to enter into agreements that will work to the benefit of both airlines, airports, and airport owners. They do not currently have that flexibility and I want to change that. Since the 60-day temporary airport bill was introduced and passed, I have met with representatives of the airports, the airlines, I have had conversations with the Chairman, and I have had numerous conversations with Mayor Richard Riordan of Los Angeles.

Representatives from Los Angeles International Airport have been in constant discussion with air carriers with regard to establishing agreements that would be mutually beneficial. I would like to provide Mayor Riordan and LAX, as well as other cities and their airports, the flexibility to pursue such agreements should be possible.

I recognize that the chairman and I do not agree on this issue, but it is one that I believe in, and one that I strongly believe would be beneficial to the Nation's airlines, airports, and traveling public. There are still a lot of questions to be answered and I hope that we can continue to discuss these issues in the months ahead.

Mr. President, I ask unanimous consent that the letter to me dated June 7, 1994, from the National League of Cities be printed in the RECORD.

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

NATIONAL LEAGUE OF CITIES,
Washington, DC, June 7, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of the elected leaders of the nation's cities and towns to urge rejection of proposed language in the airport reauthorization bill, S. 1491, to impose civil penalties on grant recipients for violations of assurances entered into when securing such grants. We are concerned that this proposal would set an extraordinary precedent, not just for the public financing of essential public air transportation facilities, but also for other grant-in-aid programs to state and local governments.

The proposed legislation would impose civil penalties on governmental grant recipients for the violation of assurances entered into when securing airport grants. Under current law, it is well understood that the breach of a grant assurance could result in the termination of the grant and disqualification from further grants of that type. However, it is unprecedented that the breach of a grant assurance would, in addition, give rise to liability for substantial monetary penalties. No other grant program provides civil penalties for breach of a grant assurance by governmental recipients. Under the proposed language, civil monetary penalties could be unlimited in amount. Each day of violation of each individual grant assurance would be a separate violation. A grantee could be liable for millions of dollars in civil penalties. Issues of liability and the amount of fines would be entirely under the control of the Federal Aviation Administration, not the federal courts.

The threat of such charges has immediate implications for borrowing costs to finance construction and safety improvements at public airports, potentially significantly increasing interest rates on municipal bonds necessary to finance capital improvements. We are aware of no evidence that existing remedies are insufficient to deter breaches; whereas, just the threat of this penalty is likely to impose immediate costs on taxpayers and passengers. Current remedies include suspension, and potential termination, of the grant and disqualification from further grants.

We ask you to oppose any version of S. 1491 that includes any provision with respect to civil penalties. The imposition of civil penalties—in any form—against municipalities and state is an inappropriate mechanism for enforcing general grant provisions.

We would appreciate your support.

Sincerely,

SHARPE JAMES,
President, Mayor of Newark.

Mrs. FEINSTEIN. Thank you, Mr. President.

I yield the floor.

Mr. FORD. Madam President, I see no other Senator to make any statement. 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. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. I thank Senator FORD for his willingness to entertain,

as part of the Committee substitute, a provision which deals with a very specific concern of the city of Los Angeles. I would like to describe to the Senate the nature of the Los Angeles concern and the manner in which this concern is resolved in the committee substitute.

The city of Los Angeles has always stated that disputes between air carriers and airport owners and operators should be resolved by the Secretary of Transportation if the parties cannot resolve the dispute themselves. As currently drafted, if an air carrier files a complaint with the Secretary challenging the reasonableness of a fee imposed upon an air carrier by an airport, the lawfulness of that fee can be challenged through a complaint filed with the Secretary. During the 120-day period while that complaint is pending before the Secretary the air carriers must pay the amount of the fee into an escrow account and upon the determination of the complaint by the Secretary the amount in the escrow account is either paid to the airport, if the fee is found to be lawful, or it is paid back to the air carriers if the fee is found to be unlawful. While I disagree with the requirement that a disputed fee be paid into escrow instead of being paid to the airline during the pendency of the complaint, it was my understanding that the committee substitute does include an escrow provision. Given that provision, I stated to Senator FORD that I believed that it would not be appropriate for the proposed escrow provision to apply to the current dispute between the city of Los Angeles and the air carriers at LAX.

Through the active involvement and assistance of Secretary Peña, the city of Los Angeles and the airlines at LAX entered into an interim settlement agreement on December 1, 1993 which provided that airlines would pay the increased fees at LAX while at the same time preserving the right of the air carriers to challenge the lawfulness of those increased fees either through proceedings in the Federal courts or in a complaint before the Secretary of Transportation. My concern was that nothing in this bill would affect in any way the interim settlement agreement that was entered into between the city of Los Angeles and the airlines and specifically that no escrow would apply to any complaint with respect to increased fees that was the subject of that agreement. As matters currently stand, the airlines have filed a lawsuit in Federal district court challenging the fee increases, which lawsuit was dismissed by the district court on the grounds that the matter is more appropriately heard by the Secretary. The airlines have appealed that decision. Whether they win on appeal or lose, the airlines should be permitted to continue their challenge either in the Federal courts or before the Secretary.

However, if they are required to go to the Secretary, we wish to make certain that the escrow provision would not apply.

As a result, the committee has agreed to an amendment I proposed to section 536(d)(1) which would specifically exempt from the requirement for escrow the fees currently in dispute at LAX. While the airlines would be permitted to file a 120-day administrative proceeding with respect to such fees, under the interim settlement agreement they must continue to pay the fees to the city of Los Angeles while their complaint is pending before the Secretary. While this provision would apply to the existing controversy, in the event of any subsequent rate increases, after the enactment of this statute, disputes concerning those fees would be handled in precisely the same manner as any other fee dispute subject to section 536.

I very much appreciate the assistance of Senator FORD and other members of the Aviation Committee in securing this amendment, which was of substantial concern to me and to the city of Los Angeles, and I appreciate the opportunity to provide the Senate with an explanation of this provision which has now been incorporated into the committee substitute.

Mr. FORD. I thank the Senator from California for her very complete and accurate explanation of the amendment that was made to section 635(d)(1). I certainly concur that it was not our intent that the escrow apply to the existing controversy between the city of Los Angeles and the airlines operating at LAX. I appreciate the Senator providing an explanation of the background of this provision and I appreciate her assistance in securing an amendment satisfactory to the city of Los Angeles in this matter.

Mrs. FEINSTEIN. Mr. President, I respectfully request the chairman's reconsideration of a specific provision which has been incorporated into this important legislation.

Section 117 of the bill imposes two new conditions on the recipients of integrated airport system planning grants. First, that major airport operators be given a seat on the governing board of a recipient planning agency, even when the municipality or county which owns the airport already is represented on the governing board. Second, that major airport operators be a coapplicant for future integrated airport system planning grants. My understanding is that these provisions have not been included in the House version of aviation reauthorization which will serve as the bases for conference committee discussions.

In terms of the first condition regarding a seat on the governing board: In many cases, the municipal owners of these airports are already represented on various planning agency boards. To

require additional representation could cause a serious imbalance to voting equity for those jurisdictions without a major airport.

The second proposed condition, requiring major airport operators to be coapplicants for future planning grants, would give major airports the opportunity to veto grant applications by withholding their cosponsorship from any element in a planning program with which they disagree. This condition would seriously undermine the integrity and independence of the regional airport planning process.

With these concerns in mind, I would urge the chairman not to oppose efforts by House conferees to delete these provisions. I appreciate the chairman's consideration of California's perspective. I will also request that two letters—one from the Southern California Association of Governments and one from the Metropolitan Transportation Commission—be submitted for the RECORD.

Mr. FORD. I would like to thank the Senator for her views on this issue. She is not the only Senator that has brought this issue to my attention, and I will keep her concerns, and the concerns of our House colleagues clearly in mind as this bill goes to conference.

Mrs. FEINSTEIN. I ask unanimous consent the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS,
Los Angeles, CA, June 1, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DIANNE FEINSTEIN: I am writing to advise you that the Southern California Association of Governments (SCAG) opposes the following new provisions of Section C related to Integrated Airport System Planning Grants in the Airport Improvement Plan "Long Bill":

1) additional member on the Metropolitan Planning Organization's (MPO) Governing Board representing airport interests (see subparagraph C of Section 508(d)(4) of 49 App. U.S.C. 2207(d)(4));

2) requirement for a hub airport to be a co-applicant for any planning grant. (see subparagraph B of Section 508(d)(4) of 49 App. U.S.C. 2207(d)(4)).

SCAG is the MPO for the region and currently has an effective means of receiving from input and advice from airport/aviation interests. Our Aviation Technical Advisory Committee (ATAC) consists of 44 members, including the United States Arms Services which is concerned with military facilities and base reuse plans. Further, ATAC membership is represented on a county-by-county basis so that all airports within the six county region have a voice on the committee. Please refer to the attached roster for a complete membership list.

ATAC establishes the policy direction and makes the technical decisions pertaining to aviation systems planning for the SCAG region. This committee was created specifically to ensure that the special and unique aviation planning issues would have a fo-

cused forum and strong link to the Governing Board. ATAC's recommendations and actions are reported directly to the MPO's policy committee and Governing Board (SCAG's Transportation and Communications Policy Committee and Regional Council respectively).

Once again, we oppose the proposed language discussed above because it will dilute the airport/aviation community's valuable and direct contribution to our regional planning process and will prohibit our ability to secure planning grants.

If you have any questions, please call Nona Edelen, SCAG Principal Government Affairs Officer, at 213/236-1870.

Sincerely,

MARK PISANO,
Executive Director.

METROPOLITAN
TRANSPORTATION COMMISSION,
Oakland, CA, June 3, 1994.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

S. 1491, Aviation reauthorization

DEAR SENATOR FEINSTEIN: It is our understanding that Senator Wendell Ford may seek Senate floor action as early as June 8 on S. 1491, a multi-year reauthorization of the Airport Improvement Program. While MTC generally is supportive of the legislation, we seek your assistance in deleting one provision in the bill which would adversely affect airport system planning activities in the Bay Area and throughout the nation.

Section 118 of the bill entitled "Intermodal System Planning" imposes two new conditions on recipients of integrated airport system planning grants: (1) that major airport operators be given a seat on the governing board of the recipient planning agency, even when the municipality or county which owns the airport already is represented on the governing board; and (2) that major airport operators be a co-applicant for future integrated airport system planning grants.

With respect to the first proposed condition, the composition of the MTC governing board is specifically established by state law and any change to our membership would require a separate action by the state Legislature. Moreover, we do not believe it is necessary to expand the membership of our board to represent the interests of our three major airport operators (San Francisco, Oakland, and San Jose), since the municipal owners of these airports already are represented on the commission. Finally, our commission is fairly small with 16 voting members; the addition of three airport seats would substantially dilute the voting strength of our existing commissioners who represent the 100 cities and nine counties of the region.

The second proposed condition essentially would give major airports the opportunity to veto grant applications by withholding their co-sponsorship from any element in our planning program with which they disagree. We believe this condition would seriously undermine the integrity and independence of the regional airport planning process.

We respectfully request that you offer an amendment to S. 1491 to delete Section 118 from the bill. Our Washington representative, Thomas J. Bulger, will contact your office shortly to follow up our request.

Thank you very much for your time and attention to our concerns.

Sincerely,

LAWRENCE D. DAHRNS,
Executive Director.

INTERMODAL SYSTEM PLANNING

Mrs. BOXER. Mr. President, I understand the need to have airport representation on planning boards which will be applicants for Federal airport improvement funds as provided under section 117, Intermodal System Planning, of the bill.

However, I believe that the airports already are well represented by officials from the local cities and counties which for the most part own these facilities. Section 117 would impose new conditions on recipients of integrated airport system planning grants.

For example, the Southern California Association of Governments [SCAG] has a 70-member regional council, and it has also established an Aviation Technical Advisory Committee [ATAC] of 44 members on a county-by-county basis, giving voice to all airports in its 6-county region. The ATAC's recommendations are reported directly to the MPO's policy committee and the regional council.

The Bay Area Metropolitan Transportation Commission also has raised concern that its 16-member board would have to be expanded to 19 if this provision becomes law, diluting the votes of board members who represent more than one interest in transportation planning.

I urge the Senate conferees to drop this provision in conference.

AUGUSTA AIRPORT REPORT LANGUAGE

Mr. MITCHELL. Mr. President, I would like to ask the chairman of the aviation subcommittee if he could help clarify the provision of S. 1491 pertaining to the Augusta State Airport in Augusta, ME.

Mr. FORD. I will be glad to provide whatever clarification I can.

Mr. MITCHELL. I thank the chairman. I understand that section 21 directs the FAA to provide weather observation services, including direct radio contact between weather observers and pilots, at Augusta State Airport; makes the FAA responsible for the operation and maintenance of the necessary equipment, and authorizes the FAA to enter into a reimbursable agreement with the Maine Department of Transportation [MDOT] for such services.

Mr. FORD. That is correct.

Mr. MITCHELL. Is it further the chairman's understanding that the committee finds it desirable for the FAA to use its authority to enter into a reimbursable agreement with the MDOT to provide weather observation services at Augusta Airport?

Mr. FORD. Yes, clearly it was the committee's goal to encourage the FAA to use its authority to enter into a reimbursable agreement with the MDOT to provide weather observation services at Augusta Airport. In drafting the Augusta Airport provision, it was the committee's view that such an arrangement ideally should provide the

most flexible method of enhancing weather services with direct radio contacts between observers and pilots.

Mr. MITCHELL. I thank the chairman for his comments.

Mr. INOUE. Mr. President, I wish to raise a point with regard to the potential impact of section 211 of S. 1491 on trucking activities in the State of Hawaii.

As an isolated island State, the State of Hawaii faces unique transportation problems. Hawaii currently operates under a special exemption from the Federal preemption provisions of the Interstate Commerce Commission Act which allows the State of Hawaii to regulate certain cargo transportation within the State of Hawaii. Hawaii is the only State with a codified exemption.

I am continuing to study this matter, and wish to preserve the opportunity to seek the inclusion of bill and/or report language during the conference to address Hawaii's unique situation. I understand that my friend and colleague from Kentucky is open to considering language which may be appropriate.

Mr. FORD. That is correct. I am aware of the State of Hawaii's unique situation and will be pleased to continue discussions on this matter and consider the inclusion of appropriate bill and/or report language during the conference on this measure.

FEDERAL AVIATION ADMINISTRATION
REAUTHORIZATION

Mr. INOUE. Mr. President, I wish to thank Senators FORD and PRESSLER for including in the committee substitute my amendment which will ensure that the traveling public is protected from safety risks arising from smoke in the cockpit.

It has been alleged that in the last 20 years, there have been at least a dozen accidents in commercial aircraft in which dense, continuous smoke in the cockpit may have been a factor. While the Federal Aviation Administration [FAA] has promulgated regulations sufficient to address dense, continuous smoke in the cockpit and air carriers indicate they have established procedures to comply with these regulations, there may be some concern as to whether the FAA is, in fact, adequately enforcing existing regulations.

My amendment merely requires the FAA to enforce existing regulations relating to pilot vision and smoke emergencies caused by smoke in the cockpit on current and future aircraft. In addition, my amendment requires the FAA to report to the Congress within 1 year of enactment on its efforts to ensure compliance with these regulations. I wish to emphasize that my amendment does not mandate the use of any specific technology to ensure pilot vision during smoke emergencies. Further, my amendment does not mandate the promulgation of new regulations.

The importance of ensuring pilot vision during a smoke emergency is obvious. There is no disagreement on this point. The traveling public must have assurances that the FAA is enforcing regulations so that pilots on existing as well as future aircraft can safely land an airplane or follow other established procedures when faced with smoke in the cockpit.

The provision included in the committee substitute will accomplish this important safety goal.

Mr. KOHL. Mr. President, I thank the Senator from Kentucky for allowing me to clarify a matter of significant importance to Wisconsin, and especially to Pierce County and St. Croix County. I understand that the bill we are presently considering includes language offered by Senator DORGAN to address the issue of new airport construction. Specifically, this amendment would require the Federal Aviation Administration to submit a report to Congress, at least 90 days prior to the approval of a project grant application for construction of a new major hub airport, analyzing the anticipated impact of the proposed new airport on, among other things, the effect on air service in the region and the availability and cost of providing air service to the rural areas in the geographic region of the proposed new airport. Is that correct?

Mr. FORD. That is correct.

Mr. KOHL. I thank the chairman. This amendment is important to Wisconsin, because the effect, availability, and cost of air service is decided by more than the number of flights that land and take off at an airport; rather these things incorporate a number of factors. For instance, there are a number of costs to providing air service, including the costs of roads and bridges to get to an airport, the changes in local business revenues due to additional visitor traffic in the region, the possible environmental impact on the surrounding area, and simply the day-to-day burden of hearing airplanes flying overhead. In short, there are many things which must be considered in determining the effect of air service on a region and the availability and cost of providing service. And when a State decides to build a new airport, the entire surrounding community bears a significant portion of these added costs.

As the chairman probably knows, a commission has been established to research and choose between proposals to build a new airport in Hastings, MN, or augment the existing facility presently servicing the Minneapolis/St. Paul area. If the Minnesota Metropolitan Airport Commission decides to build a new facility in Hastings, WI, will be significantly impacted. And yet, Wisconsin representatives have no voting privileges. In addition, the Metropolitan Airport Commission's planning maps simply stop at the Minnesota/

Wisconsin border—4 miles from the planned airport runway. It is clear that, at this time, the planning commission is not taking into account the impact any proposal would have on Wisconsin.

This is obviously an issue of grave concern to Wisconsinites, and particularly those in the Western portion of our State. I have become involved in this issue thanks to Wisconsin State Senator Alice Clausung and State Representative Sheila Harsdorf, both of whom have been very involved in this issue for some time. Recently, these two local officials were joined by two of their colleagues—Representatives Harvey Stower and Al Baldus—in asking our State attorney general to file an injunction retraining the Minnesota Metropolitan Airport Commission for continuing its planning process until Wisconsin is granted a vote in the process. I, for one, believe that Wisconsin must have a voice in the decisionmaking process.

In light of the requirements this amendment places on the FAA, and given the situation communities like those in western Wisconsin could face, I want to clarify that this amendment would require the FAA to consider such things as whether or not the input of all interested parties is taken into consideration during the application process for a new airport when they analyze the anticipated impact of a proposed new airport. It is my concern that communities like ours in western Wisconsin have fair input into projects which will obviously have significant impacts on the effect of air service in the surrounding region and the availability and cost of that air service.

Mr. FORD. I want to assure the Senator that his understanding of this amendment is correct. The FAA should take such matters into account when analyzing an airport proposal for their report to Congress.

Mr. KOHL. Again, I thank my dear friend from Kentucky not only of the taking the time to clarify this issue, but also for his tireless work on this legislation.

EXISTING WRITTEN AGREEMENTS

Mr. HOLLINGS. Mr. President, I would like to take a brief moment to clarify a specific provision of the so-called rates and charges language of S. 1491, as amended by the substitute, with the chairman of the Aviation Subcommittee. Section 504 of the substitute amends the Airport and Airway Improvement Act by adding a new section 536 which addresses airport-air carrier disputes over airport rates and charges. New section 536(f) specifies that the rates and charges provisions of new section 536 do not apply to any existing written agreement between an air carrier and the owner or operator of an airport. I interpret this language to mean that an existing written agreement is a written agreement in existence at the time a new airport rate or

charge is established or an existing rate or charge is increased. In other words, this provision goes beyond merely grandfathering written agreements in effect when the legislation is enacted, but would include an agreement reached in the future. Is my interpretation of the language consistent with your intentions?

Mr. FORD. The Senator's understanding is correct. The term "existing written agreement" covers both agreements between airlines and airports that are currently in place, as well as those agreements reached subsequent to enactment of the AIP bill.

ORMOND BEACH AIRPORT

Mr. GRAHAM. Mr. President, I ask if the distinguished chairman of the Aviation Subcommittee would be willing to turn his attention to the subject of the Ormond Beach Airport.

Mr. FORD. I would be pleased to do so.

Mr. GRAHAM. I thank the chairman. As the chairman knows, I have contacted him previously regarding the interest of the airport in Ormond Beach, FL, in converting its current Vortac airport navigational system to a more sophisticated Doppler Vortac system.

In recent years, construction and related environmental changes have resulted in roughness and interference in Ormond Beach Airport's current Vortac signal, which provides navigational aid to incoming aircraft. Vortac radials 151 to 166 are unusable under certain conditions. This situation has resulted in delays in FAA consideration of upgrading the Ormond Beach Airport from general utility to a reliever status.

These delays, in turn, have led to postponement of plans by Ormond Beach to add a business park adjacent to the airport, an important economic development initiative for the community. The conversion to Doppler Vortac would correct these deficiencies and enable the business park's establishment.

Mr. FORD. I thank the Senator from Florida for contacting me on this matter, and the subcommittee looked into it pursuant to his request. The expansion envisioned by the Ormond Beach Airport would indeed require an upgrade to Doppler Vortac, and my understanding is that lack of funding is the only reason the Federal Aviation Administration [FAA] does not expect to proceed with this project in fiscal year 1995.

Mr. GRAHAM. I appreciate the subcommittee's work on my behalf and want to note that the airport would very much like to undertake the Doppler Vortac conversion in 1995. I am hopeful that the FAA will move ahead with the project in fiscal year 1995 should the funds become available from within fiscal year 1995 appropriations. If the project cannot be completed in 1995, I hope the FAA will make it a

budget priority in the fiscal year 1996 budget cycle. Based on the information he has gathered on this matter, would the chairman agree that these are appropriate actions for the FAA to take?

Mr. FORD. That seems entirely within reason. I am pleased that the Senator from Florida has brought this issue to my attention and want to assure him of my support for the airport's conversion to Doppler Vortac.

Mr. GRAHAM. I thank the distinguished chairman for his indulgence today and for his attention to this matter of concern to Ormond Beach.

THE FEDERAL AVIATION AUTHORIZATION ACT

Mr. HOLLINGS. Mr. President, today, the Senate continues its consideration of S. 1491, the Federal Aviation Authorization Act. As many of my colleagues know, this bill was originally reported by the Commerce Committee last November, and the committee was ready to pass the bill and discuss it with the House last year. Unfortunately, one obstacle after another prevented passage of S. 1491.

S. 1491, as originally reported, provided a relatively simple 1-year authorization for fiscal year 1994 for the FAA's Airport Improvement Program [AIP]. The administration initially had requested a 1-year bill so that it could take a hard look at the program and make recommendations for fiscal year 1995 and beyond. Because of various delays, the Department of Transportation [DOT] was able to provide us its analysis this past January regarding a long-term bill. The amendment before the Senate incorporates many of the DOT's concerns and provides a 3-year authorization for the program.

The AIP Program provides funds to build our Nation's airports. It is a vital program and benefits all of our constituents. As we all know, airports serve as the gateway to our cities and States, and are essential to the development of our communities. The AIP Program provides funds to make the airports more efficient and safer.

In South Carolina, I know that there are many projects awaiting funding. For example, the Rock Hill-York County Airport is in need of funds for terminal work, part of an instrument landing system, and money for a control cab. The Williamsburg County Airport seeks to fix its runway. The Greenville-Spartansburg Airport also has a project in mind. While I do not want to leave any communities out, I assure all of them that I will continue in my efforts to make sure South Carolina's airport needs are met. I am sure many of my colleagues have similar issues, and that is why this bill should be passed.

The bill also includes a section to address the airport rates and charges issue. A great deal of time and effort has been devoted to this issue. The Senate must be aware that airport grants are an integral part of the fund-

ing mechanism to build airports, and we must safeguard the system's integrity. Unreasonable fees, revenue diversion, and unnecessary surpluses all must be carefully reviewed by the DOT.

In addition, before providing Federal funding the DOT should know as much about a particular airport's finances as possible—whether it is surpluses, concession fees, or any other form of revenue—before providing grants or allowing a future passenger facility charge. Clearly, an airport cannot and should not be permitted to divert revenues illegally for use by local municipalities.

I urge my colleagues to support the substitute amendment, which will make sure that airport funding continues.

Mr. FORD. Mr. President, I understand the Senator from Ohio has an amendment or two or three. We would like to move along.

The minority side will have a caucus at 1 o'clock, I understand. We will try to maybe have a vote just before that, or sometime right after that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

AMENDMENT NO. 1796

(Purpose: To make certain requirements relating to the provision of sanitary facilities by domestic air carriers)

Mr. METZENBAUM. 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 Ohio [Mr. METZENBAUM] proposes an amendment numbered 1796.

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

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

The amendment is as follows:

At the end of the substitute, as modified, add the following:

SEC. . SANITARY FACILITIES ABOARD DOMESTIC AIRCRAFT FLIGHTS.

(a) REQUIREMENT OF FACILITIES.—(1) Except as provided in paragraph (2), an air carrier may not provide scheduled passenger service in the United States in an aircraft that carries 10 or more passengers unless there is aboard the aircraft a toilet and other appropriate sanitary facilities (as determined by the secretary of Transportation) for the use of such passengers.

(2) Paragraph (1) shall not apply to an aircraft for which a type certificate was issued by the Administrator of the Federal Aviation Administration before the effective date of this subsection.

(3) The provisions of this subsection shall take effect on the date that is 1 year after the date of the enactment of this Act.

(b) REQUIREMENT OF PASSENGER NOTIFICATION OF FACILITIES.—(1) An air carrier may not provide scheduled passenger service in the United States in an aircraft having no toilet or other sanitary facilities (as determined by the Secretary) unless the air carrier (or the agent of the air carrier)—

(A) notifies each passenger at the time the passenger reserves a seat or purchases a ticket for the service that the aircraft will have no toilet or other sanitary facilities; and

(B) identifies upon the request of the passenger the type of aircraft providing the service.

(2)(A) To the maximum extent practicable, an air carrier shall take actions to notify passengers of a change in the type of aircraft providing scheduled passenger service in the United States if as a result of that change a toilet and sanitary facilities will not be provided on the aircraft providing the service.

(B) An air carrier shall not have to take the actions referred to in subparagraph (A) if the change in type of aircraft occurs less than 24 hours before the commencement of the service referred to in that subparagraph.

(3) The provisions of paragraphs (1) and (2) shall apply to scheduled passenger service referred to in such paragraphs that commences on or after the date that is 90 days after the date of the enactment of this Act.

Mr. METZENBAUM. Mr. President, this amendment is pretty elementary, pretty simple. It balances the economic needs of commercial airlines with the long ignored needs of the flying public. The amendment requires that within 90 days, airlines and travel agents tell passengers whether or not the aircraft in which they will fly has a restroom. This information must be provided upon purchase of a ticket or upon making a reservation.

If the airline changes an aircraft scheduled for a particular flight, an effort must be made to advise passengers if the new aircraft has no facilities. The amendment also requires that within 1 year, any new aircraft with 10 seats or more must have a restroom in order to be certified for commercial service; that is, to carry passengers for fee.

This amendment will protect the thousands of air travelers who take short-haul flights every day, commuter flights, interstate flights, or even longer flights on major airlines which happen to be using small airplanes.

The amendment is a fair way to address a real problem and provides a grace period in order that no new planes be put into service. It does not affect the planes that are presently flying.

I think the amendment is acceptable to the manager of the bill, and I urge its adoption.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I say to my friend from Ohio that we do have a little problem right now with the acceptance on both sides. My colleague is not here just yet. I am not in a position to accept the amendment.

If you would like to set it aside and go to your others, I will be glad to do that, or if you want to wait and see how this one turns out—I will be glad to do whatever the Senator wishes.

Mr. METZENBAUM. I appreciate the courtesy and cooperation of the man-

ager of the bill. I think I would prefer to wait and see how we move forward on this amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we have been here now waiting for a Senator to come to the floor to object to this amendment, or at least to be opposed to it, or have an amendment to that amendment. And we are perceived out there, now that we are on television and everybody watching us, that we are in a quorum call and we are not doing anything, and that is right.

We have a piece of legislation up. It started last Thursday. We could not get on it because we had Whitewater amendments day after day after day, and now we are back on the bill. We have amendments, and I would like to get them completed. This is a jobs bill. It gives us an opportunity to contract with local airports for tens of millions of dollars that should go out to them. We are going to lose a construction season. Every day that it slips we have that much more trouble.

I encourage my colleagues to come to the Senate floor and let us get a time agreement, let us find out what amendments are available and move on with the orderly process of legislation.

My friend, the ranking member of the committee, is working, even made a trip to try to find some Senators to put together so we could come in the Chamber and go to work. I would be very hopeful that those Senators who are listening, or staff that is listening would say to their Senators time is available in the Chamber; there are amendments up; you can bring your amendment if it is necessary. Senator METZENBAUM is here. He has offered his amendment. It is now before the Senate. I do not see anybody objecting to it. If nobody objects to it, we might just go ahead and accept it and regret that other Senators were not here to have some sort of objection or offer an amendment or speak in favor or against the amendment.

I yield the floor.

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

Mr. PRESSLER. I commend my colleague. We are trying everything we can to get Senators to the floor. I am ready to go. At some point we will have to propose a time agreement or propose some way so that we can get going. I am ready to go. We are searching for one Senator who has an objection to this. That is what we are doing.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I wish to commend the manager of the bill and ranking member of the committee. They are here. They are ready to move forward. One Member has indicated he has some opposition to the amendment the Senator from Ohio has offered. But I do not believe this is the way to run the Senate. We are sent here to work. We are supposed to legislate.

Now, we have been involved for several days on some ancillary matter having to do with Whitewater which maybe is behind us. I hope it is behind us now. Now we are trying to pass a piece of legislation the distinguished Senator from Kentucky is managing. He is chairman of the committee having to do with the aviation industry as a whole. There is a chance to do something about the airports of this country if we pass this legislation and pass it promptly, but instead of that we are waiting because some Senator has decided he is not ready to come to the floor.

So, Mr. President, I say to the manager and ranking member, I think we ought to wait another 5, no more than 10 minutes. And if someone in opposition to this amendment does not show up in the Chamber, I hope we could just go forward and either debate it and vote on it or accept it, whatever be the case. But I think sitting here and twiddling our thumbs is an embarrassment to the Senate and the people of this country.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BREAUX. Mr. President, I ask unanimous consent that I might proceed as if in morning business for a period not to exceed 5 minutes.

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

Mr. BREAUX. Mr. President, thank you very much.

THE NATION'S ENERGY SITUATION

Mr. BREAUX. Mr. President, I take the floor at this time to comment on a meeting that was held at the White

House this morning with approximately 80 Members of Congress of both parties, both Republicans and Democrats. Both House Members and Members of the Senate were present. We met with the President of the United States and with the Secretary of the Treasury, Lloyd Bentsen, as well as the Deputy Secretary of Energy, Secretary Bill White.

The purpose of the meeting was to come together as a group and an organization to, No. 1, impress upon the President the serious condition that this Nation's energy situation happens to be in. We are now importing over 51 percent of the oil that we use in America to run our industries, for national security, and for national defense.

Mr. President, it is clear that, if we imported 51 percent of the food that we eat in America, people would be lined up surrounding the White House and surrounding this Capitol protesting the fact that we should not be dependent upon foreign sources for something as important as food. I would be supportive of that. But it is equally important, when we are talking about national security and national defense, that oil and gas and energy development is equally as important as food from the security standpoint of the Nation.

So our point, No. 1, Mr. President, was to tell this administration that there indeed is a very serious problem and that action should be taken in order to make sure it does not get even worse. We have lost hundreds of thousands of jobs in the oil and gas industry, much more than we have lost in the automobile industry, as a comparison. And we made specific recommendations to this administration.

I will tell you that, in the 22 years I have been in Congress, I have never seen an administration, Republican or Democrat, that was more willing to sit and listen for over an hour and 15 minutes to Members of the House and Members of the Senate give suggestions as to what should be done. The President took notes and engaged in dialog with the delegation. And I think he took our recommendations very seriously.

I recommended two specific things, Mr. President. No. 1, to allow for the expensive geological and geophysical data gathering. Right now, it is interesting that companies that use geological and geophysical equipment, with their high cost, our companies can deduct 100 percent immediately if they hit a dry hole, but if they hit a producing well, then they cannot deduct it; they can only depreciate it over a much longer period of time. Those two efforts should be treated the same. It can be done at a very small cost to the Treasury and yet would help create hundreds of thousands of new jobs.

No. 2, Mr. President, I recommended that we ought to have a \$5 per barrel tax credit for oil and gas that is pro-

duced in deep water off the coast of the United States in environmentally safe areas. Right now that production is not occurring. It is not occurring because the price of oil is hovering at \$14 or \$15 a barrel. It is going up now.

My proposal says that these wells that would not otherwise be drilled, that if we have this type of tax credit, this credit would be phased out as the price of oil increases, starting at \$18.50 a barrel. But it is clear, Mr. President, that this activity is not being done now. No wells in this deep water are being drilled. No jobs are being created. Mr. President, this is not something that affects only Texas or Louisiana or the gulf coast or the coast of California or the Northeast. The jobs in this technology that is used in these efforts are jobs that are being created all over the United States. Electronic equipment, computers, and very sophisticated equipment are being developed in all 50 States that would be used in this effort.

So my tax credit for deep water oil and gas production would be an incentive to create jobs all over America. It would encourage wells to be drilled in areas that are not being drilled now at all because of the price. We recognize that we should not be giving any kind of a windfall. So my tax credit is based on the price of oil. As the price increases gradually through the marketplace, our tax credit would decrease.

Mr. President, my purpose today is to explain that we had a large number of good ideas presented. Some of them were tax incentives. Some of them were regulatory incentives. Some of them were things the administration can do without any action by the Congress.

I just want to say that I think this administration is taking these suggestions and ideas very seriously. The President has promised that he will review them further and have the members of his Cabinet look at these recommendations and, hopefully, will be in a position to favorably support the recommendations of the organizations.

Our colleague, Senator BOREN, helped put this meeting together. I assure you that the enthusiasm that was in that room was very profound and, I think, had a very positive impact on the administration. I want to publicly thank them for the courtesies and the interest that they showed in helping us in this effort to really save an industry that is important to our national security and the national defense and economic strength of this Nation.

Mr. President, I yield the time that I had been allotted.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994.

The Senate continued with the consideration of the bill.

Mr. METZENBAUM. Mr. President, I would like to suggest to the managers of this bill—as I understand, it is acceptable to the manager; I am not sure about the comanager, but if it is—that it be accepted and that we move to reconsider and lay on the table; and, that if any Member of the Senate subsequently comes to the floor and is unhappy with that result, the opportunity will still be open for him or her to move to reconsider the measure.

I just think sitting here waiting and twiddling our thumbs for 15 minutes—and actually more than that because we waited prior to that time—is a reflection upon the Senate, and I think it is somewhat insulting to the managers of the bill. I am prepared to move forward and to give whoever might come at a later point an opportunity to protect his or her position.

Mr. PRESSLER. Mr. President, can we lay the Metzenbaum amendments aside and do some others that are ready to go?

Mr. METZENBAUM. In order to do what?

Mr. PRESSLER. I have a McCain amendment here ready to go.

Mr. METZENBAUM. If the comanager were to indicate that the suggestion I made is acceptable, after we do that, I would have no problem with that.

Mr. DANFORTH. Mr. President, if I could suggest something to the Senator from Ohio. There is going to be a Republican conference on the subject of the Whitewater committee matter and, hopefully, on the fate of this bill. I would like to attend that and try to see if we cannot get this bill moving forward. I would appreciate it if we could just set this aside, rather than adopting it and trying to reopen it and maybe having a series of votes at some later time. We can set this amendment aside, dispose of these three amendments, and then I think I could represent to the Republicans who are about to meet that there may be four live issues, including the Senator's three issues, yet to be disposed of before the bill is passed. That is what I would like to do going into the meeting. So if we could just set this aside, I would appreciate it.

Mr. METZENBAUM. Mr. President, I do not really have any strong objection; although I do think we ought to proceed forward with this amendment. It has been here on the floor for probably a half an hour. Nobody has spoken against it, and only one spoke for it. I am, frankly, concerned because the

first conference on the crime bill will occur at 2:30 this afternoon, and I want to be present. I have a concern about that bill, and I want to know what others are saying about it.

I am very much concerned that if we do that, I will find myself in the embarrassing position that I cannot get to the floor to offer my amendment; whereas, I had been advised earlier that this bill would be up and I should be ready to go forward, and I am.

I do not want to be unfair to any Member of the Senate, but it seems to me that at least if we took this amendment, to which I understand there may be some objection, although none has been voiced so far, I am willing to adopt the unusual procedure of leaving the floor open for a motion to reconsider. I wonder why that does not make sense.

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

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

FAA RESPONSIVENESS

Mr. PRESSLER. Mr. President, I would like to take a few moments during consideration of this aviation measure to bring to my colleagues attention a concern that I have raised time and again during the 103d Congress. That is my concern with the Federal Aviation Administration's [FAA] responsiveness to safety recommendations proposed by the National Transportation Safety Board [NTSB]. I will begin with a bit of history.

As my colleagues may recall, I first questioned the FAA's responsiveness following last year's catastrophic plane crash that claimed the lives of South Dakota's Governor and seven citizens. I learned that the NTSB urged FAA action based on an NTSB investigation of a prior incident over Utica, NY, which had not resulted in any fatalities. The aircraft involved was the same type of aircraft as the Governor's plane.

Although the NTSB urged an examination of similar aircraft in order to prevent what its chairman called "a catastrophic accident," the FAA did not act. I have repeatedly questioned FAA officials about this. It seems to take a fatal accident to serve as a catalyst for FAA action. I have deemed this the tombstone effect. In fact, the FAA admitted to me that it took the Iowa crash, not the NTSB recommendations, to ground similar aircraft. Troubling, this is not an isolated FAA practice. Instead, it appears to be becoming the status quo.

The FAA's responsiveness is being questioned again, and this time, it is

not just by me. This time, the Department of Transportation is taking on the FAA. Indeed, I read with great interest an article in Saturday's Washington Post regarding the FAA and its delay in taking action on Boeing 757 wake turbulence. I would like to read portions of that article:

This is from the Washington Post last Saturday. "FAA to Review Safety Order; Action on 757 Wake Turbulence Questioned," by Don Phillips.

Transportation Secretary Federico Peña yesterday ordered a review of the Federal Aviation Administration's handling of allegations the Boeing 757 produces unusually strong turbulence in its wake that can be dangerous to following small aircraft.

The review, on a broader scale, will examine the speed of the agency's reaction to safety-related information as well as its procedures for providing full information to the public.

There were disputes in the agency whether the 757 produced greater wake turbulence than any other aircraft its size. But reacting to recommendations from the National Transportation Safety Board, the FAA in May increased required separation between the 757 and following aircraft from three miles to four miles. The agency earlier directed air traffic controllers to inform smaller aircraft when they are following a 757.

Peña's review was prompted by Los Angeles Times articles on 757 wake turbulence, including one last weekend alleging former FAA chief scientist Robert Machol's warning the 757 could cause a "major crash" was ignored.

The review, to be completed by July 22, also is to determine whether the agency properly followed procedures under the Freedom of Information Act in providing documents to the Times and whether some documents were withheld improperly. The paper said the FAA fought release of the documents.

Let me add, Mr. President:

Wake turbulence is suspected in two recent crashes of small aircraft following 757s in Billings, Mont., on Dec. 18, 1992, and in Santa Ana, Calif., Dec. 15, 1993, involving loss of 13 total lives.

Mr. President, I ask unanimous consent to print this Washington Post article in the RECORD at this point.

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

FAA TO REVIEW SAFETY ORDER

(By Don Phillips)

Transportation Secretary Federico Peña yesterday ordered a review of the Federal Aviation Administration's handling of allegations the Boeing 757 produces unusually strong turbulence in its wake that can be dangerous to following small aircraft.

The review, on a broader scale, will examine the speed of the agency's reaction to the safety-related information as well as its procedures for providing full information to the public.

There were disputes in the agency whether the 757 produced greater wake turbulence than any other aircraft its size. But reacting to recommendations from the National Transportation Safety Board, the FAA in May increased required separation between the 757 and following aircraft from three miles to four miles. The agency earlier di-

rected air traffic controllers to inform smaller aircraft when they are following a 757.

Peña's review was prompted by Los Angeles Times articles on 757 wake turbulence, including one last weekend alleging former FAA chief scientist Robert Machol's warning the 757 could cause a "major crash" was ignored.

The review, to be completed by July 22, also is to determine whether the agency properly followed procedures under the Freedom of Information Act in providing documents to the Times and whether some documents were withheld improperly. The paper said the FAA fought release of the documents.

FAA Administrator David R. Hinson said in a statement FAA's actions "appropriately address safety issues relating to the wake vortex matter. I nonetheless believe strongly that the public is entitled to be assured that the FAA has acted, and can act in the future, with appropriate speed when the facts warrant."

Hinson also directed an agencywide review of responses to FOIA requests.

The Times FOIA request, agency officials said, was handled at a low level and Hinson's office was never informed. The officials indicated they believe bungling, rather than deliberate withholding of information, may be involved.

"It looked like we had something to hide, and that was not the case," said FAA spokeswoman Sandra Allen.

The 757, a twin-engine narrow-body jetliner, has flown for more than a decade. The question of whether it has a worse wake turbulence than other similar aircraft has become a contentious issue, with various experts disagreeing.

Wake turbulence is suspected in two recent crashes of small aircraft following 757s in Billings, Mont., on Dec. 18, 1992, and in Santa Ana, Calif., Dec. 15, 1993, involving loss of 13 total lives.

Mr. PRESSLER. Mr. President, I also would like to read some of the L.A. Times editorial referenced in the Post article. This is from the L.A. Times editorial "Accountability Within the FAA":

The Federal Aviation Administration's mishandling of the problem of turbulence caused by the Boeing 757 passenger jet warrants some kind of internal disciplinary action.

Last Dec. 15 a twin-engine jet crashed in Santa Ana, killing all five people aboard, including two executives of the In-N-Out hamburger chain. The plane was about two miles behind a Boeing 757 en route to John Wayne Airport, and investigators linked turbulence from the big jet to the crash. Such turbulence was also linked to an eight-fatality crash in Montana in late 1992.

The FAA was told twice in 1991 and twice two years later about problems associated with turbulence in the wake of the 757, but it did not formally warn pilots.

Now The Times has learned that the FAA's own top scientist, Robert E. Machol, predicted to FAA leaders that a "catastrophe" could occur due to 757 turbulence. The warning came 11 days before the Montana crash, and a year before the Santa Ana crash.

Not until after the two fatal crashes did FAA Administrator David R. Hinson draw nationwide attention to the turbulence problem, telling air traffic controllers to warn pilots of the threat. Only last week did the FAA require planes following 757s to stay

back four miles rather than three. Even that may be too little distance. The National Transportation Safety Board recommended a six-mile separation.

It is understandable that the FAA is concerned about the effect on the nation's commercial airlines of fewer revenue-producing flights if planes have to be spaced farther apart. But safety must come first. Hinson and his aides should have broadcast the information as quickly and widely as possible. Heeding the warning signs would have served the public better and might even have saved lives in Montana and Santa Ana.

This is an editorial from the Los Angeles Times, and I ask unanimous consent to print this editorial in the RECORD at this point.

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

ACCOUNTABILITY WITHIN THE FAA

The Federal Aviation Administration's mishandling of the problem of turbulence caused by the Boeing 757 passenger jet warrants some kind of internal disciplinary action.

Last Dec. 15 a twin-engine jet crashed in Santa Ana, killing all five people aboard, including two executives of the In-N-Out hamburger chain. The plane was about two miles behind a Boeing 757 en route to John Wayne Airport and investigators linked turbulence from the big jet to the crash. Such turbulence was also linked to an eight-fatality crash in Montana in late 1992.

The FAA was told twice in 1991 and twice two years later about problems associated with turbulence in the wake of the 757, but it did not formally warn pilots.

Now The Times has learned that the FAA's own top scientist, Robert E. Machol, predicted to FAA leaders that a "catastrophe" could occur due to 757 turbulence. The warning came 11 days before the Montana crash, and a year before the Santa Ana crash.

The FAA has acknowledged that it may have violated disclosure statutes by not releasing the latest information in January and February, when The Times sought the records involved. If there was a violation, it too is a matter for disciplinary action.

Not until after the two fatal crashes did FAA Administrator David R. Hinson draw nationwide attention to the turbulence problem, telling air traffic controllers to warn pilots of the threat. Only last week did the FAA require planes following 757s to stay back four miles rather than three. Even that may be too little distance. The National Transportation Safety Board recommended a six-mile separation.

It is understandable that the FAA is concerned about the effect on the nation's commercial airlines of fewer revenue-producing flights if planes have to be spaced farther apart. But safety must come first. Hinson and his aides should have broadcast the information as quickly and widely as possible. Heeding the warning signs would have served the public better and might even have saved lives in Montana and Santa Ana.

Mr. PRESSLER. Mr. President, I congratulate the Secretary of Transportation, Federico Peña, for taking on this important review. While I would prefer an independent review were being conducted—and have even pushed legislation to establish an independent commission to study the relationship between the FAA and NTSB—I am

pleased that the DOT's investigation is underway. I have often said that the press and media can be of powerful persuasion.

I am hopeful the DOT's findings will provide the Congress with useful insight into the FAA's responsiveness and am one Senator who will be reading with great interest these findings. I am eager for the Senate Aviation Subcommittee to consider any and all conclusions that may be drawn from this very necessary review. After all, it is the responsibility of Congress to conduct proper oversight of our Federal agencies. The FAA is no exception. Increased oversight of the FAA is needed, and it is needed now.

Mr. President, I ask unanimous consent to have this as in morning business.

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

FORTRESS EUROPE

Mr. PRESSLER. Mr. President, this morning in the Commerce Committee I asked Mickey Kantor, the U.S. Trade Representative, a number of questions about what Europe is doing regarding telecommunications trade with the United States.

Only last week, I participated recently in the CEO summit on converging technologies held in Brussels and sponsored by the Centre for European Policy Studies and the Wall Street Journal Europe.

All of us participate in symposia. They are usually polite, well-reasoned exercises in logic and the occasional debate on the merits of various views. As a member of the Senate Committee on Commerce, Science, and Transportation and its Subcommittee on Communications, I found this summit to be a real eye-opener.

I was horrified—and that is not too strong a word to use—by the unremitting resistance of the Europeans to my polite suggestion that they need to open up their telecommunications market.

The purpose of this summit was to bring together Americans and Europeans influential in the communications field for an assessment of regulatory, technical, and commercial barriers to the development and deployment of new communications technologies. In reality, the Europeans have little interest in breaking down their commercial barriers. As a result of this attitude they will not develop state-of-the-art telecommunications or provide services their consumers want.

The Europeans talk a good line about opening up their telecommunications market, but to American firms trying to crack Fortress Europe, this progress appears to be snail-like in pace.

United States communications companies are working hard to do business in Europe, but I can assure my col-

leagues that their task is not easy. European governments subsidize and protect their major corporations through procurement laws, research and development funding, as well as training assistance. Many phone companies in Europe are frequently owned by the government. The U.S. market may be criticized for not being completely open in all sectors, but it is still the most open market in the world.

The failure of the Europeans to open their markets affects not only United States communications equipment and service suppliers, it affects everyone in the United States who uses a telephone.

United States long-distance carriers subsidize the European telephone companies. That's right United States long-distance carriers—and by extension, their ratepayers—subsidize the European telephone companies. European nations received approximately \$554 million from United States carriers in 1993, of which approximately \$411 million was a subsidy. In 1993, U.S. long distance carriers paid foreign carriers approximately \$4 billion for terminating international calls. Of this figure, \$2 billion is a subsidy.

The United States long distance carriers subsidize the telephone companies of many countries, not just the European companies. These subsidies are a direct charge to U.S. consumers. It is estimated that the average U.S. international caller pays \$100 each year due to the above-cost accounting subsidies to foreign telephone companies.

Here's how it works. International carriers negotiate a rate for calls placed between two countries. This negotiated rate does not reflect the real economic cost of connecting the call nor does it reflect the rates charged in the calling country. For example, Deutsche Telekom, a government-owned monopoly, could insist in its negotiations with any of the 183 U.S. carriers offering service from the United States that it will cost \$1.18 per minute for calls between the United States and Germany. This figure may be far above the real cost. Because the U.S. market is so competitive, this rate may be far above the rates U.S. carriers charge their customers.

Yet, Deutsche Telekom can price international calls above the actual cost because there is no other carrier in Germany. The German collection rate for an international call exceeds the true economic cost of the call by 75 percent. In 1993, United States carriers paid Deutsche Telekom almost \$196 million as settlement for calls placed from Germany to the United States. Approximately \$146 million of this figure represents a pure subsidy.

It is no wonder that the balance of trade in telecommunications services looks so bleak for the United States. In effect, the United States is being penalized for running productive, competitive telecommunication services

companies. United States competition has lowered rates, which in turn has increased the number of calls from the United States to Europe. But the same call placed in Europe to the United States costs much more because there is no competition, and consumers are reluctant to pay the higher rates. United States carriers and ratepayers, as well as European consumers, are forced to pay the price for the lack of competition in the European market.

The Federal Communications Commission [FCC] has tried to place pressure on U.S. carriers to negotiate international rates reflecting the actual cost of a telephone call. Realistically, United States carriers have little leverage over European monopolies, since rate setting is viewed by the European nations as a sovereign right.

Calling rates between European countries are generally lower. The rates the Europeans negotiate with the United States are high and they are discriminatory.

The United States Government has treated international settlements and collections as a domestic rather than as a trade issue. This is a relatively new problem. Before significant competition existed in the United States for carrying international calls, the balance of calls between the United States and Europe were about equal. Therefore, the settlements were equivalent. Today, the outpayments from the United States to Europe, and the rest of the world, should be a concern to the U.S. Department of the Treasury because of the increasing outflow of billions of dollars for these unnecessary subsidies.

The Germans claim that they use the United States carrier outpayment bonanza for lowering domestic rates in their country. In Armenia, local calls are free due to the largesse of the United States outpayment subsidy. In these two instances, there is some information provided about how the subsidy is used. There is no accountability for these funds. In some cases it is claimed that the subsidy is being used to improve the communications infrastructure. Yet, in time it has been proven that the communications infrastructure actually deteriorated.

The catch-22 in this situation is that the Europeans perpetuate this imbalance by continuing to maintain monopolies and not liberalizing their markets. By opening their markets to competition, the cost of basic telephone services would be reduced, encouraging more Europeans to use the phone for calls outside their countries. Without market liberalization, the United States carriers—and United States ratepayers—will continue to pay higher settlement costs to European companies each year. And the U.S. balance of trade in telecommunications figures will continue to look anemic.

THE PROBLEM IS NOT JUST WITH EUROPE

United States international telephone carriers also subsidize many Third World and developing countries. The calling rate from Mexico to the United States has increased significantly. In 1994, United States carriers anticipate they will pay Mexico \$800 million and forecast a payment in 1995 of \$1 billion. Of these figures, 85 percent is expected to be a subsidy to Mexico.

Third World and developing nations keep their rates high because the hard currency they receive from U.S. carriers is useful. Like Europe, the telephone companies in many developing nations are government-run monopolies. As in Europe, U.S. carriers have a difficult time encouraging these nations to adopt cost-based rates. Unlike Europe, in many instances these countries need assistance in providing basic telephone services for economic development.

WHAT SHOULD THE UNITED STATES DO?

What should we do? Congress should consider appending a requirement for the adoption of a telecommunications trade-in-services agreement as a condition for the implementation of the GATT agreement. If the European Community is unwilling to negotiate, the United States must seek bilateral agreements with nations that have made a real effort to liberalize their markets.

Certainly, if Deutsche Telekom and French Telecom wish to purchase 20 percent of Sprint, the question of market access and accounting rates in Germany and France presents itself for review. The United States should view this proposed sale as an opportunity to urge these nations to adopt cost-based rates and hasten the liberalization of their markets.

To assist developing nations, the United States should consider encouraging them to develop cost-based rates. For obvious reasons, the European reluctance to move toward cost-based rates should not be considered on a par with developing nations. Industrialized nations do not need subsidies from U.S. carriers.

If developing nations adopt rate reductions, perhaps U.S. carriers would be able to guarantee financing to compensate these nations for their loss of hard currency subsidies. There already are instances of countries using the accounting rate outpayment from U.S. carriers as collateral on loans from U.S. investment banks. Why not allow the U.S. carriers to negotiate financial arrangements with these countries?

U.S. carriers may prefer offering loan guarantees and credits for purchasing U.S. equipment, rather than just paying out ever-increasing amounts of subsidies. These incentives would help our domestic balance of trade and create jobs in the United States, while assisting in the expansion of telecommuni-

cations networks in the developing world. Such a scheme would also provide greater accountability on the use of these subsidies.

Today I have written to Secretary of the Treasury Lloyd Bentsen, Federal Communications Chairman Reed Hundt and Secretary of Commerce Ron Brown asking that they give careful attention to this serious trade issue. I also asked our U.S. Trade Representative Mickey Kantor about his views on this issue during a Senate Commerce Committee hearing today.

WHAT OUR COMPANIES FACE IN EUROPE

I would like to turn briefly to another important issue facing U.S. firms doing business here, and in Europe. Many European nations have a national champion, that is, a major industrial giant that is coddled by its home nation. Let's take one example. Siemens, a German firm, is one of the world's largest companies. The German Government provides training subsidies for Siemens' work force. A senior official of AT&T has told me that as a result of this subsidy alone, Siemens has "the best-trained work force in the world."

Siemens also controls 85 percent of the German market for telephone switches. This may not seem surprising, but what is astounding is the price the German Government pays for each telephone switch. The world market price for a switch is approximately \$130 per line. The German telephone company, which is government-owned, pays Siemens \$450 per line for a switch—\$320 above the world market price. Siemens receives a nice subsidy from the German Government.

What happens when Siemens sells switches in the United States? Well, I can assure my colleagues that there is no way that any business in the United States will purchase a telephone switch for \$450 per line. Instead, Siemens offers its switches at a cost at or below the world price, frequently undercutting U.S. competitors.

U.S. telecommunications and computer companies are more than able to compete with Siemens and other European national champions; France's Alcatel, the Netherlands' Philips, Sweden's Ericsson and Italy's Olivetti. U.S. companies just need a level playing field.

Do these U.S. firms get a helping hand from the new GATT agreement? No, very frankly, they do not. There are provisions for the protection of intellectual property, which are helpful. But U.S. companies have difficulty providing equipment to the Europeans due to the European Union's discriminatory Buy Europe procurement policy, and the GATT agreement provides no relief. Current European Union [EU] policy stipulates that EU bids must be accepted if they are less than 3 percent higher than non-EU offers.

A framework for a trade-in services agreement to assist U.S. firms seeking

to provide basic telephone services in Europe is in place, but there are no proposals on the negotiating table. The Office of the U.S. Trade Representative [USTR] is not optimistic that much will come of the July meeting in Geneva on this subject. The Europeans have little incentive to negotiate on a telecommunications trade-in-services agreement. Some economists predict that if the EU were to open its market for these services, 250,000 jobs could be lost in its member countries. Job losses would be greatest in those countries with government telecommunications monopolies. In the longer term, though, jobs are likely to be created by introducing competition into monopoly markets.

The Europeans claim the United States subsidizes its companies through massive Department of Defense research and development contracts. Although I do not agree with the Clinton administration's decision to plow down the road toward a national industrial policy, until this administration the United States has not subsidized its industries' research and development as extensively as the Europeans have. It is a fact also that U.S. subsidiaries of European firms have participated in Advanced Research Project Agency research and development programs and the National Institute of Standards and Technology's Advanced Technology Program.

The European Union has supported various research and development consortia for several years. Examples include the European strategic program of research and development in information technology [ESPRIT]; research and development in advanced communications technologies for Europe [RACE]; and one for semiconductor and computer technologies [JESSI].

Recently the EU announced a \$262 million subsidy to Siemens to develop a new generation of semiconductors. It should be noted that Siemens was the largest single recipient of ESPRIT funds. No U.S. corporation has received the level of support from the U.S. Government that the European firms receive from their governments. Their argument is disingenuous.

Some say the effect of the GATT loophole exempting precompetitive research and development from coverage under the agreement could be devastating to U.S. firms. On the other hand, there is evidence that the EU's various research consortia have not delivered the benefits expected from the investment. Nevertheless, this "trade-related gaffe," as it was termed by the Journal of Commerce, could pressure the U.S. Government to think it must start matching the Europeans.

Picking critical technologies has not been a winning strategy for Europe, and I would hate to see the U.S. Government get into the business of picking business winners and losers. With

the Clinton administration's creation of and funding for the Flat Panel Display Consortium, I fear we are headed down this road. I, and many of my colleagues who voted against S. 4, the National Competitiveness Act, do not support massive Government subsidies for industry.

I shall conclude as I see another Senator has come to the floor to speak. Let me summarize.

On investment barriers, at a recent symposium on world economic affairs, I was asked by a foreign investor why the United States was so closed to investment. I was surprised to hear such a complaint. Apart from a prohibition on foreign ownership of more than 20 percent—foreign board member or government—or 25 percent—holding company with foreign participation—for corporations seeking to hold a radio license, U.S. foreign ownership standards are liberal. A firm can be considered a U.S. company as long as no more than 49 percent of its ownership is foreign. Few other countries have such liberal ownership rules.

Let us look at the barriers to U.S. ownership of telecommunications operations in Europe. Germany and France do not allow any foreign ownership of telecommunications operations in Europe. Germany and France do not allow any foreign ownership of telecommunications companies at present. Italy does allow some private shareholding; Portugal allows 10 percent foreign ownership. While Sweden has no specific restrictions in law, the State currently controls its telecommunications company. There are other barriers, imposed by both the EU and individual member states, which are not well-defined or are subjective. Therefore, many U.S. investors and businesses find the business climate in Europe chilly.

In conclusion, this is the first in a series of speeches I hope to make on the subject of European barriers to U.S. companies seeking to participate in its markets. Many other serious issues bear close examination. Take for example restrictive audiovisual and broadcasting directives adopted by the EU. Another is the rather capricious approach to standards setting which the EU has adopted—seemingly to frustrate participation by U.S. computer and electronics industries in the European market.

I plan to discuss these issues in the context of the Senate's consideration of legislation implementing the new GATT agreement. I believe it also is important for my colleagues on the Senate Committee on Commerce, Science and Transportation Committee to take into account these international issues as we proceed to rewriting the Communications Act for the first time in 60 years.

I yield the floor.

Mr. HARKIN. Mr. President, I want to thank Senator DORGAN for his tire-

less work on behalf of the needs of small airports in the Midwest that are adversely affected by the limitation of slots at O'Hare. And, I want to also thank Senator FORD for his very considerable efforts to alleviate this problem.

Many cities in Iowa are disadvantaged by the structure of the slot rules in Chicago. They suffer with limited service that causes considerable difficulty for the business and vacation travelers and limits the ability of the affected communities to attract conventions.

The Department of Transportation should move as quickly as possible toward providing exemptions for essential air service and to move forward with new rules that will greatly increase the ability of airlines to fully utilize the O'Hare Airport. Clearly, the ability of planes to land and take off at O'Hare has greatly increased since the slot rule was put into place. And, that reality should be recognized.

FAA'S ADVANCED AUTOMATION SYSTEM

Mr. ROBB. Mr. President, I rise for the purpose of engaging the distinguished subcommittee chairman in a brief colloquy pertaining to efforts by the FAA to restructure the Advanced Automation System Program.

Mr. FORD. I would be pleased to engage my good friend and colleague on the committee.

Mr. ROBB. Mr. President, the FAA's Advanced Automation System has faced severe technical and management challenges since the inception of the contract in 1998. Paramount among all of the issues presently being addressed by FAA in restructuring the AAS program is the safety of the flying public. To the greatest extent possible, FAA must take the necessary steps needed to restore its credibility with the Congress as it relates to the massive cost overruns that have plagued the AAS program.

FAA announced on June 3 a series of major steps to restructure this troubled program. These steps included:

Cancellation of the Area Control Computer Complex [ACCC] and the Terminal Advanced Automation System [TAAS];

Ordering the analysis of the software for the Initial Sector Suite System [ISSS]; and

Reducing the number of towers receiving the Tower Control Computer Complex [TCCC].

Mr. President, inherent throughout FAA's restructuring of the AAS program was a greater reliance on off-the-shelf technologies. Within the tower automation arena, such an off-the-shelf alternative may be available. The system known as the Federal Automated System for Towers, or FAST, could provide air traffic controllers with the information needed to perform tower duties. I hope the FAA continues to consider the FAST technology as an off-the-shelf complement to TCCC.

Mr. FORD. I thank the Senator from Virginia for his thoughtful comments on the AAS program. I agree that the FAA should, to the greatest extent possible, implement off-the-shelf technologies in key AAS program elements, particularly where such an action could potentially bring modernized operations to as many towers as possible.

Mr. ROBB. I thank the chairman for his kind words and yield the floor.

THE SLOT-SLIDE PROVISION

Mr. EXON. Mr. President, I thank the chairman of the Senate Aviation Subcommittee for including a provision which I have proposed which is critical to the ability of Omaha, NE to secure useful, needed and convenient nonstop service to Washington National Airport and the Nation's Capital.

As the manager knows, the operations of National Airport are subject to the so-called slot rule which limits the number of operations of the airport. Unlike other slot controlled airports, the Secretary of Transportation and the Administrator of the Federal Aviation Administration have maintained that operations at National Airport are controlled not only by a daily slot limit but also by an hourly limitation under the National and Dulles Transfer Act.

The so-called slot-slide provision in the substitute amendment gives the Secretary of Transportation limited flexibility with regards to that hourly limitation.

Mr. FORD. I was pleased to work with the Senator from Nebraska on this provision. The Senator carefully took into account the concerns of the neighbors at National Airport.

Mr. ROBB. Mr. President, the airport in question is located in the Commonwealth of Virginia and constituents of mine have expressed concern about the potential impact of this legislation on their community. For the purposes of explanation and creating a clear legislative history, I would appreciate if the Senators from Nebraska and Kentucky would outline the legislative intent with regards to the application of the slot slide provision, the circumstances in which the Secretary could use his limited discretion under this provision and term of the Secretary's discretion.

Mr. EXON. Mr. President, first and foremost, this provision will not increase the total number of slots at National Airport. The authority to slide a slot from one time period to another only applies to an air carrier currently holding or operating a slot, so that no phantom slots could be created under this legislation to effectively increase the number of slots at National Airport. Furthermore, the Secretary's flexibility in this regard applies to a maximum of two slots per hour. As such, in no way would the capacity or safety of National Airport be adversely affected.

For the surrounding community concerned about noise, this provision will

be most helpful. The Secretary's authority will only apply to a circumstance which will enable a carrier to provide service with Stage 3 aircraft, which is quieter than many of the aircraft currently used at National Airport. If this discretion is used, the likely effect will be to lessen the number of operations later at night when families in the area are putting their children to bed. For example, using this discretion, the Secretary could slide two slots from 9 p.m. to 6 p.m. or 7 p.m. for a qualified carrier. In so doing, there would be two fewer late night operations and the two earlier operations must use quiet jet technology. The net effect under this example is not only to reduce noise but to reduce the most disruptive noise to the community. The amendment offered by Senators MIKULSKI, ROBB, and SARBANES locks in this assurance by requiring that no net increase in noise result from the use of this provision.

In addition, the Secretary can use this power only in circumstances determined by the Secretary to be exceptional. Omaha, NE, for example, faces such exceptional circumstances. Presently, Omaha has no nonstop air service to National Airport. If two slots could be slid to accommodate Omaha's need, a significant package of air service would become secure for the people of Nebraska and western Iowa not only to National Airport but to points west and southeast of Omaha. This package of air service, which hinges on timely access to National Airport, would also be a significant factor in Omaha's economic development. In addition, exceptional circumstance exists in Omaha's case because sliding a slot would give a newer carrier with a limited number of slots an opportunity to create jobs in Omaha and Washington and provide new, needed and convenient service to the Nation's Capital from Omaha.

As for the term of this provision, it is an interim measure which will last until the final regulations for National Airport become effective under the review of the high-density rule provided by this legislation.

Mr. FORD. I appreciate the Senator's explanation and concur in his interpretation of this section of the substitute amendment. It solves a very tricky problem which the Secretary of Transportation faces with a win/win solution for the citizens of communities like Omaha and the Washington, DC., area.

Mr. ROBB. I thank the Senators from Nebraska and Kentucky. I am satisfied with their explanation. This provision will impose no detriment on the citizens of the Commonwealth of Virginia. I also appreciate the Senators' efforts on behalf of the Mikulski, Robb, Sarbanes amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE PROPOSED SANCTIONS BILL ON CHINA

Mr. BAUCUS. Mr. President, on May 26, President Clinton made the difficult and courageous decision to renew most-favored-nation tariff status for China, and end the linkage between human rights and renewal of MFN status. He will now proceed with a tough human rights policy, but one that does not link human rights to normal trade.

Today, several members of Congress will introduce a bill to reverse his policy. The bill would selectively revoke MFN status for goods produced by Chinese military companies. It would go beyond that to sanction some goods produced by state enterprises. Altogether, the bill would impose a de facto embargo on about 5 billion dollars worth of Chinese exports.

I regard this as a serious mistake. To begin with, it is foredoomed to failure. A majority in the Senate supports the President. With about 50 legislative days remaining, and health reform, GATT, welfare reform and much more left to do, we should concentrate on the people's business rather than debate a foregone conclusion. In the coming weeks, I will work to demonstrate that support through a letter or resolution.

The end of this debate is already clear. But consider for a moment what would happen if this bill succeeded.

It would cause China to retaliate and cost American jobs. It would alienate friendly Asian Governments and isolate us in East Asia as a whole. It would burden the Customs Service with the huge new responsibility of determining which goods are of military origin, perhaps causing the collapse of Customs' existing efforts to stop imports of prison labor goods and textile transshipments. And four other consequences make these problems look pale by comparison.

First, an unnecessary fight with China would threaten our vital long-term interests. China is the world's most populous country. It is the world's fastest-growing major economy. And it is entering a succession era in which the army will play a critical role. If we alienate China today, we will regret it for decades.

Second, the Chinese army is the one group most important to our efforts on the Korean nuclear crisis. No arms embargo or broader sanction on North Korea can succeed without compliance if the Chinese military does not comply. It will be hard to get their support now, but impossible if we attack them with this bill. And if, God forbid, we cannot resolve this crisis peacefully, we serve the 37,000 American men and women on the line poorly indeed by alienating the generals who will decide China's role in a conflict.

Third, this bill will harm, not promote, human rights in China. It will put tens of thousands of innocent people out of work, and eliminate our diplomatic ability to promote human rights. It will discredit pro-American reformers and turn ordinary Chinese against us. That is why many Chinese dissidents—for example Wang Dan, the student most wanted after Tiananmen Square—have repeatedly asked us not to revoke MFN status.

And fourth, passing this bill will repudiate and cripple the President on foreign policy. The United States and the world need a strong President who can exercise Presidential leadership. And it would be sad and ironic for members of the President's own party to make that leadership impossible.

This bill is wrong. It will hurt our President and it will hurt our country. I urge Members of the Senate to reject it.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

UNFUNDED FEDERAL MANDATES AND THE CLEAN WATER ACT

Mr. BAUCUS. Mr. President, there is substantial concern among municipal officials around the country about unfunded Federal mandates.

Local officials are correct in saying that unfunded mandates in Federal laws are a problem. Two major complaints about Federal mandates are commonly heard.

First, local officials object when mandates are inflexible or imposed without considering local conditions.

Second, some Federal mandates have broad public support, but are not backed up with adequate Federal financial assistance.

Local officials have a very good case. Congress must be more aware of this issue. We must do a better job of assuring that the laws we pass allow for the varying circumstances of communities across the country. And we must assure a significant and sustained commitment of Federal funding.

The most commonly heard solution to the problem of unfunded Federal mandates is simple; that is, no Federal law may require an action of a local government unless the Federal Government provides full payment.

Well, as the sage of Baltimore, H.L. Mencken once wrote, "For every complex problem there is a solution that is simple, easy, and wrong."

That applies here.

The all-or-nothing solution to the Federal mandates problem is a good example of a simple solution that just will not work.

We can all agree that it is wrong for the Federal Government to impose rigid, inflexible mandates on all local governments without accounting for local conditions. By the same token, it is also wrong for the Federal Government to adopt a blanket prohibition against any Federal mandate under any circumstance.

The best solution to the unfunded mandates problem is to build effective partnerships among the local, State, and Federal governments tailored to address a specific and generally recognized problem.

The best way to accomplish this is to review existing Federal laws that impose Federal mandates and amend them to assure that concerns about unfunded mandates are addressed. This process lacks some of the glamour of a sweeping proposal to end all unfunded mandates. But addressing Federal mandates on a case-by-case basis is the most responsible solution.

SAFE DRINKING WATER MANDATES

I know that there is some skepticism about whether the Congress is up to the task of a full and fair evaluation of Federal statutes that impose mandates.

The Federal statute most often cited as imposing unfunded Federal mandates is the Safe Drinking Water Act. Municipal officials were right to be concerned about the Safe Drinking Water Act. The law imposed substantial mandates on communities without providing either financial assistance or appropriate flexibility.

In response to these concerns, the Environment and Public Works Committee developed balanced and responsible amendments to the act. This legislation, which the Senate passed overwhelming last month, provides funding for drinking water projects at a level comparable to the need. We fund the mandate. We provide more flexibility for small systems to meet treatment requirements. And we give States more flexibility in testing for drinking water safety.

Each of these new provisions was developed considering both the impact of the Federal mandate and the interests of public health. This balanced approach resulted in a bill which responds to the mandate concerns and assures continued high standards of public health.

I consider the safe drinking water bill to be a major success. It shows that we can address issues related to Federal mandates and protection of the environment and public health in a responsible manner.

THE CLEAN WATER ACT

Within the next several weeks, the Senate will turn to another major environmental statute—the Clean Water Act.

Like the Safe Drinking Water Act, the Clean Water Act is regularly cited as the source of a number of unfunded Federal mandates.

This charge seems somewhat ironic because the Clean Water Act has wide public support and a solid record of accomplishment. Ninety-six percent of Americans consider water quality the most important environmental issue, ahead of toxic waste, ahead of air pollution, ahead of most any other environmental issue. And most Americans believe that the Clean Water Act has brought about significant improvement in the quality of our rivers, lakes, and coastal waters.

Most important, the act relies on a balanced partnership of local, State, and Federal Governments to pay the costs of water pollution control. The Federal Government has made a substantial and sustained commitment to funding of sewage treatment projects.

Since the Clean Water Act was first passed in 1972, the Federal Government has provided some \$60 billion for sewage treatment. States and localities have provided at least \$25 billion more.

Nevertheless, as the Environment and Public Works Committee developed legislation to reauthorize the Clean Water Act, we took a close look at the mandate issue. Following the same approach as with the safe drinking water bill, we evaluated the requirements imposed on local and State governments and the funding provided by the Federal Government.

I am confident that the clean water amendments we have reported in S. 2093 make a good law even better.

We have made two important changes to the act relating to Federal mandates. First, we have extended and improved the clean water funding provisions of the act. Second, we have evaluated specific requirements of the act related to municipalities and have proposed amendments which will save communities as much as \$12 billion over the next several years.

INCREASED FUNDING

Today, many communities have facilities to provide secondary treatment of sewage, but municipalities still have significant needs for water quality projects. EPA estimates that the costs of sewage treatment projects over the next 20 years to be over \$100 billion.

The current law provides for Federal funding of about \$2 billion per year to capitalize State loan funds. States provide a 20-percent match to these Federal funds and then loan the money at low interest rates to communities for clean water projects. Authorization for this funding was scheduled to end in 1994, when funds were expected to be fully capitalized.

The reported bill recognizes the substantial remaining need for sewage treatment facilities and authorizes continued capitalization of State loan funds through the year 2000. This funding authorization increases over the authorization period to a total of \$5 billion per year if the Congress maintains progress in deficit reduction. The total authorization for State loan funds is \$22.5 billion.

Other amendments to the State loan fund provisions of the act would substantially increase flexibility and reduce regulatory burdens. Most important, States are able to use up to 20 percent of capitalization grants to forgive the principal of loans where such forgiveness is needed to assure that a project meets affordability guidelines established by the State.

This is just a long way of saying if there are some communities that just do not have the money, do not have the funds to repay the loan, then the States can forgive up to 20 percent; they can forgive the principal of the loan for those distressed communities.

The range of eligible uses of the State loan funds is also increased, giving States greater flexibility to fund the most important water quality projects in the State. Projects for the control of combined sewer overflows and control of stormwater discharges are specifically made eligible for assistance.

In addition, the 1987 act carried a number of grant conditions into the new loan program. The bill deletes a significant number of these provisions.

REDUCED MANDATES

The current Clean Water Act provides for the development of programs for the control of municipal discharges of stormwater and for the control of overflows from combined storm and sanitary sewers.

The reported bill revises and substantially reduces the municipal stormwater permit requirements. The bill also provides new authority for development of long-term programs for the control of overflows of combined sewers.

The EPA estimates that these two provisions will save communities over \$12 billion over the next several years.

The biggest savings are in the new program for control of combined sewer overflows. The bill adopts and endorses the combined sewer overflow strategy developed by the EPA in cooperation with municipal and environmental groups. The strategy will significantly reduce compliance costs while assuring the implementation of reasonable controls over combined sewer overflows. A key provision of the policy is to allow permits to last up to 15 years. The bill amends the law to specifically authorize making these long-term permits in the case of combined sewer overflows.

Current law requires that the EPA develop permits for municipal dis-

charges of stormwater which assure that the discharges will comply with water quality standards.

The reported bill provides relief in two ways. First, for communities with populations of over 100,000, permits could include specific management measures, and these communities would not be subject to enforcement action if the permits resulted in the violation of water quality standards.

Second, the bill removes the requirement for communities of under 100,000 to have permits for discharge of stormwater except in a case where the EPA Administrator identifies a significant water pollution problem or where the community is associated with an urban area which already has a stormwater permit.

A SOUND MANDATES POLICY

The Clean Water Act is one of this Nation's environmental success stories. Everyone supports clean water and most people are willing to pay for it.

But even a solid law like the Clean Water Act can be improved. The bill the Senate will be considering responds to the concern local officials have with "unfunded Federal mandates." It will substantially increase funding for municipal water pollution control projects, increase State flexibility in management of Federal assistance, and substantially reduce the requirements of current law relating to combined sewer overflows and stormwater discharges.

At the same time, the bill assures that the substantial progress we have achieved in cleaning-up of water pollution over the past 20 years will continue.

The bill, like legislation to reauthorize the Safe Drinking Water Act, is proof that the Congress can address concerns for unfunded mandates in a balanced and responsible manner.

I look forward to working with my colleagues as we consider this important legislation.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair. I rise in opposition to the pending amendment on toilets on small aircraft.

Mr. President, this amendment would prevent air carriers from providing scheduled passenger service in an aircraft that carries 10 or more passengers unless the aircraft has a toilet facility for passenger use. Planes for which the type certificate has been approved prior to the effective date of this section would not be compelled to comply. But within 1 year, it is my understanding that aircraft would have to be provided with that facility.

Perhaps to some on its face this amendment appears to be one which would provide for the convenience or even necessity of some airline passengers. I think with a rudimentary knowledge of the small aircraft business in America and the implications that this legislation would have on it, anyone who has a rudimentary knowledge of the average lengths of flights and the kinds of commuter services that are provided by small aircraft could not in their wildest dreams support this amendment. Anyone who has a clear understanding of the efforts that have been made by many Members of this body to provide essential air service to small communities and towns in America, to which this would be a significant barrier because of the increase in cost of the aircraft which then would be passed on obviously to the purchasers of the aircraft, who would then pass on that additional cost to the passengers who purchase the tickets, could not seriously consider this amendment.

Mr. President, the average trip on a commuter aircraft, which would be the aircraft which fall under this amendment, is only 200 miles. The air flight time averages between 45 and 75 minutes. Of that time, the seat belt signs are deactivated, which allows the passenger to move around the aircraft, for a grand total of 20 minutes.

Mr. President, I have ridden in my State on many small commuter aircraft.

First of all, the flights even in a very large State, which mine is, are relatively short.

Second of all, the very size of the aircraft themselves is inhibiting for a passenger to get up and move to the back of the aircraft, which I imagine would be the location of this facility.

And third, it would require an enormous amount of agility to use this facility. For the additional space that would be taken up by the facility, of course, there would be a reduction in passenger seating unless, of course, the Senator from Ohio would contemplate using this facility for a dual purpose, which I doubt would attract too many purchasers of tickets.

But the fact is that these small commuter airlines operate on a very, very, very thin profit margin. The most difficult business probably in America today, and I think I can prove this by statistics as to the number of very small commuter airlines that start up and file every year, is this business. And all of us in this body agree that we have an obligation to provide air service to people who live in rural areas as much as we can instead of the very convenient air service that is provided to people who live in large metropolitan areas.

I am not clear, Mr. President, why we are seriously considering this amendment. One manufacturer, American

Eagle, did include a toilet facility in the 19-seat airplane. They have found that the facility is rarely used. Passengers, as I mentioned, have little time to use the facilities and are reluctant to move about in smaller cabins. The cost to install a toilet facility would be between \$16,000 to \$77,000. Those costs clearly will be passed on to air carriers that are already paying high product liability expenses. And as I mentioned, air carriers would lose substantial income from the loss of seats, a 5 to 20 percent loss of passenger capacity—a 5 to 20 percent loss of passenger capacity.

So what the ultimate result of this amendment would be is the loss of passenger service by commuter airliners because they could not afford it, increased ticket prices if they were there, and then those citizens of this great country of ours would be forced to use other means of transportation to get back and forth to their destinations, all of which would take a considerably greater length of time.

So, Mr. President, as one who has been involved for many years in aviation issues, I hope that we will vote on this amendment quickly and defeat it resoundingly and go on to more serious issues, because this clearly would be another step in expanding what is already a very serious problem in America today, and that is the ability of small towns and cities and communities to have air service.

I note the presence of the Senator from South Dakota, my friend, who has for years been committed to the issue of essential air service and trying to provide that air service to the citizens of the small towns and communities in the State of South Dakota as well as the Midwest. How you can possibly sustain that much-needed service when you increase the costs of an airplane unnecessarily between \$16,000 and \$77,000 and reduce the number of seats from 5 to 20 percent on these commuter airliners is, frankly, beyond me.

I urge the Senator from Ohio to go for a ride on a couple of these airplanes, these small 10- to 19-passenger airplanes, and try to walk back in them, especially since, generally speaking, they are flying at a relatively low altitude. The conditions are cramped because they are commuter airliners and they are small. And then perhaps ask the commuter passengers if they would rather pay more for their ticket or would they rather have a toilet facility on board.

It is pretty obvious what would be the answer.

So I strongly oppose this amendment. I am sorry we are wasting the time of the Senate on it, and I hope we will dispense of it as soon as possible.

Mr. President, I yield the floor.

Mr. PRESSLER. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DANFORTH. Mr. President, this bill has now been on the floor for over 1 week. I believe the number of amendments that are relevant to airline and airport matters is very limited. I think there are four outstanding controversial amendments that would be viewed in any way as being germane to the legislation that is before us.

It is very important that we press on with this legislation, and it is my hope that somehow the Whitewater matter can be either agreed to or perhaps debated in connection with other legislation, and that we can get on with the issue at hand.

I had hoped to make a tabling motion with respect to the toilet amendment that has been offered by Senator METZENBAUM. He is not on the floor right now, so I will not make such a motion. But it is my hope that we can get on with the bill.

I point out to the Senate that time is of the essence. If this legislation is not enacted and signed into law by the President by June 30, the result is that airport construction in this country comes to a halt. Therefore, we have to pass the bill. And when we pass the bill, it will then go to conference. I do not know how difficult or easy the conference will be.

I would not necessarily assume that it would be a simple conference. There could be issues that are raised in that conference. It is now June 16, and we have to get on with the bill. Somehow I hope that the Whitewater matter will be worked out. It would be my hope that other unrelated amendments would not be offered to this legislation. Other bills are going to come through the Senate. Other matters are going to be before us to which we can offer our amendments and make our points. I simply hope that this bill is not one of them.

Not seeing the Senator from Ohio on the floor right now, I will not immediately move to table the Senator's amendment, but I intend to do that in the very near future. My hope would be that we could proceed on the other airline and airport-related amendments and do so with dispatch and get this bill passed by the Senate this afternoon.

AMENDMENT NO. 1798 TO AMENDMENT NO. 1796
(Purpose: To enhance the preparedness of United States and South Korean forces in the Republic of Korea)

Mr. McCAIN. 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 Arizona [Mr. McCAIN] proposes an amendment numbered 1798 to amendment No. 1796.

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

Mr. FORD. I object. I want to hear the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

At the end of the amendment; add the following:

Whereas (1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to develop a nuclear bomb.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and appropriate action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(7) Neither the United States nor the Republic of Korea have yet acted prudently to bring our forces to the optimum level of preparedness to deter aggression from North Korea or, in the event deterrence should fail, to repel any such attack with the least loss of life and property possible.

Now, therefore, be it resolved, that the United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

Mr. FORD. Mr. President, the point I make here is that this is another amendment we have been dealing with now for a week, and it has nothing to do with airport improvement reauthorization bill. The Senator from Arizona knows very well that he has every right to do this, and I am not faulting him for what he is doing under the rules.

But here is a bill, as Senator DANFORTH has said, and we need to get the

bill passed. This bill has to go to conference, and we have to pass it again, and it has to go to the President for his signature before June 30. What we are doing is delaying, delaying, delaying, delaying the tens of millions of dollars that belongs to States. It belongs to them right now—entitlements. Entitlements are in this bill.

This is a jobs bill. When you build runways, you start using brick, mortar and electricians. It is a jobs bill, and the construction season is just underway. We do not want to lose it.

Again, I do not fault the Senator for doing what he wants to do. The rules are there. But this is the second amendment now that has nothing to do with the underlying piece of legislation. We get this and get this and get this. For 8 long months—and the Senator from Arizona knows, because he has been ranking member of the Aviation Committee; he understands the problems we have faced in trying to work out the agreement and bring the bill to this point. And now to find ourselves stymied by things other than the aviation community is a little bit exasperating.

I want to protect the minority, and I do not want to change the rules, but I sure would like to change the attitude of some who want to put everything on a piece of legislation any time they want to. I hope that the Senator will not take too long and we can get a vote on this, or whatever is necessary. I suspect that there would be a lot of conversation on this. We may not finish it today. This is a bill that should have been finished last Friday. Tomorrow is Friday. This started a week ago today.

So now we get into a big debate of whether the administration is right or wrong, or whether we have a solution or we do not. We can get into the water and muddy it up, and we will not be able to see the bottom, side, or up. And so I just say that it is exasperating. Every day we wait, somebody thinks of another amendment to put on this bill or another colloquy, or whatever it might be. I have put in more colloquies on this bill than Carter has liver pills.

So, Mr. President, I just ask my colleagues to try to be as helpful on this bill as they can. I am trying to help them. There will be another bill coming. Try it on that one for once. Stay here Friday and Saturday and talk about it while I go home and try to tell my folks we are going to get a little something for the airports there. We have all these problems. If you want to stay around and talk about Korea Friday or Saturday and go to church Sunday morning and come back Sunday afternoon, that is alright with me. Get out the cots. That is alright with me. Let us get this bill out of here and get some movement and get something done, and we can start a jobs operation.

Mr. DANFORTH. Mr. President, the underlying amendment is the Metzen-

baum amendment, and the Metzenbaum amendment would require that small commercial aircraft would have to have toilets in new planes. If they are not new planes, people would have to be warned about it. I do not believe that requirement should be on this legislation. A lot of discussion has occurred about mandates of various kinds on the private sector and the limitations of new mandates. I view that as another idea for a mandate. I oppose that amendment.

I appreciate the interest of the Senator from Arizona on the question of North Korea. It clearly is the most difficult foreign policy issue, the most challenging, and the most dangerous foreign policy issue that we have before us as a country right now, as a world. The acquisition of nuclear capability and the possibility of delivering that nuclear capability is truly threatening, particularly in the hands of North Korea. And the possibility of North Korea selling that capability, exporting them, is also something that is very, very threatening to the world. I think that the Senate should address itself to the question of North Korea. I do not believe that an unprinted second-degree amendment is the best way to do it on the floor of the Senate on a Thursday afternoon.

I just do not think that. This is a matter that is very, very important. I am not sure we have thought out as a Senate precisely what our position should be or how it should be framed. We view sense-of-the-Senate amendments, we view foreign policy initiatives that are reeled out on the floor of the Senate as matters that may be not of great import. But if anybody watches what we do, if anybody in the world watches what we do, it may be that other quarters in the world would view the wording of this legislation, this amendment, to be a matter of great significance.

So it seemed to me whatever we do on the question of North Korea is something that we do very carefully and very cautiously. I just do not happen to believe that this is the forum for doing it.

So, the parliamentary situation now is that a tabling motion offered on Senator METZENBAUM's amendment would carry with it Senator MCCAIN's amendment as well. That would seem to me to be a pretty good approach. I will withhold it now.

I understand that the Republican leader is desirous of coming onto the floor, and I do not want to do anything to interfere with any strategy or prerogatives that he might have. But I would say to the Senate that this legislation has to be passed. I do not know of any Senator who wants airport construction to stop in this country, and it is time to get on with it. This Senator wants to do everything that he can to make sure that we do get on with the business of passing this legislation.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first of all, I say to the Senator from Missouri that, if he chooses to table this amendment, which will take, of course, the second-degree amendment with it, I intend to exercise my rights and reintroduce the amendment immediately following that and immediately following until there is a vote on this very important issue—in my view, believe it or not, I say to the Senator from Missouri, more important than an airport improvement package.

Perhaps, as the Senator from Missouri has said, he and other Senators have not thought about this issue. I have thought about it a lot. I have thought about it for a long time. I believe I know a great deal about it. I think it is time that the Senate, including the Senator from Missouri, learned a lot more about it because we are literally on the brink of war in the case of North Korea. In case the Senator from Missouri does not know it, there are 38,000 American fighting men and women in South Korea and 80,000 dependents.

As much as I want the Senator from Kentucky to bring home his little bit for the people of Kentucky that concerns him these days, I want to bring home something for the people who are stationed in Korea to let them know at least the Senate of the United States is concerned about their welfare and their security.

Everyone has his or her priorities around this body. My priority right now is the security of this country.

Mr. FORD. Mr. President, will the Senator yield?

Mr. MCCAIN. I will not yield to the Senator. I will not yield to the Senator from Kentucky.

Mr. FORD. Since the Senator used my name I wanted to respond.

Mr. MCCAIN. I certainly did. And the Senator from Kentucky used my name, and I waited until I had the floor before I responded.

So if the Senator from Missouri wishes to make a motion to table at this time, I would be glad to yield the floor and allow for that vote, but I want to assure the Senator from Missouri and the Senator from Kentucky that I intend to have this amendment discussed and debated. I think it can be done in a very short time.

If the Senator from Missouri and the Senator from Kentucky would take the time to review this amendment, I think they would find that it is non-controversial. Not only that, I would be more than agreeable to a time limit. I understand the frustration of both the Senator from Kentucky and the Senator from Missouri, but this amendment has not held up the workings and functions of this body. It has been the Whitewater issue which has delayed the passage of this bill.

So I say to the Senator from Kentucky and the Senator from Missouri I will not take responsibility for that. I will not hold up the workings of the Senate. I will agree to a time agreement, but I will steadfastly maintain that the risk of war in Korea is more serious than an airport improvement bill, and it is time that the Senate of the United States discussed this very serious issue, which I intend to do.

Now, I would like to offer to the Senator from Missouri at this time that, if he will choose to make his tabling motion now, I will be glad to bring up this amendment immediately following that vote. If not, I will proceed with the discussion of this amendment, which is, by the way, proposed by Senator DOLE, the minority leader, and myself.

So I ask the Senator from Missouri, without yielding my right to the floor, if he would like to make the tabling motion at this time.

Mr. METZENBAUM. Mr. President, will the Senator from Arizona yield for a question?

Mr. McCAIN. After I receive a response from the Senator from Missouri, if he chooses to respond.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I have been asked by the Republican staff to wait until Senator DOLE comes on the floor, and I have agreed to do that. So until I hear from the Republican leader on this subject, I am not going to offer a motion at this time.

Mr. McCAIN. I will be glad to respond to the question of the Senator from Ohio without yielding my right to the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, without addressing myself to the merits of the amendment of the Senator from Arizona, I am wondering whether or not all parties and purposes would not be better served if his amendment were offered as a separate amendment to this bill. Certainly he has a right to do that. The Senator has not thought of second degreeing or anything of the kind. It is sort of apples and—I do not know what else—monkey wrenches in the same amendment, and I am wondering whether he would not think that that would give him a much clearer up or down vote on this issue.

Mr. McCAIN. I think the Senator from Ohio makes an excellent point. I will be more than happy to do so. That is why I offered the Senator from Missouri the opportunity to table the amendment. I have made my intentions clear to both the Senator from Kentucky and the Senator from Missouri. I intend to bring this amendment up if the amendment of the Senator from Ohio is tabled.

So I would be more than happy to withdraw this second-degree amend-

ment on the proviso that I bring it up immediately after the vote on this amendment without a second-degree. I do not care; they can bring it up after the vote on the tabling motion by the Senator from Missouri. If that is not agreeable, then we go ahead and discuss this amendment.

Mr. FORD. Mr. President, if the Senator from Arizona will yield, I think that is the way I referred to him. He has the floor, and I would like to have an opportunity to enter into a colloquy with him, with his permission.

Mr. McCAIN. I am pleased to enter into a colloquy.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it is my understanding that one Senator from his side wishes to oppose the Metzenbaum so-called sanitary facilities, as the Senator did.

Now, that means that if the Senator takes his amendment off, then we are still going to have a debate and a vote on that.

One thing that bothers me about his amendment is it ought to have a special place rather than be wrapped up in an airport improvement reauthorization bill. It is exasperating seeing that probably no time agreement is going to be given and the Senator is offering a time agreement possibly with the feeling that no time agreement will be given.

Mr. McCAIN. I say again to my friend from Kentucky, if he reads this amendment, it is noncontroversial and as a sponsor of the bill I would agree to a time limit. I am sure my colleagues would, too.

Mr. FORD. I am trying to understand the Senator's amendment, and I am not the final authority nor is Senator DANFORTH. He was waiting for the Republican leader to come in before he made a motion. He agreed. And I am doing the same thing.

But it just is a little bit exasperating to say that this is more important, it is overwhelming, and a little old airport reauthorization bill does not amount to anything compared with this. I agree with that, but I think it is wrong to wrap it up in this bill. There is something important about this bill because the Senator is putting his amendment on it.

There ought to be some way that we bring that up and really do what is necessary as it relates to North Korea and give it the type of debate that is necessary.

So that is the only point I was making. I am not downplaying North Korea. I would just like to say I think the Senator's wrapping it in this bill is proposing probably the wrong way to do it. I understand it is the wrong way as far as this bill is concerned.

I am going to yield the floor.

Mr. McCAIN. Mr. President, if I could continue the colloquy with the Senator

from Kentucky, my point here is that—and, unfortunately, the Senator from Kentucky does not understand it—events are unfolding. I think it is important that the Senate of the United States express itself. I say to my friend from Kentucky events in Korea are unfolding in such a fashion that I think it is important that the Senate of the United States express itself, number one; and, number two, we all know what a sense-of-the-Senate resolution is. It is a message. It is a message concerning an issue of the sentiment of the U.S. Senate. Whether it is on the airport improvement bill or whether it is on the legislative appropriations bill is really not important. The fact is the U.S. Senate has debated and voted on an issue.

So, Mr. President, again I ask the Senator from Missouri if he chooses to do that at this time or what he chooses to do.

I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, let me suggest the following: If the Senator would withdraw his amendment for the time being, I would then make a motion to table the amendment of the Senator from Ohio and the Senator from Arizona would be free to offer his amendment again.

My own view is that the subject of North Korea is exceedingly important and that it should be dealt with in its own right. This is not the appropriate forum for doing it.

But, as the Senator from Arizona has pointed out, he has every right in the world to offer this or any number of amendments to this legislation. I respect that. There is no way to stop it.

I do not view this as a terribly controversial amendment. It is a sense of the Senate and it says that

The United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

I do not know that anybody would vote against that, or even argue against it. It seems to me to be noncontroversial.

So, as far as I am concerned, a time agreement would be fine after this.

I hope that this is not going to be one of a whole series of amendments that people are going to be tripping over with on foreign policy. I think we are going to have an opportunity for a foreign policy debate on the floor of the Senate next week, and that seems to me to be the more appropriate occasion.

But, I would say to the Senator from Arizona that if he would withdraw this second-degree amendment, I would then move to table the amendment of the Senator from Ohio and then it is up to the Senator from Arizona to do whatever he wants to do.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I would like to make a brief statement on the amendment that I have offered with Senator McCAIN.

I do not see any problem with accommodating the managers here. The amendment is not offered to be controversial. We had a number of specific recommendations. Those were all taken out. I think what we are doing is, in effect, supporting what the President indicated to us yesterday, that this is a serious problem. It is a sense-of-the-Senate resolution that we pass from time to time.

But I would like to make just a brief statement and then do whatever the Senator from Arizona wishes to do. It seems to me we could go ahead and get an agreement to offer it next and have a vote on it and then go ahead and do whatever you want with reference to the amendment by the Senator from Ohio [Mr. METZENBAUM].

Mr. President, the crisis in the Korean Peninsula grows more dangerous every day. A year and half of negotiations and concessions was answered by North Korea: They destroyed evidence of their nuclear program. The International Atomic Energy Agency has been hindered, harassed, and rejected in its effort to monitor North Korea's compliance. After insulting the IAEA for months, North Korea has withdrawn from the agency.

Finally, the administration has recognized that sanctions should be imposed. However, sanctions will be preceded by a grace period. Sanctions will also be limited to symbolic measures. Sanctions will be phased in. Cultural and sports exchanges will be banned, but an arms embargo on North Korea will not be enforced. While the United States enforces a total embargo on Haiti—which does not threaten American interests—we support only half-measures against North Korea. With this timid approach, it is easy to see why North Korea might think United States policy is based on bluff.

Hard as it is to believe, there are some in the administration who still believe that North Korea is willing to negotiate away its nuclear capability. Clearly, North Korea is determined to build more nuclear weapons, and build more capable delivery systems. And clearly, North Korea will provide weapons to its friends in the international rogue's gallery: Libya, Iran, and Iraq.

Time is not on the side of those who worry about these developments. Yet some in the administration seem to think this is all a big misunderstanding. Some think that this is all a miscalculation by North Korea than can be corrected with more negotiations and more concessions.

Mr. President, it is not time for grace periods and half-measures—it is time

for American leadership. It is time to act decisively to isolate North Korea and to reinforce deterrence on the Korean Peninsula. Former President Carter apparently received limited commitments that North Korea would not take more provocative steps, such as throwing IAEA inspectors out of the country. But that is no substitute for U.S. policy.

There are legitimate differences over the best policy toward North Korea—how to halt its nuclear program before it threatens the world. There should be no difference, however, over the need to provide adequate equipment for United States and South Korean forces on the front line of a potential war. Sending Patriot missiles by sea is inadequate. American forces, and the forces of our allies, deserve the best equipment we can provide—in the type and amount necessary to defend against attack. We cannot risk a military disaster which could be avoided by providing appropriate equipment. We all remember what a difference armored vehicles could have made in Mogadishu last October.

Some might argue that sending equipment to defend against possible aggression is provocative or war-monitoring. I remember the old adage: "If you want peace, prepare for war." No one in this country or in South Korea wants war in the Korean Peninsula. Some 50,000 Americans gave their lives in the last Korean war. But war may have been avoided in 1950 if Kim Il-sung had not heard the American Secretary of State declare that Korea was outside the American defensive perimeter. And war may be avoided now by sending a clear signal that we are serious, that we will defend our forces if attacked, and that we will prevail if attacked.

And remember, we have 37,000 Americans on the DMZ, so it is not that we do not have a fairly important and significant interest in that part of the world.

The history of this century clearly shows that the best way to stop aggression is through firmness and strength, not through concessions and appeasement. And the best way to prevent war is to show be prepared to fight and win a war should deterrence fail.

This amendment is a reasonable step to show the Senate's support for strengthening the capabilities of American and allied forces in South Korea. There is much more that needs to be done.

China, South Korea, and Japan need to be brought into a solid coalition under American leadership. The issue of missile defense should be reexamined in light of the North Korean threat.

But this amendment is an immediate step. It shows our support for Americans on the front line facing aggression.

This amendment, I think, sends a signal. It supports what the President in-

dicated to many of us yesterday and it shows the President we are behind necessary steps to protect Americans deployed overseas. I think it will receive unanimous support.

I thank my colleague from Arizona for his leadership and also my colleague from Texas, Senator GRAMM, who I believe is a cosponsor of the amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Kansas and I appreciate very much his leadership on this very important issue.

Mr. President, I ask unanimous consent that following the vote on the tabling amendment by the Senator from Missouri that it be in order for me to call up the sense-of-the-Senate amendment concerning North Korea.

Mr. FORD. Could the Senator add the words, "following disposition of the Metzenbaum amendment"? It may be it would not be tabled. I like the Senator's confidence, but around here it may not always be that way.

Mr. McCAIN. I amend my unanimous-consent request in that fashion, Mr. President.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1796

Mr. DANFORTH. Mr. President, I move to table the Metzenbaum amendment and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. DANFORTH] to table the amendment of the Senator from Ohio [Mr. METZENBAUM]. 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 Michigan [Mr. RIEGLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—93

Akaka	Coats	Faircloth
Baucus	Cochran	Feingold
Bennett	Cohen	Ford
Biden	Conrad	Glenn
Bingaman	Coverdell	Gorton
Bond	Craig	Graham
Boren	D'Amato	Gramm
Bradley	Danforth	Grassley
Breaux	Daschle	Gregg
Brown	DeConcini	Harkin
Bryan	Dodd	Hatch
Bumpers	Dole	Hatfield
Burns	Domenici	Heflin
Byrd	Dorgan	Helms
Campbell	Durenberger	Hollings
Chafee	Exon	Hutchison

Inouye	Mack	Robb
Jeffords	Mathews	Rockefeller
Johnston	McCain	Roth
Kassebaum	McConnell	Sarbanes
Kempthorne	Mikulski	Sasser
Kennedy	Mitchell	Shelby
Kerrey	Moseley-Braun	Simpson
Kerry	Murkowski	Smith
Kohl	Nickles	Specter
Lautenberg	Nunn	Stevens
Leahy	Packwood	Thurmond
Levin	Pell	Wallop
Lieberman	Pressler	Warner
Lott	Pryor	Wellstone
Lugar	Reid	Wofford

NAYS—6

Boxer	Metzenbaum	Murray
Feinstein	Moynihan	Simon

NOT VOTING—1

Riegle

So the motion to lay on the table the amendment (No. 1796) was agreed to.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MITCHELL. Mr. President, I ask that Senator BINGAMAN be recognized to address the Senate as if in morning business for up to 5 minutes, and that following his remarks Senator DOMENICI be recognized to address the Senate for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

The Chair recognizes the Senator from New Mexico [Mr. BINGAMAN].

(The remarks of Mr. BINGAMAN and Mr. DOMENICI pertaining to the introduction of S. 2201 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona [Mr. MCCAIN], is recognized to offer an amendment.

AMENDMENT NO. 1799

(Purpose: To enhance the preparedness of U.S. and South Korean forces in the Republic of Korea)

Mr. MCCAIN. 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 Arizona [Mr. MCCAIN], for himself, Mr. DOLE, Mr. GORTON, Mr. PRESSLER, Mr. ROTH, Mr. GRAMM, Mr. WALLOP, Mr. NICKLES, Mr. HELMS, Mrs. KASSEBAUM, Mr. ROBB, and Mr. THURMOND, proposes an amendment numbered 1799.

Mr. MCCAIN. 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:

FINDINGS

(1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

Mr. MCCAIN. Mr. President, I send the amendment in behalf of Senator DOLE and myself; additionally, in behalf of Senators GORTON, PRESSLER, GRAMM, WALLOP, ROTH, NICKLES, HELMS, KASSEBAUM, ROBB, and THURMOND.

Mr. President, I am pleased to sponsor this resolution with the Republican leader, Senator DOLE. North Korea's intentions to build a nuclear arsenal, no matter the cost, have become ever clearer in Pyongyang's numerous violations of the Nuclear Non-Proliferation Treaty and in its increasingly bellicose language. The United States has no responsible alternative but to prepare for the worst, and make those improvements to the readiness of U.S. forces in Korea necessary to repel North Korean aggression quickly and with the least loss of life possible.

This resolution signals the Senate's strong support for Defense Secretary Perry's prescription that the United States must act on the prudent assumption that the North Koreans are serious when they define the imposition of economic sanctions as an act of war.

Unfortunately, it has become necessary for Congress to send a signal that the Clinton administration has thus far been reluctant to send: that neither threats of war from North Korea nor U.S. diplomatic imperatives will deter the United States from taking all necessary measures to ensure that 37,000 American troops and 80,000 dependents have all the means they require to defend their lives and our interests in Korea. That we have no already begun to make these improvements constitutes considerable negligence on the part of the Administration.

Our resolution calls on the administration to immediately take prudent actions to enhance the preparedness of United States and South Korean forces to deter and, if necessary, to repel a North Korean attack. Adding to the urgency of the need for improvements to our force's readiness is the recognition that we lack adequate strategic lift capability. Therefore, we must initiate deployments well ahead of any anticipated military action.

I believe these actions should include, but need not be limited to:

First, increasing the readiness and alert posture of United States and South Korean forces;

Second, deploying to South Korea additional troops from the United States;

Third, deploying additional fighter aircraft squadrons and Apache helicopter squadrons to South Korea;

Fourth, deploying a carrier battle group to the region;

Fifth, prepositioning bombers and tankers in the region;

Sixth, prepositioning additional stocks in the region;

Seventh, enhancing intelligence collection and sharing with South Korea;

Eighth, enhancing South Korean defenses with multiple launch rocket systems, counter artillery radars, anti-tank weapons, precision-guided munitions, and antimissile defenses; and

Ninth, enhancing South Korea's defenses against chemical and biological weapons.

These steps do not represent an exhaustive list of needed improvements to our readiness. But they would contribute substantially to protecting the men and women we have asked to stand post for us in Korea—assuring them that they will have sufficient reinforcements to complete their mission successfully and not be sacrificed to the fortunes of diplomacy.

I am traveling to South Korea this evening for detailed briefings from United States and South Korean military commanders on the precise nature of the North Korean threat and on our ability to prevail should hostilities on the peninsula resume in the near term. After my return, I hope to provide my colleagues with a comprehensive picture of our readiness requirements in Korea.

Mr. President, last November, President Clinton described United States policy toward the North Korean nuclear crisis clearly and correctly. He said that the United States would not tolerate North Korea's possession of nuclear weapons. With the exception of a few subsequent remarks by Secretary Perry, that was the last time our policy was well articulated.

Since the President's November statement, his administration's policy has persistently suffered from two serious misperceptions: First, that the threat from North Korea is not yet a legitimate crisis; second, that time works to our advantage. Just last week, I heard senior administration officials reaffirm these mistakes in order to remove any sense of urgency about our efforts to secure a sanctions resolution from the Security Council, referring to the situation as not yet time sensitive.

Mr. President, I can think of no crisis in a long while more acute or more time sensitive than the crisis we now confront on the Korean Peninsula. The discharged fuel rods from the Yongbyon reactor, which contain enough plutonium for four to six nuclear weapons can be removed by the North Koreans at anytime from their cooling pond and diverted to the reprocessing facility for conversion into weapons grade plutonium. A huge new reactor capable of producing enough plutonium for up to a dozen nuclear weapons will be operational in early 1995.

Pyongyang has already tested a ballistic missile, the NoDong 1, with a 1,000 kilometer range. Any day, they may test the NoDong 2 which has a 2,000 kilometer range and is capable of striking Tokyo. North Korea has acquired at least 40 and possibly 60 submarines from Russia which Jane's Defense Weekly contends can be modified to fire ballistic missiles.

Mr. President, the situation we face today in Korea is grave. It will be worse tomorrow. It will become worse every day that North Korea is allowed to pursue its ambitions to become a nuclear power. A North Korea attack, which today is a very real threat, would be far more likely after Pyongyang acquires a substantial nuclear arsenal and the means of delivering their warheads to Tokyo.

The danger will intensify even more if 82-year-old Kim Il Sung dies and his ruthless heir, Kim Jong Il, succeeds him as Great Leader. After all, it is Kim Jong Il who is believed to have ordered the assassination of half the South Korean cabinet, and to have ordered the destruction of a civilian airliner killing 150 innocent South Korean passengers.

And yet, Mr. President, while the danger grows, while the crisis becomes more intractable, the United States waits. We wait to see whether or not

the North Koreans will expel the last two IAEA inspectors from North Korea. We wait to see whether they will postpone their withdrawal from the IEA as a concession to former President Carter.

We wait while administration officials circulate their draft resolution in the Security Council that contains only symbolic sanctions—cutoffs of cultural, scientific, and educational exchanges; the termination of a U.N. assistance program worth all of \$15 million to North Korea; downgrading of diplomatic representations in Pyongyang, and a mandatory, but unenforced arms embargo. These sanctions will almost certainly fail to persuade Pyongyang to desist from further violations of the NPT. But we will wait some more, Mr. President, possibly for weeks, for the administration to ever so slowly bring this toothless resolution to a vote, and, with any luck, persuade China and Russia not to veto it.

After the vote, we will wait again, for 30 days, before the sanctions go into effect while the United States foolishly extends a grace period to North Korea in the hope that it will succumb to the administration's soft pressure and limitless patience. Then we will wait some more to see if countries like Iran, Libya, and Iraq will cooperate in an arms embargo.

We wait and wait and wait and wait endlessly for the administration to recognize the manifest failures of its diplomacy and cease its mindless devotion to the principle of "if at first we fail to appease, then try, try again."

Let me reemphasize, Mr. President: it will take nearly 2 months for these sanctions to be imposed. By the time it takes for the administration to accept that these sanctions have not had the desired effect, North Korea could have converted the fuel discharged from the Yongbyon reactor into enough weapons grade plutonium for six additional nuclear bombs, and North Korea's huge new 240 megawatt reactor could be operational.

Mr. President, let me divert from the subject of our resolution for a moment to briefly discuss a development relating to former President Carter's negotiations with Kim Il-song. Apparently, Kim Il-song has told President Carter that he will not expel the last two IAEA inspectors from North Korea "so long as good faith efforts are being made jointly between the United States and Korea to resolve the entire nuclear problem."

Let us be clear about what President Carter has accomplished. It is certainly important that North Korea not expel the inspectors and destroy our remaining capacity to observe any future diversion of fuel. However, this assurance does not remedy the North Korean violation of the NPT which prompted the administration to seek sanctions

against North Korea in the first place. The sanctions were necessitated by North Korea's discharge of all remaining fuel rods from the Yongbyon reactor in such a manner that it prevented the IAEA from sampling the fuel to determine how much fuel had been diverted in the past.

Nothing in this recent announcement should cause the United States to back down from sanctions. Indeed, it only preserves the status quo, the unacceptable status quo. Until that violation is remedied by North Korea's willingness to come clean on its nuclear weapons program, sanctions—meaningful sanctions—should be imposed.

Mr. President, I presume North Korea will not consider the imposition of sanctions as a "good faith effort to resolve the nuclear crisis" and will, accordingly, eject the two inspectors later. Surely, neither President Clinton nor former President Carter believes that North Korea has yet done anything to vitiate the need for sanctions.

I am pleased that the inspectors will not be prevented from discharging their responsibilities at this time, but I am not so naive to consider this preservation of the status quo to be some kind of breakthrough or to believe for a moment that this will be North Korea's last word on the subject.

Throughout these long months of bargaining with North Korea, we have repeatedly seen how little regard Pyongyang has for keeping its promises on this question. After the United States held direct negotiations with North Korea, North Korea promised to negotiate simultaneously with the United States, South Korea, and the IAEA. It later refused to negotiate with the IAEA and South Korea.

After the United States held further talks with North Korea, and canceled Operation Team Spirit, North Korea agreed to allow thorough IAEA inspections of the Yongbyon nuclear facilities. Subsequently, North Korea, at various times, refused access to nuclear waste sites, insisted on only night time inspections, abruptly terminated inspections, and refused to allow further inspections until the United States dropped its insistence on negotiations between North and South Korea.

After the United States acceded to their demand, North Korea announced suddenly that it was shutting down its reactor for refueling, but promised to allow IAEA inspections of the defueling. When the IAEA then sought to take measurements from certain fuel rods of interest that would indicate North Korea's past diversion of fuel, North Korea commenced the defueling before inspectors arrived, refused them the access they sought, discharged all remaining fuel rods, and precipitated the current crisis.

Mr. President, we should review very carefully all the details of North Korea's bad faith over the last 16 months,

lest anyone be fooled into prematurely popping champagne corks over this latest promise made to President Carter.

Now to return to the subject of our resolution: Mr. President, while the administration temporizes, and while North Korea seeks to obscure its intentions further, 37,000 Americans stand their post in Korea. They have not been reinforced, and they may not have sufficient means to deter a North Korean surprise attack. They will prevail in a conflict, but at a price that could have been lower had they been reinforced earlier.

Mr. President, surely our colleagues will agree that the time to reverse this negligence has arrived.

I understand the arguments that are arrayed in opposition to the precautions Senator DOLE and I are calling for. North Korea, it is said, has learned the lessons of the gulf war. They will not allow us to mass our forces while the United States pursues its diplomatic objectives in the United Nations, and thereby deny them the critical element of their invasion plans—a massed, surprise attack. Reinforcing our troops would be simply too provocative an act; a provocation which would probably precipitate a preemptive invasion. Some suspect that they have already begun to implement their preemptive strike plans.

For this reason, our South Korean allies are reluctant to agree to any substantial buildup of our forces. I appreciate these concerns, Mr. President. Obviously, these are not easy decisions to make. But they are necessary ones.

These same arguments were made by opponents of a defense buildup in England and France in 1936, who argued that such a precaution would only provide a rationale for Nazi imperialism. These same arguments were made by our Middle Eastern allies, who feared that improving our military preparedness in the gulf would trigger an Iraqi invasion of Kuwait.

But the invasions came anyway, encouraged by the West's reluctance to deter them. If North Korea means to fight, they will not be dissuaded by our negligence to adequately prepare our forces to defeat them.

With the exception of the slow deployment of Patriot missile batteries, and accelerated planning to reinforce in the event the North invades, we have done very little to send a strong, visible signal that we are prepared to repel their threatened aggression, and that we intend to see that the last battle of a second Korean war is fought in Pyongyang.

Mr. President, I have recently received very distressing reports about the readiness of South Korean forces to defend their nation. I hope these reports are not true, but I intend to find out. As of this moment, however, South Korea must be made to understand that the United States intends to

defend our troops and our interests in Korea by whatever means necessary.

I do not mean to treat questions of Korean sovereignty lightly. I do not. I know that a second Korean war will be fought in their country, not ours, and that their capital is uniquely vulnerable to a North Korean artillery barrage. I have never been nor do I intend to become an Asia basher or someone who forgets that we have mutual interests that are well served by our strategic relations with Asian allies.

But we have 37,000 troops there sworn to defend South Korea. South Korea must be equally dedicated to their protection or we will have little choice but to remove them from harm's way.

Thirty-seven thousand American troops are not sufficient to defend South Korea from an attack by over a million man army. We are relying on the readiness of South Korean forces. I would hope that the South Koreans recognize, as we do, the folly of not taking Kim Il Sung at his word: That he means to fight, and fight ruthlessly. I would hope that South Korea now recognizes that there are a great many things it must do to prepare their forces; to counter North Korean advantages in artillery and manpower, to protect their capital, and to defend their people from the wages of war, like a chemical weapons attack, to the greatest extent possible.

I have been somewhat encouraged by the apparent recent hardening of South Korea's attitude toward North Korea's violations of the NPT, and their callup of reserves for civil defense drills. But we expect much more from Seoul in our mutual defense of that country, and we expect it now.

I have on many occasions expressed opposition to administration's foreign policies. But I have also refrained from supporting measures that would prospectively circumscribe or preclude Presidential leadership on foreign policy problems before his policies were developed and implemented.

Regarding Korea, we have waited too long for evidence that the President intends to lead us in this crisis with the firm resolve that the situation demands. We have obligations to the 37,000 Americans stationed in Korea that can no longer be evaded for want of Presidential determination.

This resolution is nonbinding. But it should signal to the administration and to Pyongyang that the people of the United States and their elected representatives ultimately possess the resolve to see this crisis through to the end; that we take their threats seriously, but are not paralyzed by fear; that the President was serious when he said the United States will not tolerate North Korea's possession of nuclear weapons; that the courage of the men and women whom we have asked to defend South Korea and our interests in Asia will be supported with all the

means necessary for them to make North Korea pay dearly for the mistake of starting another war.

In 1950, North Korea mistook American resolve. The consequences of their mistake were devastating. It is up to the President to ensure that they do not mistake our resolve again. This resolution should encourage the President to summon the resolve he needs to keep faith with that commitment. I urge my colleagues to support it.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. When the vote is taken, it will be by the yeas and nays.

The Senator from Georgia [Mr. NUNN], is recognized.

Mr. NUNN. Mr. President, first, let me say I appreciate the Senator from Arizona's working with the majority leader, the Senator from Massachusetts, the Senator from Rhode Island, myself, and others to make certain changes in this amendment that I believe will make it acceptable for the Senate to vote on it in the near future.

Second, while I agree with basically the thrust of the amendment, I do have to question the timing because former President Carter has just made announcements on CNN about his discussion with the leader of North Korea. He has another day or two there. I personally have not even had time to find out what he said on CNN yet. And that is one of the unfortunate things about the Senate. You can put an amendment on any time, any place, and the Senate has to come to grips with it immediately.

But in the realm of foreign policy, that is a very difficult way to do business. To have the Senate speaking on a subject of this importance—even though I really agree with the thrust of what the Senator from Arizona has put forward—at this particular time is subject to being misinterpreted and subject to being, I think, even second guessed in the days ahead about events that may unfold. So the timing, to me, is questionable.

But, of course, the Senator has the right to bring up an amendment any time he chooses to bring it up, and I know the Senator from Arizona is doing what he believes to be in the best interest of our national security, and I know he is doing what he believes to be in the best interest of our military forces in Korea. I have no doubt about that, having served with him and knowing his deep feeling and his sincere commitment to the well-being of our forces and to our overall national security.

So, Mr. President, the Senate, I assume, will be voting on this today, and I think it is important that we understand a little background of where we

are at this point in time. And I must add, again, that I have not heard the details except secondhand of what former President Carter himself has said in terms of his reports from North Korea.

I would say, in general, from what I heard secondhand, that I will welcome the words from former President Carter. I think what he has said bears a great deal of close scrutiny here in terms of looking carefully at what has been said to him and what he has conveyed in many of his public announcements about the position of the leadership of North Korea.

I do think there are some tough questions that have to be asked—the Senator from Arizona has already alluded to some of these—about what the North Koreans may be offering at this point in time.

One tough question is, are they willing to freeze their program? Are they willing to say no more development of nuclear weapons, no more plutonium reprocessing? Are they willing to say they are not going to do any more reprocessing?

Now, reprocessing is permitted under IAEA, and under the nonproliferation treaty it is not barred. But the North Koreans did agree with South Korea and signed a bilateral agreement whereby neither of those countries would engage in any reprocessing. They have never implemented that agreement, but it is certainly reasonable for us to ask them if they are willing to carry out their own commitment in regard to no reprocessing which can lead to the development of nuclear weapons.

There are some tough questions that need to be asked, but I think former President Carter's visit there can be helpful in two ways.

One way, as he is already doing, is to tell us a little bit about what the North Korean leadership is thinking, because this is a regime which is isolated, which is in many cases paranoid, and which is, of course, heavily armed and dug in and having an economic struggle. So it is a very dangerous situation.

The other point that I think is important that I am sure former President Carter is conveying—I am hopeful this is the correct assumption—is the absolute firmness of the United States and our allies to stick to our position that North Korea must not and will not and cannot be permitted to become a nuclear power. I believe that this resolution does convey that.

I would also say that I think the Senator from Arizona is correct in the fact that we need to make sure we take every prudent step to make absolutely clear that we are prepared—we do not want a war—but that we are prepared and that we are going to do everything we can to protect our forces.

The Senator from Indiana [Mr. LUGAR], and I went to South Korea in

January of this year. We issued a report on what we found there. I had a chance to engage in extensive discussions with our military leaders there, including our commander, General Luck, but not limited to him, with many of our military and intelligence people in South Korea.

The bottom line of that visit, Mr. President, is that there were certain steps that needed to be taken to reinforce our military forces. Many of those steps needed to be taken even without the belligerent rhetoric that comes from North Korea. There are certainly deficiencies in our military that are being addressed, that were scheduled to be addressed even before the recent statements by North Korea, and that must continue to be addressed.

It is important that these deficiencies be addressed in ways that do not lead the North Koreans to believe that we are about to launch a preemptive attack on their country or they are in jeopardy of an all-out South Korean and American military invasion.

We have to realize this is a regime that is isolated and paranoid. While we want to make sure they understand our firmness, our determination, and also our absolute commitment to defending South Korea, we do not want to take steps that would lead them to conclude that we are about to launch our own invasion of North Korea, which could, in turn, lead them to do some very foolish things in terms of their own military forces.

Mr. President, the bottom line of all this is that I think it has to be made abundantly clear to the North Koreans they have three choices.

One choice is an explosion choice. They can cause an explosion on that peninsula that can kill hundreds of thousands of people. In my view, if they exercise that choice, notwithstanding some military problems that we might face, the result would be total devastation of that regime and devastation of the North Korean part of the peninsula. Unfortunately, the result could also be the death of hundreds of thousands of people on both sides. So that is not the choice we hope they are exercising.

The second choice is what I call the implosion choice. They can continue to defy the international community. They can continue to defy the IAEA. They can block inspection in their own country, and they can continue to be isolated economically. If they continue down that line, I think they are going to implode. It may not be next month, it may not be 2 months from now, but inevitably their economy will collapse, and at some point the people of North Korea are going to get fed up with having two meals a day and having one of the most inefficient and ineffective economies in the world. That is what I call the implosion choice.

The third choice is one that we also have to make clear to them. This is that they can begin to cooperate with the international community. They can begin to comply with the nonproliferation treaty. They can begin to be part of the international community if they comply with their obligations not only in the nuclear area but also in refraining from exporting arms into volatile areas of the world and also commitments not to engage in terrorism, which they have certainly done in the past.

That third choice is the one we hope they will take because I think any careful study of the military equation would leave one to conclude that the North Koreans cannot possibly prevail in any conflict and any serious conflict would result in devastation of their regime. We do not choose that, and I do not think anyone in this Senate wants that kind of war. We already had one war. We must make it absolutely clear to them that we are committed. I think this resolution does that. We must make it clear that we are going to take and are taking all the prudent steps that are required to make sure our own military forces, and urge the South Koreans to make sure their military forces, are fully prepared for any contingency.

Mr. President, I think the changes that have been made in this amendment make it acceptable. I believe that if the Senate does vote on it today, it can be voted on with people being confident that it does truly reflect not only what we should be doing but, indeed, what we are already doing.

Are we taking military steps now? The answer is, yes. Have we been taking military steps for the last several months? The answer is, yes. Are those steps everything we need to do? The answer is, no, not yet. But we are taking prudent steps.

General Luck and his military commanders have laid out what they believe we need to do. They have laid out not only what they believe we need to do now, but they have laid out what we need to do each step of the way if we implement sanctions.

I do not think anyone should make any mistake about it, particularly the North Koreans. If we go to the United Nations and if the United Nations votes for serious economic sanctions, then there are going to have to be other military steps taken, because the North Koreans have said implementing sanctions is an act of war.

So if we are going to do the prudent thing, as this resolution calls for, then we are going to have to take certain military steps, as well as certain diplomatic and economic steps, and they have to be taken together.

Mr. President, this should not be viewed by anyone as threatening. This resolution, as I see it, should be viewed as taking the kind of military steps

that are essential to protect our own people and to send an unmistakable signal to North Korea that we are serious and that we are going to be prepared for any kind of action that may occur.

Mr. President, at this point, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, yesterday our Foreign Relations Committee was briefed by Assistant Secretary of State Robert Gallucci, who is our principal negotiator with the North Koreans. In the course of that briefing, we heard nothing that would cause us great concern for the immediate future. There is nothing to warrant accelerating the drumbeat of war on the Korean Peninsula.

We can be sure that as long as International Atomic Energy Agency [IAEA] inspectors remain at the Yongbyon nuclear installation we can be assured that fuel is not being diverted for nuclear weapons. If inspectors depart or are forced to leave, then we would have cause to be concerned.

At this time, this resolution, as amended, demonstrates our concern and suggests that we should be careful, keep our powder dry, but there is no immediate cause for alarm.

To paraphrase Winston Churchill, who once said "Jaw, jaw is preferable to war, war": "wait, wait, is preferable to war, war." Dialog with the North Koreans should continue.

The Senator from Arizona is a man of action. I understand he may be going there. I wish him bon voyage and success on his trip, if that is the case.

But we should bear in mind that this is a very delicate time, with on-going negotiations, including discussions by former President Carter with the North Korean leadership. It is very important that the waters should not be roiled; that international calm be maintained.

It is a delicate time. This resolution should not be misread by the North Koreans as a call to arms. It is an expression of our deep concern, a sign that we are following the situation closely, and a signal to the North Koreans to comply with their obligations under the Nuclear Non-Proliferation Treaty.

As this resolution states, let us be prudent and prudence dictates further dialog.

Mr. KERRY addressed the Chair.

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

Mr. KERRY. Mr. President, I would like to join with the Senator from Georgia and the Senator from Rhode Island in thanking the Senator from Arizona, Senator McCain, for working with us to agree on language that we

believe reflects a positive and prudent statement—I emphasize prudent statement—by the U.S. Senate.

I would share a reservation expressed by Senator NUNN about the timing simply because there is a great deal going on that the public does not perceive. Diplomacy is, obviously, an extremely delicate art. It simply does not lend itself very well to the normal give and take and pull and tug of American politics. And often politics clouds the diplomatic effort and even sometimes restrains it or undoes certain aspects of it.

I think that what we have arrived at in this amendment is a sensible consensus on the part of the Senate about steps that need to be reinforced—and I emphasize "reinforced."

Though I join the Senator from Arizona in the concerns expressed in this amendment, I would personally distinguish some of the comments that he made in his own introductory comments which are beliefs that he feels but I do not believe are contained in the gravamen of the amendment itself.

The Senator from Arizona used words like the administration temporizing, negligent generalities was expressed, that they must not be paralyzed by fear, a whole series of negative connotations with respect to the administration.

I think it is important to point out, there is no temporizing and there is no equivocation with respect to the President's bottom line on North Korea. The President has said from the beginning and has reiterated on a number of occasions that North Korea cannot be permitted to become a nuclear power. That is the bottom line of this crisis, and that is the guiding policy that I think Democrats and Republicans alike share in.

Now, a realistic and tempered analysis of the current crisis would suggest that those of us in the Senate and those of us who are concerned about our troops ought also to be concerned about the messages and signals that we send and how we send them. An isolated, paranoid regime like North Korea can just as easily make a misjudgment about what we are doing as they can make a misjudgment about what they ought to be doing or what they are doing.

So I think it is wise not to give them the ability to be able to misinterpret our desires here. If they believe that we are going to attack no matter what, or if they believe we are going to back them into a corner no matter what, or if we offer them no opportunity to find some kind of a way of acceding to our demands, then we would have added to the crisis.

I think those of us who have been to the briefings in the last few days feel broadly satisfied that a great deal is happening. We had a long briefing before the Intelligence Committee a cou-

ple of days ago. I happen to serve on that committee. The Senator from Arizona was not there. We had a long briefing yesterday with Secretary Gallucci on the subject of plans that are now going forward with a great opportunity to inquire about contingencies and options and preparatory measures.

I think it is fair to say, without breaking any classification restrictions or without sending messages that the administration does not want to have sent at this time, that we are taking steps to guarantee that at least our own troops are secure, we are taking steps at this point in time to review every single option available to us, and we are taking steps at this time to guarantee that any option that is available to us will be able to be exercised within the necessary time period that that option would demand.

I would say respectfully, to my friend from Arizona, that while the two inspectors are there and while they have not denied us the opportunity to continue to see what is happening in the cooling waters, while those rods are still not in a state of being unloaded and we can understand precisely what the level of reprocessing is, there is at this moment no danger under those circumstances of a nuclear breakout that would threaten us or the peninsula. So I think it is important for us to not create a situation where the most unwanted event happens because we take steps that are not prudent.

I believe the administration is taking sensible measures to guarantee that our options are covered here, recognizing that there may well be in the weeks or months ahead, depending on what North Korea decides to do, a very serious and far-reaching decision with respect to preemptive measures that we might have to take to safeguard our own interests.

This particular resolution, I think, expresses the appropriate concern of the U.S. Senate but simultaneously, I think, recognizes, does not deny, what the administration is already doing in this regard. So I would say this is an appropriate step for the U.S. Senate to take and is mindful that we have to be sensitive to what the administration is trying to do.

I do not think that North Korea could conceivably misinterpret the bottom line that the President has set out in this crisis. It is clear—through the several emissaries, as well as their own ability to read almost every single public statement on this issue—that our bottom line is that this is serious, that it is a major crisis, and that they cannot be permitted to become a nuclear power. And the implications of their attempts at doing so are, as the Senator from Georgia said, extremely narrow in the options that it provides North Korea.

This resolution adequately states our need to be prepared for those

eventualities without, I think, sending signals of alarm or statements of an incendiary nature, that make matters worse than they might develop or might be anyway.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, the powers that be have spoken and I have no illusions whatsoever that the objections that are going to be raised by the Senator from Nebraska will be paid much attention to. Because another grand compromise has been quickly struck over a motion that has had no hearings, no public input, and very little consideration by most of the body except a hurried meeting on the floor between some of the powers that be to try and get rid of this particular amendment that is holding up the aviation bill that is before us.

I do not for a moment intend to imply any bad motives to any of those who have taken part in the deliberations thus far. I simply say all too often when things of this nature come up, and in this case we are talking about the McCain-Dole amendment—and I believe that Senator MCCAIN and Senator DOLE generally are trying to get across a message that they have articulated in other various sources before we took this up on the floor of the Senate today. Simply stated, I agree with all of the concerns that all the previous speakers made with regard to the very, very serious situation—maybe more serious situation than we recognize—that exists with North Korea today. No one can possibly know what the outcome of that could be. But as one Senator who has been consulting with many Senators, consulting with many people in the executive branch, I have recognized that this is a flashpoint, and that very likely the people of the United States may not fully understand just how fully serious it is today. Maybe some of the good things that might come out in the debate on the Senate floor today, and I suspect eventual passage of this amendment, or resolution, will give everybody a good feeling. I do not for a moment underestimate, therefore, how serious this is.

The question comes as to whether or not it is wise for Senators, without previous discussion or hearings, to rush to the floor of the Senate and on an aviation bill of all things, bring up such a fundamentally important matter with regard to the obligations—and solemn they are—that we have to our friends and allies, the South Koreans.

How serious is that and how dedicated are we to that? I think history speaks for itself. When I came back from World War II we thought we had fought a war to end all wars. And 5

years after that, after dismantling our forces, we found ourselves in combat in North Korea—in South Korea and then later in North Korea. Here we are, 45 years later, considering the possibility—that is basically in the hands of a totalitarian North Korean Government—as to whether we will be called upon again.

I believe—and I know we are receiving additional information on this tomorrow in closed session in the Armed Services Committee—that the President, the Joint Chiefs, the CINC's and all others, are taking and have taken appropriate action. We have sent, as everyone knows, Patriot missiles there. There was a lot of criticism when we sent the Patriot missiles over there by boat. There was criticism of the President on the floor of the Congress that it takes them too long to get over there by boat; we should fly them over there. Panic set in.

I think the situation is extremely delicate but I do not think panic should set in. I simply ask my colleagues on the floor of the Senate to take a look at some of the situations that confront us, and maybe the downside of us acting in an approving fashion in the Senate on this particular amendment or resolution.

The resolution itself is not very offensive and I suspect one of the reasons the White House, as I understand it, has signed on to this—and possibly some of the Democratic leadership—is that, good land, we sure do not want to get ourselves caught in a position of a Republican amendment being offered that calls for the proper defense of the troops and interests of the United States of America. Therefore we better go along. You go along, you see, with these things, to get along. I suggest that is not a very good way to develop foreign policy.

Foreign policy under our Constitution is developed, and properly so, by the executive branch. And I have referenced earlier the fact that I have confidence in what the President and the military leadership are doing in this area today. But if you take a look at the rhetoric, the words behind this amendment that has been offered, you will see that the North Koreans, who will be looking at that, may get a different interpretation, unfortunately, from what the resolution itself says.

We can study the resolution for the rest of the afternoon and the night and all day tomorrow. I think many lawyerlike things could be done, you know, to change a word here or a comma there. But I would simply say, let us also take a look at what has been said thus far in support of this matter. I have heard, unless I heard mistakenly, such statements as, "prepare for war to protect the peace." I have heard citations of "the best possible action would be to—" "The fact that the United States will not tolerate—" Et cetera, et cetera, et cetera.

I would simply say, and I am sure this statement will raise a few eyebrows, but I hope it will also open some ears to reason—I suggest, Mr. President, that this is a Gulf of Tonkin-type resolution that we are rushing into without fully understanding what we do.

Once again, I say it is entirely appropriate, given the seriousness of the situation. If it is not a crisis situation now, it might be a crisis situation in the future. I simply say, why can we not refrain, why can we not hold back from rushing to the floor of the U.S. Senate to do something that has a good ring to it without fully understanding what the complications might be or what connotation the North Koreans might place on the adoption of this amendment?

I have heard remarks like "the United States will not tolerate." It seems to me as if those may be considered by some people warlike words—maybe not. I am not here to apologize for whatever action we might have to take in the future, but I suggest this is a time for us to allow the elected President of the United States to lead, to set policy, without us rushing to the floor with this type of an amendment.

I guess you can put this in any context that you want, but it seems to me we should recognize that what we say in the resolution itself might not be objectionable, but what we have said in describing what that is doing and the ideas of several very influential Members of the U.S. Senate is quite another matter.

Put this in any context that you want, but it is an instrument of bravado: We are going to stand up and we are going to tell you.

It is like putting a chip on the shoulder of the United States Senate and United States Senators and, if not inviting, suggesting to the North Koreans: Go ahead and knock it off.

Why can we not in this body resist the temptation to try to lead for the primary reason to show leadership, when there are times I think this body should show leadership and there are times when they should not?

President Carter is there now. From the reports I have heard, essentially through the news media, it would indicate to me that at least the President may be making some progress.

You will all remember, I think, a very distinguished minister from the United States was there a month or so ago. He did not get very far, but maybe Billy Graham laid some seeds to come home to help us.

The President and the military are acting in what I believe to be an appropriate manner. They are consulting with our allies, in this case primarily the adjacent countries of South Korea and Japan. The President has brought the United Nations into the matter. I do not really believe that the United

Nations or Japan or South Korea really care very much about what the United States Senate does on this resolution this afternoon. But, of course, it is only natural for the United States Senate to believe that people around the world are waiting with bated breath until we make some pontifical pronouncement.

In closing, Mr. President, let me say: Be careful; look and listen to the language of some of those supporting this amendment. That language, in my opinion, belies the general, less warlike, more ambiguous language of the amendment or resolution itself.

This amendment evidently is designed with the idea that the North Koreans will shiver in their boots when the United States Senate speaks. I suggest that might not be the case.

I believe our action at this particular time, especially with the language that has been used in debate in support of this, despite the caveats from some Senators, I still think that this is a step in the wrong direction.

I have no doubt, Mr. President, that the McCain-Dole amendment will become the law of the land. But I, for one, will vote against it for the reasons that I have expressed.

I thank the Chair, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the resolution of the Senator from Arizona has been significantly modified from an earlier version, particularly the elimination of paragraph 7, which was in an earlier version, and some other changes which have been made in it to make the language of the resolution, I believe, not only acceptable but a significant advance over the earlier version thereof.

It is only the language of the resolution that I address rather than each of the comments of everybody that has spoken relative to it, because it is the language of the resolution which we are voting on, and it is only the language of the resolution which, if adopted, becomes part of the law of this land.

It is not the rhetoric of the supporters of it, some supporters. Indeed, the rhetoric of some supporters of this resolution has been very cautious, very prudent, indeed. I point only to that to try to give some balance in terms of the rhetorical atmosphere that surrounds the resolution.

The point of the resolution itself, I believe, with the changes which have been made in it, the resolution is, indeed, an acceptable resolution.

I would, however, make two points.

The first is that I think we should operate, in addition to the stick track, we should operate on a carrot track, as well, with North Korea. We should not

only be prepared to respond in the event that they launch an attack—and that is what this resolution addresses; it is simply a preparedness to defend ourselves—but I think we also should seek out normalization of relationships with North Korea in exchange for their willingness, which is enforceable, not to become a nuclear power, and that we should pursue both avenues, not just the one avenue. President Carter is there, indeed, exploring both avenues, and I commend him on the work that he is doing because he is discussing the possibility, at least as a private citizen, that in addition for a more normal relationship with the rest of the world, that North Korea would give up any aspiration to become a nuclear power.

It is that positive approach, in addition to the more negative approaches in terms of being prepared to respond to an attack, that I think is important. That positive approach is not included in the resolution. I wish it were. It focuses on the preparedness instead, but in terms of the language of the resolution, it does say we should take prudent steps to be prepared, and I think we should.

I wish it had the positive side more focused in the resolution. It does not. Again, let us look at what the resolution does.

It focuses on acting to become prepared, to act to enhance the preparedness and safety of our forces, to deter and, if necessary, repel an attack from North Korea. I find those unoffensive words and not warlike words. I find those words of caution, words of prudence. We should be prepared in the event of an attack. Indeed, North Korea has said that they would consider sanctions, any sanctions by the United Nations to constitute a declaration of war. And under those circumstances, we surely should be prepared in the event that North Korea launches the attack.

But there is one aspect of this resolution about which I wanted to talk to the Senator from Arizona. I think he is off the floor and perhaps he could hear my words. I have already discussed an aspect of this resolution which I believe can be amended and would represent an improvement in the resolution if it were.

In paragraph 6 of this resolution, it says that

It is incumbent on the United States to take all necessary and appropriate action to ensure the preparedness of the United States and the Republic of Korea Forces to repel any possible attack.

We cannot ensure the preparedness of the Republic of Korea. We can assist, and we should. But only they can ensure their own preparedness. Too often in this whole scenario over the last few weeks and months we have read about South Korea in ways which would lead me to believe that they are not particularly prepared, nor are they going

to become prepared adequately, to defend themselves. I have seen them blowing hot and cold over the last few weeks. I have seen them, at least their Foreign Minister, talk as though we are pushing them to defend themselves. We cannot ensure their defense. Only they can ensure their defense. We can act with them, as we should. We can assist them, as we should. But only they can act to ensure their own defense.

So I have discussed this with my friend from Arizona, and it would seem to me that it would be an improvement for us to change the language in paragraph 6 so that the ensurance of preparedness of the United States and the Republic of Korea Forces is a joint effort on the part of us and Korea, not just our effort, and that we add some words at the end which is that we urge South Korea to act to enhance preparedness so that it is not just us acting unilaterally.

They need to be a partner. We cannot force them to act. We cannot ensure their preparedness. They must act in their own defense and prepare themselves. We cannot do it for them. Again, we can assist them. We can participate with them. But we cannot drag them into it.

So Senator WARNER and I have drafted this amendment together and I have discussed this with the Senator from Arizona, that we offer a modification, an amendment to his amendment which would add language in paragraph 6 which would add the words "Republic of Korea," so that it is both the United States and the Republic of Korea that need to take appropriate, prudent steps in our effort to defend our forces and add words in the therefore clause that we would be urging South Korea to do what we are urging ourselves to do, which is to take necessary, prudent actions to enhance the preparedness and safety of our forces. We now have the language prepared, but I do not know whether or not the Senator from Arizona has seen the language.

Mr. MCCAIN. I have seen it.

AMENDMENT NO. 1800

Mr. LEVIN. If he has seen the language—and I understand from his nodding his head that he approves the language—I would send this amendment to the desk on behalf of myself and Senator WARNER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Michigan [Mr. LEVIN] for himself and Mr. WARNER, proposes an amendment 1800 to amendment 1799.

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

Mr. LEVIN. I think in this case it would just take 1 minute to read it and it may be useful. I thank the Senator.

The legislative clerk read as follows:
On page 2, line 5 after the word "action", insert the following: "to act together with the Republic of Korea".

On page 2, line 12, after the word "States", insert the word "forces".

Amend page 2, line 13 to read as follows: "and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an".

Mr. LEVIN. I thank the Chair, and I have just been handed a note that Senator WARNER is on his way to the floor to speak briefly on our amendment. I want to ensure that he is added as a co-sponsor to this amendment. We have worked together on the amendment and with Senator MCCAIN as well. Senator WARNER is very much anxious to speak on it. I would ask that he be added as co-sponsor to the amendment.

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

Mr. WARNER. Mr. President, the Senator from Michigan [Mr. LEVIN], with whom I work closely on many matters on the Armed Services Committee, and I join together to introduce this amendment. This amendment makes it absolutely clear that we are acting in concert with our South Korean allies to face this impending crisis on the Korean Peninsula.

Together, for 45 years, the United States and the South Koreans have stood firmly against the North Korean threat. In those early difficult days of the Korean war in 1950, a solid bond was forged between our Armed Forces that still exists just as strongly today. This Senator served with the Marine Corps in Korea during that war. I do not want to see another bloody conflict in Korea.

Hopefully, the diplomatic steps that are underway by our former President, Jimmy Carter and others—along with the threat of sanctions will cause the North Korean regime to reconsider, to cease all actions to develop a nuclear weapons capability and to comply with the Non Proliferation Treaty and the requirements of the International Atomic Energy Agency.

However, as long as the North Koreans continue their reckless attempts to develop nuclear weapons and their belligerent threats, we should take the necessary steps, along with the South Koreans, to ensure that the military forces from both our nations are at a high state of readiness and sufficiently reinforced to deter war if possible, or, if necessary, to win it surely and quickly with a minimal loss of life.

I believe that the amendment introduced by the Senator from Michigan and myself makes it clear that the United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of our forces. The amendment also makes it clear that concurrently, we must urge and assist our South Korean allies in doing the same.

Mr. President, I commend the Republican leader, Senator DOLE, and the

Senator from Arizona, Senator MCCAIN, for introducing their amendment. I request that I be added as a co-sponsor to their amendment.

Mr. President, I wish to thank the Senator from Arizona for accepting the amendment which the Senator from Michigan [Mr. LEVIN] and I crafted together.

I also thank my colleague from Michigan, Senator LEVIN for his cooperation in the joint drafting of this amendment. It is always a pleasure to work with him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 1800) was agreed to.

Mr. LEVIN. 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.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. I thank the Chair.

Mr. President, I rise in support of the amendment that is currently under consideration by the Senate. I understand the concerns that were raised a few minutes ago by our distinguished colleague from Nebraska, but I think there is in this case a real sense of urgency that makes this a more compelling case than many of the amendments that we do consider from time to time that are not relevant or germane to the subject matter that is being discussed in the Chamber.

Indeed, I think that it is one of those sense-of-the-Senate amendments that will receive a certain amount of national and international attention, and I think it is appropriate that it receive that attention.

This matter has been brewing for over a year, some 16 months. As chairman of the East Asia Pacific Committee of the Foreign Relations Committee, and as a member of the Armed Services Committee—and I am the only Member of this body who happens to serve on those two committees—I have been very much concerned about developments in North Korea for quite some period of time. When I was last in that part of the world, I discussed at some length the concerns that I had with the leadership in Beijing, in Seoul, and in Tokyo. It was very clear that among all of the concerns that were on our plate for discussion, this was the one which most engaged the leaders then and has since.

I have held several hearings, some open, some closed because they were classified, to discuss developments in this particular area. We had a hearing just yesterday called by the chairman of the full committee with Mr. Robert

Gallucci, who is the principal negotiator on the U.S. side to discuss this issue even more. I believe that this particular sense-of-the-Senate resolution is appropriate. I think it is reasoned, and at least I hope it would gain some additional attention and support in the United States.

I support our President. I support him particularly in his role as Commander in Chief. I think it is important in any of the great war and peace issues that we do everything possible to close ranks and keep those ranks as closed as possible in dealing with issues like this. But this is one of those issues where if we guessed wrong or if we made the wrong move and if the leadership in Pyongyang, whether it is Kim Il-sung, Kim Jong Il, or anyone else decides that they will test the resolve of either the South Korean Government in Seoul or the United States Government here in Washington, the consequences could be enormous.

I do not want to sound alarmist, but I believe that if any hostile action were to be initiated by the north against the south, we would be engaged in a way that we simply could not extract ourselves in the near term. There is no question that in time the allied forces, being the South Koreans, the United States, Japan, hopefully China as an ally in this particular instance, and others would prevail, but in my judgment the number of casualties that we would suffer on day one would exceed all of the casualties that we have suffered in any hostile engagement since the end of the Vietnam war combined.

Again, I do not attempt to be an alarmist. I simply underscore the importance of any conflict in this particular region. We understand the history. We understand the potential. We understand the kind of armament that is already in position north of the 38th Parallel that could be brought to bear immediately on Seoul and other areas.

We understand that we have 38,000 U.S. troops that are stationed in this area, in addition to the recent additions of the Patriots, Apaches, and what have you. I think preparation is entirely appropriate. I think, in fact, that we would be remiss if we did not.

It is not because I believe that the North is going to be so irrational as to test our will. But my concern is that this has dragged on for some 16 months, and in each case the North Koreans, both withdrawing from the NPT, the Non-Proliferation Treaty, as well as from the North-South Agreement, have in effect stepped back from agreements into which they have entered, and said, "What will you give us in return for a return to the status quo?" That leaves us in a very difficult position to say the least.

My principal concern is not that they will act irrationally in the near term—although, as I say, the consequences are enormous—but that it will destabilize the region.

Right now, the United States provides the nuclear umbrella and the stabilizing force within this entire region. South Korea is not nuclear. Japan is not nuclear. And China has not pushed beyond its current nuclear capacity, and certainly not developed specifically because of any threat that is perceived in this area. But if this region is destabilized, there is no question in my mind that Seoul and Tokyo are going to have to revisit the question of whether or not they believe that the current umbrella that the United States provides—and it can be an honest broker in this region because it has no colonial ambitions—they are going to have to take another look at that. To the extent they do, China has to do the same thing.

We then get into the realm of additional forward basing and other actions that will be extremely destabilizing in this area. And the only way that the North Koreans are likely to be able to get the kind of hard currency they are going to need in the international arena—particularly if we start squeezing down even more—is through the export of weapons of mass destruction. The most likely buyers or purchasers of those weapons are in Tehran, in Baghdad and in Tripoli. And we will contribute to the further destabilization not only of the Eastern part of Asia and the Pacific, but the Middle East and the Near East as well, if we do not exercise the kind of resolve that, in my judgment, is necessary to send a very clear message—not a message that is designed to exit but a message that is designed to make certain that the North Koreans understand that we are prepared lest anything get out of control, and that we have the necessary will.

It has always been my judgment, Mr. President, that if we demonstrate that we have sufficient military might, if we have the weapons, if we have the logistic support, if they are sufficiently trained, if they are well armed, well equipped, and well led, and if we also have a clear demonstration of the will to employ those forces if we have to under the kinds of circumstances that might make that appropriate, that the chance of actually having to deploy such forces goes down considerably.

I think we are in a situation now after some 16 months of a lack of any real progress in this area that we need to demonstrate that we are at least prepared so that hopefully we will send a message to those in Pyongyang and elsewhere about the resolve of the United States in the fervent hope that we will not have to use or employ the forces that are available to us.

Mr. President, thank you for the time. I thank the sponsors of this particular amendment.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, once again the Senator from Arizona has sounded the alarm in connection with an issue with grave security concerns for the United States of America.

Once again, there are many—both in this body and outside of this body—who wish that he had not sounded that alarm, who would prefer to ignore the crisis with which the United States and its allies around the world are faced.

Nevertheless, I do not believe that this Nation is served well—or the Members of this body serve their Nation well—by ignoring twin dangers, twin dangers arising out of the actions of the North Korean Republic.

The overwhelming danger, the overwhelming threat, presented by the course of actions which has been pursued by the Government of North Korea for at least a decade is if existing nuclear capacity and the very, very large nuclear weapon capacity which it threatens to create during the course of the balance of this decade with the possibility of not only destabilizing its own region and causing Japan, South Korea, the Republic of China on Taiwan to feel that they must build a nuclear capacity in return, but the very real possibility that North Korea can soon become an exporter of nuclear weapons to other outlaw nations, and perhaps even to terrorist organizations.

It is exactly that threat which the Nuclear Non-Proliferation Treaty is aimed. It is exactly at that threat that the International Atomic Energy Administration is designed to minimize. It is exactly that threat which the defiance of international norms on the part of North Korea has made so emerging. The short-range danger, however, is that North Korea may possibly mean what it says; that for us or for the United Nations to take any action, even an action with relatively minor sanctions, will be treated by North Korea as an act of war authorizing it, permitting it to attack our troops and the troops of the Republic of Korea to the south of the present demilitarized zone.

It seems to me hardly necessary for us to debate the proposition that the United States and its ally, South Korea, should be prepared for that eventuality. Prepared for that eventuality clearly will lower, though will not eliminate, the existence of the threat itself. This resolution simply sets forth facts which are facts which cannot be argued and asks for that degree of preparation.

I tend to believe that those sanctions are not likely to be effective in changing the conduct of North Korea. We do not have much of a record of successful sanctions in challenges of this nature. But I do agree with the administration that those sanctions are at least a necessary next step in the hope that they will be successful and without which

we cannot follow on with a more decisive set policy.

This is a place, Mr. President, in which I think support for the President of the United States is vitally important. There are many of us who have been critical of the way in which we have responded to North Korea during the course of the last year. But those criticisms at this point are irrelevant. We face a particular situation today. We face both a long-term and a short-term threat today. To give the President the ability, to give him the backing on a broad, nonpartisan basis to prepare us for an eventuality which we fervently hope will not take place, I think, is important for us to do as Americans, not as Republicans or Democrats but as Americans.

I believe that it is important for us to pass on the message to the President, and if he acts decisively, and if he feels it is in the interest of the United States to speak out strongly and boldly in favor of the only course of action which can ensure nuclear peace throughout the world, that he is going to have the support of this body, whatever our past or future differences on other issues.

From my perspective, at least, this resolution will be a help to the President in reaching decisions that I trust he has already decided are necessary, but in seeing to it that he has support as he moves forward, as our only effective leader in this regard, to deal with the gravest threat with which the United States has been faced in his administration or perhaps a considerably longer period than that, since the end of the cold war. I strongly advocate the passage of the resolution, as amended. I think the amendments have been constructive ones. I believe we should be as close to unanimous as possible in support of the McCain resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. I am happy to yield to the Senator from Massachusetts.

UNANIMOUS CONSENT AGREEMENT

Mr. KERRY. Mr. President, on behalf of Senator MCCAIN, myself, and the manager of the bill, we want to propose a unanimous-consent request.

I ask unanimous consent that there be 15 minutes under the control of the Senator from Arizona and 5 minutes under the control of the Senator from Massachusetts and that, at the expiration of that time, we vote. The yeas and nays have been requested.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WALLOP. Mr. President, under that unanimous-consent request, I ask the Senator from Arizona if I might be yielded up to 5 minutes.

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. WALLOP. Mr. President, we have heard a lot of talk this afternoon—some constructive and some less so—about this resolution. It strikes me that the resolution is about prudence. A prudent nation, when faced with a building crisis, takes action. The President has expressed his willingness, and the Republican leader has expressed his desire that what we do would be in a bipartisan manner, that these are not times in which differences amongst parties ought to be prominent.

Prudence says that we ought to be prepared. And to be prepared, prudence says that we ought to recognize a situation as we see it on the ground. And some of us, looking at the situation on the ground, find it a little bit alarming. Prudence says that we should preposition forces to take care of problems that might arise. This does two very clear, very simple, and very traditional diplomatic and military things:

One, it demonstrates resolve.

Two, it gives those on the ground, whose lives and positions are at stake, some confidence that their country is both watching and prepared to deal in their behalf.

Prudence also says that we ought to jog the national conscience. The press has. But the Senate has an obligation to say, yes, Americans, there is a reason for concern. Your Senate is concerned and your Government is concerned, and it is calling on the President and Secretary of Defense to take action. This is an encouragement to, not a demand for, a behavior. So it strikes me that this resolution continues to reflect a desire for prudence and an anxiety that is thoroughly legitimate amongst the Members of this body.

One of the things that we do not hear very much about is the massive number of American dependents whose lives and whose well-being are thoroughly at risk. Prudence says the Nation begins to think about those lives, and the welfare of those people as well, because there will not be time to act prudently should North Korea act irrationally. And nobody I know believes that they are incapable of irrational action. It is a nation which has demonstrated irrationality consistently.

So it seems to me that this is, again, not a challenge to the President of the United States, but an encouragement that herein lies the Senate, saying to act prudently, we are with you, and we share your concern about the increasingly severe nature of that confrontation. And prudence says that it is not a time to act hysterically.

I must say, Mr. President, that this is not a Gulf of Tonkin resolution, as it was characterized a while ago. This is nothing like that. It is not an authorization for hysterical action on the

part of the United States. It is a call for considered action to be taken now in advance of a crisis that can only be exacerbated by action taken under crisis.

There will be those—there always are—who claim that anything a strong nation does to take care of itself is destabilizing. But, Mr. President, the history of the world and our own history since the end of World War II has been that prudent, strong action, demonstrating will and confidence is anything but destabilizing. Quite to the contrary, it provides a reliable gauge of the intentions of the United States both to our allies and those who would confront us.

Last, Mr. President, this also says something about SDI, an issue which we will visit when the armed services defense authorization is on the floor. But for Heaven's sake, the Government of the United States, Mr. Tony Lake, and others say the most destabilizing thing is the proliferation of missiles, and we are defanging our ability to confront them.

I yield the floor.

Mr. McCAIN. I yield 5 minutes to the Senator from Kentucky.

Mr. McCONNELL. I thank my friend from Arizona and commend him for his outstanding work regarding the crisis in Korea. For 40 years, the truce between North and South Korea has held in large part because 38,000 American troops have stood guard, a literal human tripwire, discouraging an invasion from the north.

During the last year, those brave soldiers have been spun through the revolving-door policies of the current administration. Where they once stood as an invincible shield, they are now held hostage to the compromise, capitulation, and concessions of the Clinton administration. Each time the North threatens, the administration initially takes a tough stand and then retreats or reverses itself.

Senator McCAIN has detailed the history of challenge and concession well. I was particularly struck by one sequence in this ongoing crisis. When the North Koreans added rocket launchers and artillery forces within striking distance of Seoul, the President responded by announcing we would meet this threat by dispatching Patriot missiles—an appropriate, measured step. When the North challenged this step as provocative, the White House retreated and put the Patriots on a slow boat. Flip-flops, reversals, and retreat.

The headlines today say it all. The headlines today: "The U.S. Unveils Proposal for Sanctions." That is followed by the subheading: "But North Korea Will Be Given a Grace Period."

Mr. President, the North Koreans have had a grace period. In December 1991, when the Bush administration threatened sanctions, North Korea agreed to sign a treaty with the IAEA.

Instead of demanding that North Korea live up to those obligations, the Clinton team marched off on the course of compromise.

The crisis has been brewing, as we know, for 16 months, a grace period which has afforded the North Koreans the opportunity to manipulate and exploit our policy of appeasement.

Let us remember who we are up against. Kim Il-song is the man who cost the United States 55,246 lives during the Korean war. While I can understand Secretary Perry calling for imaginative and aggressive diplomatic actions, the time has passed for fancy foreign policy footsteps.

George Will got it about right. This is what George Will said: If Kim Il-song feared sanctions, if he worried about international isolation, he would not be a Communist. It is as simple as that.

I strongly support the Senator's amendment as a decisive statement of the Senate's resolve. Every single American serving in Korea, and each one of their family members, for that matter, our allies, the South Koreans, should understand we have the confidence of our convictions, and will take all appropriate steps to assure the safety of our soldiers and South Korea's security.

Again, I commend the Senator from Arizona for his outstanding work in this area. I wish him well on his trip and look forward to getting a report when he gets back.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 5 minutes, 51 seconds.

Mr. McCAIN. How much time has the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes remaining, as well.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Kentucky for his kind words and his very thoughtful words on this issue. I would like to especially thank my friend from Massachusetts, Senator KERRY, for his cooperation and assistance on this issue. He and I have continued to work for a long time on issues of foreign policy concern to all of us.

I would also like to thank my friend from Kentucky for his patience. He has gone through a many-day ordeal, attempting to get this very important legislation through. I certainly understand and appreciate the frustration he feels when the attention of the Senate is diverted from the issue at hand.

I know that the Senator from Kentucky also understands that since I do not set the legislative agenda, I have to use the rules of the Senate as well as I can in order to bring what I believe is an important issue before the Senate.

Mr. President, I ask unanimous consent that Senators D'AMATO, WARNER,

MCCONNELL, and HUTCHISON be added as cosponsors of the amendment.

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

Mr. MCCAIN. Mr. President, initial wire reports indicate that former President Carter, as a result of his trip to Pyongyang, will be recommending that the sanctions proposed at this time to be brought before the Security Council of the United Nations be either postponed or canceled.

Mr. President, when I heard of former President Carter's trip to North Korea, I predicted exactly this would happen, that the North Koreans would extend some kind of concession in return for which they would be able to stall further actions against them.

Mr. President, it is important to remember why we went to the Security Council in the first place in order to seek sanctions against North Korea: Because they had destroyed our ability to find out what they had done with the material that they had obtained from the 1989 shutdown of the facility before. In other words, we did not go to the Security Council to seek sanctions because of their threatening to withdraw from the Nuclear Non-Proliferation Treaty.

So now, if we follow former President Carter's recommendation, as I understand we may, then we will be back at the status quo and the North Koreans will not be punished for the violation of the Non-Proliferation Treaty, for which they have been condemned and sanctioned by the IAEA.

Mr. President, I do not think that is appropriate. I think we should move forward to sanctions.

Finally, I do not think there should be a delay. I hope that the sanctions should be very tough, and I believe we can convince the Chinese and Japanese to go along.

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

Mr. KERRY. Mr. President, I yield a minute to the Senator from Rhode Island, the Chairman of the Foreign Relations Committee.

Mr. PELL. I thank my colleague.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, let us be creative. Whatever we may say today, whatever bravado we use, whatever implicit threats are made, I think we should be clear that we do not want war; nor do the South Koreans.

As a South Korean official stated earlier today, war is something South Korea can never accept. To paraphrase Winston Churchill: Wait, wait, is preferable to war, war.

Mr. KERRY. Mr. President, I thank the Senator from Rhode Island.

Let me just say very quickly that this is a subject on which we really ought to be—and I know the Senator from Arizona agrees with this—having much greater Senate debate and much

more significant discussion about this crisis.

This is really, obviously, the first nuclear crisis in the post-cold-war era, and it poses extraordinarily important serious questions to this Nation and to the international community.

Americans must understand that this is not a question of the United States butting into an Asian issue. It is not a question of the United States merely talking about protecting South Korea. This is a question where vital national security interests of the United States are at stake.

It is in our direct interest not to have a nuclear North Korea. It is in our direct interest not to have a country that has been willing to deal in weapons with Libya, Iraq, Iran, and other countries, outlaw nations. We cannot obviously face a world in which they can sell nuclear secrets to those nations. It is not in the United States interest to have that region become a region of potential nuclear conflict where, because North Korea had nuclear power, all of sudden our allies, Japan, South Korea, and Taiwan, have to consider having nuclear power in order to meet the potential of blackmail, the potential of preemptive strike, and a host of other scenarios which could be played out, ranging right up to terrorism.

So this is a serious moment for us, and we all in the United States have to understand why this is important to the United States of America. We have spent years trying to prevent countries from having nuclear weapons. North Korea is a signatory to the non-proliferation treaty. We are about to go into the renegotiation of that treaty.

We cannot possibly hope to contain other nations around the globe or reduce the risks of nuclear conflagration, especially in the wake of cold war, if North Korea were to be permitted to break out on its own, to turn heel on the treaty it has signed and prove that the international community is a paper tiger, unwilling to enforce international interests with respect to an issue like this.

So this is worthy of our time. I congratulate the Senator from Arizona for bringing this effort before us, and I think we have reached an accommodation which, in the words of the amendment—apart from any rhetoric on the floor, but in the words of the amendment—states the interests of the United States and meets the needs of our country.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to add Senator SIMPSON as a cosponsor.

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

Mr. MCCAIN. Again, I thank my friend from Massachusetts. I think the issue for the moment has been pretty well ventilated. I am assured and I am confident that we will address this issue in the days and weeks ahead, and hopefully we will resolve it in a peaceful manner.

I share the view of the Senator from Massachusetts this could be the final crisis of the post-cold-war era, and I urge my colleagues to be well aware and well versed of the complications and complexities of the issue.

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

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

The PRESIDING OFFICER. The question occurs on amendment No. 1799, as amended, offered by the Senator from Arizona. On this question, the yeas and nays have been ordered. 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 Hawaii [Mr. INOUE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—93

Akaka	Feingold	McConnell
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moseley-Braun
Bond	Graham	Moyihan
Boxer	Grassley	Murkowski
Bradley	Gregg	Murray
Breaux	Harkin	Nickles
Brown	Hatch	Nunn
Bryan	Heflin	Packwood
Bumpers	Helms	Pell
Burns	Hollings	Pressler
Byrd	Hutchison	Pryor
Campbell	Jeffords	Reid
Chafee	Johnston	Riegle
Coats	Kassebaum	Robb
Cochran	Kempthorne	Rockefeller
Cohen	Kennedy	Roth
Conrad	Kerrey	Sarbanes
Coverdell	Kerry	Sasser
Craig	Kohl	Shelby
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Smith
Daschle	Levin	Specter
DeConcini	Lieberman	Stevens
Dodd	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	Mathews	Wellstone
Faircloth	McCain	Wofford

NAYS—3

Dorgan Exon Hatfield

NOT VOTING—4

Boren Inouye Simon
Gramm

So the amendment (No. 1799), as amended, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we are getting down fairly close with only three or four additional amendments that will be voted on. My colleague, Senator PRESSLER, and I have worked very hard. We now have four amendments that are acceptable. I want to explain each one of them briefly and submit them to the Chamber en bloc and try to get those behind us and then maybe get a unanimous-consent agreement, subject to the two leaders, working it out based on one contentious amendment and then we can know exactly where we will be and about how long it will take us.

AMENDMENTS, NOS. 1801, 1802 AND 1803, EN BLOC

Mr. FORD. Mr. President, with that statement, I send an amendment to the desk requiring for the continuation of radar approach control tower activities by Senator LEVIN; I have a sense-of-the-Senate resolution as it relates to the inspector general, Department of Transportation; I have a technical amendment on behalf of myself and Senator LUGAR. I send these amendments to the desk.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes amendments numbered 1801, 1802, and 1803, en bloc.

Mr. FORD. 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, en bloc, are as follows:

AMENDMENT NO. 1801

(Purpose: To require the continuation of radar approach control activities at K.I. Sawyer Air Force Base, Michigan)

Mr. FORD offered amendment No. 1801 for Mr. LEVIN.

On page 37, below line 3, add the following:
SEC. 27. REQUIREMENT FOR CONTINUATION OF
RADAR APPROACH CONTROL ACTIVITIES.

(a) FINDING.—Congress finds the President's Five-Point Plan for Revitalizing Base Closure Communities dated July 2, 1993, encourages all Federal agencies to marshal the resources of such agencies in order to provide coordinated assistance to communities that experience adverse economic circumstances as the result of the closure of a military installation under a base closure law.

(b) REQUIREMENT.—The Administrator of the Federal Aviation Administration shall carry out on-going radar approach control activities at K.I. Sawyer Air Force Base, Michigan. The Administrator shall carry out such activities in the most cost-effective manner using any funds available to the Administrator.

AMENDMENT NO. 1802

Mr. FORD offered amendment No. 1802 for himself and Mr. LUGAR.

On page 21 of the committee modification, line 6, strike "carrier or foreign air carrier" and insert "carrier, or foreign air carrier, for foreign air transportation".

On page 29, line 10, strike "and".

On page 29, line 11, strike the period and insert a semicolon and the word "and".

On page 29, lines 11 and 12, insert the following: "(iii) does not apply to the regulation of vehicle size and weight."

On page 29, line 14, "except" and insert "and".

On page 29, line 16, after "routing" insert "shall not be affected".

AMENDMENT NO. 1803

(Purpose: To express the sense of the Senate regarding the inspector general of the Department of Transportation)

Mr. FORD offered amendment No. 1803 for Mr. MCCAIN.

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE—

It is the Sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(a) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(b) act to prevent and detect fraud and abuse in such programs and operations; and

(c) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1801, 1802, and 1803), en bloc, were agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, there are four amendments that I know of that will be considered tonight. Senator METZENBAUM has two amendments as it relates to former PATCO—I have PEPCO and PATCO; one is energy and one is controllers. He has those two amendments.

Then Senator HARKIN has an amendment as it relates to the Railroad Labor Act as it applies to airline crews outside the continental United States.

I understand that Senator NICKLES and maybe one other Senator has an amendment as it relates to child restraint seats in airlines. I have nothing on that. Does the Senator from South Dakota have anything on that? Those are the only three. And, of course, the Whitewater amendment, whether we take it up on this bill or not.

So, Mr. President, I alert my colleagues, those are the amendments. If there are no other amendments, at some point—does the Senator from Colorado have an amendment?

Mr. BROWN. Senator HEFLIN and I have an amendment.

Mr. FORD. What does it relate to?

Mr. BROWN. A sense-of-the-Senate and relates to the Equal Employment Opportunity guidelines. The reason we burden the bill with it here is because the comment period has run out. So it is a matter of essence and time that we have some expression before they finalize those guidelines.

Mr. FORD. Is there any other amendment we might find? We have Whitewater, we had Korea, now we have the EEOC. Whatever comes next, I guess, is what anybody thinks of. I am going to try to get a unanimous consent agreement and shut these amendments off. I have worked on this too long and too hard to let it be weighted down. This has to stay on in conference. All of these amendments have to stay on in conference. I think I will be on conference. I would like to get a little cooperation instead of loading it down like a Christmas tree.

Mr. President, I yield the floor.

AMENDMENT NO. 1804

(Purpose: To express the sense of the Congress regarding the issuance under title VII of the Civil Rights Act of 1964 of administrative guidelines applicable to religious harassment in employment)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. HEFLIN, Mr. GRASSLEY, Mr. DECONCINI, Mr. BURNS, Mr. MATHEWS, Mr. GORTON, Mr. COCHRAN, Mr. BAUCUS, Mrs. HUTCHISON, Mr. PRESSLER, Ms. MOSELEY-BRAUN, Mr. SMITH, Mr. NICKLES, Mr. GRAMM, and Mr. GREGG, proposes an amendment numbered 1804.

The amendment is as follows:

At the appropriate place, insert the following new section:

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 in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment, and thus warrants separate treatment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, 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)—

(1) the category of religion should be withdrawn from the proposed guidelines and receive separate treatment from the other categories of harassment;

(2) any new guidelines for the determination of religious harassment should 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 should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I allowed the measure to be read in full because it is simple and straightforward. I first want to address a question that I think was properly raised by the distinguished senior Senator from Kentucky. This amendment is a sense-of-the-Senate. It is not related to airports. I am sensitive to the concerns, what I believe are very legitimate concerns, of the Senator from Kentucky. The reason it is offered on this measure is that it is essential from a time point of view that this be considered and the Senate make its feelings known on this matter.

The guidelines, what we are talking about here, were first published in the RECORD on October 1. The Federal Reg-

ister filing received little notice. There were some comments toward the end of that period. They were of sufficient gravamen that they were reissued for a new comment period. That new comment period expired this week. Because we have had congressional hearings on this—Senator HEFLIN had held hearings in the Judiciary Committee. There is a 2-year grace period before the Equal Employment Opportunity Commission will act. But the reason for asking for this to be considered now by the Senate is simply that it is essential we make our views felt very quickly on this measure so that they can be considered by the Equal Employment Opportunity Commission when they decide what portion of these guidelines and regulations to finalize.

If we did not move forward in this manner, we would not have the opportunity to impact them, and it is my belief that Members will, when they are familiar with the issue, be very strongly motivated to express their feelings on it.

What the Equal Employment Opportunity Commission has done is extend guidelines and regulations to the area of religion. This is not an area that they have had guidelines on before. Unfortunately, what they have done is basically provide the same kind of guidelines for religion as they have for sexual harassment. They are different subjects.

Mr. President, the guidelines I believe should be much different. To equate a picture of Moses or of Martin Luther King or of Christ with a pornographic depiction in an office setting is absurd. To suggest that each can be used to prove harassment overlooks not only the freedom of speech and freedom of religion that attaches to the constitutional provisions in those areas but overlooks simple common sense. The reality is that preventing religious harassment in the workplace is appropriate, is a valid concern, and is something the Commission ought to address. But for them to make proof of harassment out of someone wearing a simple logo that indicates religious belief or the process of having a Bible or of having a calendar with Martin Luther King's picture on it is absurd. These are not proof of religious harassment. They are simple expressions of belief.

Under the guidelines issued, companies will be responding, as one airline already has, with their own guidelines that will prevent freedom of expression in this area. One airline already has issued those guidelines, and they basically prohibit things that I believe most Members will consider absurd to ban. Here are some of the things that the guidelines that are being put out will restrict: Wearing a yarmulke could be considered proof of religious harassment. Now, that is absurd. Having a Christmas party could be proof of

religious harassment. Having a Hanukkah party could be considered proof of religious harassment. Displaying a picture of Christ on a calendar on a desk or on a wall could be proof of religious harassment. Wearing a T-shirt or hat, clothing which has any religious emblem or even a religious face on it could be considered proof of religious harassment.

Mr. President, the list goes on and on and on. What the EEOC I think has inadvertently done is to come down with guidelines that will lead to unwarranted liability in the workplace and an absolute chilling effect on the freedom of expression that Americans prize so deeply.

Let me emphasize, Mr. President, myself and the numerous cosponsors of this measure are sensitive to the concerns about religious harassment and believe strongly that religious harassment should be dealt with and should have guidelines that deal with it. But we just as strongly believe that the guidelines issued by the EEOC are not well thought out and, most important, we believe the suggestion that you ought to restrict freedom of expression in this area is absolutely inappropriate.

It is my own belief that the question of religious harassment can be dealt with without extinguishing freedom of expression.

Let me also emphasize for Members who look at the potential areas that could be considered proof of harassment that these are not itemized by the Equal Employment Opportunity Commission. These are guidelines that will result from their request. Businesses are literally put in a position of having to issue guidelines that restrict this kind of activity. If they do not, they will be subject to liability.

So the meaning of this resolution and this amendment is quite simple. It asks the Equal Employment Opportunity Commission to withdraw the guidelines they have put out, to hold new hearings, to move forward with guidelines that focus on stopping harassment in the workplace and, most important of all, make sure that simple expressions of ideas or convictions are not used as proof of harassment.

That is basically what we are looking at. It is simple; it is straightforward; and it is direct. I wish to assure Members it does specifically mention and emphasize the need to address the problem of harassment in the workplace.

For those who are interested, let me say that in checking with the Commission we find that 1.8 percent of the complaints brought before the Equal Employment Opportunity Commission do, indeed, relate to religion. It is not an area without problems. Approximately one-fifth of that 1.8 percent of the complaints did deal with religious harassment. So we recognize there is a

problem there. We recognize there have been complaints there. We recognize there is a need for the Equal Employment Opportunity Commission to issue regulations. But this is meant to send a message to the Commission that we do not want freedom of expression curtailed.

I would like to read for the Members a copy of a letter that Senator HEFLIN received with regard to this, and I take the liberty of reading a letter that has been addressed to him, or at least summarizing it, because Senator HEFLIN is a cosponsor of this amendment, because he chaired the hearing on this matter.

This is from the Society for Human Resource Management.

DEAR SENATOR HEFLIN:

The Society for Human Resource Management would like to share with you our concern regarding the Equal Employment Opportunity Commission's proposed rulemaking on harassment.

SHRM is the leading voice of the human resource profession, representing the interests of almost 60,000 professional and student Members from around the world. SHRM provides its membership with education and information services, conferences and seminars, Government and media representation, and publications that equip human resource professionals to become leaders and decision makers within their organizations.

SHRM members are the individuals within U.S. corporations who are responsible for ensuring employment decisions are made without regard to race, sex, color, religion, national origin, disability or veteran status. SHRM members are the individuals who will be responsible for ensuring corporate compliance with the proposed harassment guidelines. We are therefore very concerned because we fear that the proposed guidelines may impose an undue burden and create unnecessary confusion in the workplace.

As a result of input we have received from our members on the proposal, we are most concerned about the proposed guidelines regarding harassment based on religion.

Initially, we would like to note that the EEOC has apparently decided to issue these guidelines not because of some upsurge in charges of religious harassment, or because the existing prohibitions against harassment contained in Title VII are inadequate.

Mr. President, let me pause and interject. There are existing under current law remedies to deal with this problem.

Let me continue on with the letter.

Rather, these guidelines are being issued to partially consolidate guidelines, "reiterate and emphasize" existing law, provide "more detailed information" (despite no evidence that such detailed information is necessary) and because of the enactment of the Americans with Disabilities Act. SHRM does not believe a case has been made by the EEOC that these guidelines are necessary.

Sec. 1609.1 (b) states that harassment is verbal behavior that has "the purpose or effect of creating an intimidating, hostile, or offensive work environment". Harassing conduct includes "epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to . . . religion." The standard for determining whether the conduct is severe or pervasive enough to create a hostile or abusive work environment

would be based on what a "reasonable person" would find abusive, including the "perspective of persons of the alleged victim's . . . religion."

We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Let me repeat that.

Under the proposed guidelines, the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were " . . . unreasonably interfering with the [individual's] . . . work performance". A pro-choice employee could claim religious discrimination because a devout Catholic was discussing her pro-life beliefs, which are based upon religious convictions.

While an employer could attempt to ban any discussion of religion in the workplace in an effort to avoid liability under the guidelines, this would be impossible to do.

Mr. President, let me interject here. One airline, a very large employer in this Nation, has already issued guidelines that essentially do exactly that. They do it not because they want to stifle freedom of expression. They do it because, if they do not issue guidelines, their lawyers are telling them that they are subject to suit.

Let me continue on with the letter.

How could an employer establish rules spelling out what subjects could be considered "religious," and therefore prohibited? Unlike race and sex, religion is not an immutable characteristic. It is a system of beliefs and values. An employer would have to be ever-vigilant to ensure that it was aware of each individual employee's views (which might be constantly changing) on religion to ensure that no one was exposed to behaviors they felt to be harassing.

Understand the guideline here. The standard is what someone feels is offensive and harassment. That standard not only involves some 61 different religious affiliations in this country, but even among individuals it reflects their beliefs, their own feelings, and values which can change.

Let me continue on with the letter.

When the 1991 amendments to the Civil Rights Act were enacted and created a right to punitive and compensatory damages, the incentive to file complaints and to litigate became stronger. By proposing guidelines which broadly define religious harassment, EEOC is proposing to open the flood gates to litigation charging employers with religious harassment because employers failed to read the minds of their employees and failed to know what each employee considered to be religious harassment.

At a time when employers are striving to value diversity in the workforce, and urging

all workers to treat and understand co-workers as individuals, it is unfortunate that EEOC would propose guidelines which would force employers to restrict communication on such an important aspect of worker diversity. It is particularly troublesome since employers have an obligation under Title VII to provide accommodation for individuals' religious beliefs. Employers will be caught in the middle of two EEOC interpretations. Will an employer, for example, be charged with allowing a hostile work environment by accommodating an employee's request to wear clothes dictated by that employee's religion, if the religion offends another employee?

SHRM believes that existing Title VII precedent and interpretations provide adequate guidance and protection to ensure that religious harassment is actionable. At a minimum, however, SHRM believes that if the EEOC did not intend to create such an overly broad and potentially burdensome guideline for employers, then the EEOC must recast the proposal and provide more guidance to employers on what behaviors the agency will consider impermissible. The difficulty in distinguishing between religious beliefs and expressions and expressions of values and opinions certainly merit more detailed treatment by the agency on the subject.

In addition, if the agency does re-propose religious harassment guidelines, SHRM urges the Senate to recommend to the EEOC that the guidelines be drafted to provide the clearest guidance possible to employers. Specifically, SHRM has found that the question and answer format used by the EEOC in the agency's Americans With Disabilities Act Technical Assistance Manual has been well received by our members.

For these reasons SHRM asks the Senate to encourage the EEOC to withdraw the proposed guidelines on religious harassment as overbroad and unnecessarily restrictive, or, at a minimum, re-propose separate guidelines on religious harassment that address these difficult areas.

It is signed by their Vice President of Government and Public Affairs.

Mr. President, ask unanimous consent that this be included in the RECORD.

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

SOCIETY FOR HUMAN
RESOURCE MANAGEMENT,
Alexandria, VA, June 15, 1994.

Hon. HOWELL HEFLIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HEFLIN: The Society for Human Resource Management (SHRM) would like to share with you our concern regarding the Equal Employment Opportunity Commission's (EEOC) proposed rulemaking on harassment.

SHRM is the leading voice of the human resource profession, representing the interests of almost 60,000 professional and student members from around the world. SHRM provides its membership with education and information services, conferences and seminars, government and media representation, and publications that equip human resource professionals to become leaders and decision makers within their organizations.

SHRM members are the individuals within U.S. corporations who are responsible for ensuring employment decisions are made without regard to race, sex, color, religion, national origin, disability or veteran status. SHRM members are the individuals who will

be responsible for ensuring corporate compliance with the proposed harassment guidelines. We are therefore very concerned because we fear that the proposed guidelines may impose an undue burden and create unnecessary confusion in the workplace.

As a result of input we have received from our members on the proposal, we are most concerned about the proposed guidelines regarding harassment based on religion.

Initially, we would like to note that the EEOC has apparently decided to issue these guidelines not because of some upsurge in charges of religious harassment, or because the existing prohibitions against harassment contained in Title VII are inadequate. Rather, these guidelines are being issued to partially consolidate guidelines, "reiterate and emphasize" existing law, provide "more detailed information" (despite no evidence that such detailed information is necessary) and because of the enactment of the Americans with Disabilities Act. SHRM does not believe a case has been made by the EEOC that these guidelines are necessary.

Sec. 1609.1(b) states that harassment in verbal behavior that has "the purpose or effect of creating an intimidating, hostile, or offensive work environment." Harassing conduct include "epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to * * * religion." The standard for determining whether the conduct is severe or pervasive enough to create a hostile or abusive work environment would be based on what a "reasonable person" would find abusive, including the "perspective of persons of the alleged victim's * * * religion."

We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were "unreasonably interfering with the [individual's] * * * work performance." A pro-choice employee could claim religious discrimination because a devout Catholic was discussing her pro-life beliefs, which are based upon religious convictions.

While an employer could attempt to ban any discussion of religion in the workplace in an effort to avoid liability under the guidelines, this would be impossible to do. How could an employer establish rules spelling out what subjects could be considered "religious", and therefore prohibited? Unlike race and sex, religion is not an immutable characteristic. It is a system of beliefs and values. An employer would have to be ever-vigilant to ensure that it was aware of each individual employee's views (which might be constantly changing) on religion to ensure that no one was exposed to behaviors they felt to be harassing.

When the 1991 amendments to the Civil Rights Act were enacted and created a right to punitive and compensatory damages, the incentive to file complaints and to litigate became stronger. By proposing guidelines which broadly define religious harassment, EEOC is proposing to open the flood gates to

litigation charging employers with religious harassment because employers failed to read the minds of their employees and failed to know what each employee considered to be religious harassment.

At a time when employers are striving to value diversity in the workforce, and urging all workers to treat and understand co-workers as individuals, it is unfortunate that EEOC would propose guidelines which would force employers to restrict communication on such an important aspect of worker diversity. It is particularly troublesome since employers have an obligation under Title VII to provide accommodation for individuals' religious beliefs. Employers will be caught in the middle of two EEOC interpretations. Will an employer, for example, be charged with allowing a hostile work environment by accommodating an employee's request to wear clothes dictated by that employee's religion, if the religion offends another employee?

SHRM believes that existing Title VII precedent and interpretations provide adequate guidance and protection to ensure that religious harassment is actionable. At a minimum, however, SHRM believes that if the EEOC did not intend to create such an overly broad and potentially burdensome guideline for employers, then the EEOC must recast the proposal and provide more guidance to employers on what behaviors the agency will consider impermissible. The difficulty in distinguishing between religious beliefs and expression and expressions of values and opinions certainly merit more detailed treatment by the agency on the subject.

In addition, if the agency does re-propose religious harassment guidelines, SHRM urges the Senate to recommend to the EEOC that the guidelines be drafted to provide the clearest guidance possible to employers. Specifically, SHRM has found that the question and answer format used by the EEOC in the agency's Americans With Disabilities Act Technical Assistance Manual has been well received by our members.

For these reasons SHRM asks the Senate to encourage the EEOC to withdraw the proposed guidelines on religious harassment as overbroad and unnecessarily restrictive, or, at a minimum, repropose separate guidelines on religious harassment that address these difficult areas.

Sincerely,

SUSAN R. MEISINGER,
SPHR, Vice President,
Government and Public Affairs.

Mr. BROWN. Mr. President, the Society for Human Resource Management expresses their concerns about the trap that employers feel themselves caught in; that is, facing liability, facing lawsuits if they do not issue guidelines, and at the same time feeling they do not have adequate guidance for any guidelines that come into these areas.

It is compounded by the fact that they have conflicting or potentially conflicting dictates coming out of the EEOC in title VII. What they are asking for basically is someone to step forward and make the rules clear. They are not objecting to complying. They are simply asking for help in knowing what the rules are and making sure that they are not at odds with each other.

But I rise out of an additional concern. My concern is that we should not impose on the American working men

and women restrictions on their ability to express their beliefs. Freedom of expression, even offensive expression, is a cherished right of Americans. We have chosen to deal with each other, not by silencing each other but allowing a competition of ideas in the marketplace; allowing people to express their ideas no matter how foolish, but trusting that the good common sense of the American people will sort out those problems rather than have Government regulate what we say.

I believe sincerely that religious harassment, where it is a problem, should be addressed. I believe that the EEOC should issue guidelines that deal in the area of religious harassment. That is what this resolution and sense-of-the-Senate calls for. But I believe just as strongly that for the Federal Government and the EEOC to prohibit people from expressing their beliefs is absurd, that it violates the very tenet and the heart of what this Nation stands for. To deny people the right to express or articulate their beliefs or wear insignias that represent their beliefs is more characteristic of a Fascist society than the freedom and the sensibility that Americans have brought forth in their Constitution and the kind of basic freedom of expression that all Americans expect to have.

I believe we can work out our problems far better if the EEOC goes back and rethinks their guidelines.

As Members consider this, let me suggest one of the problems that is faced here. In setting a standard for what is offensive, we do not have one standard. We have a religious standard, based on people who are Catholic, Baptist, Protestant, Methodist, Lutheran, Christian, Presbyterian, Episcopalian, Mormon, Church of Christ, and the list goes on. There are 61 recognized different religious groups. There are standards for each one that must be considered and restrictions on expressions that must be considered. My hope is that this body will vote overwhelmingly to ask the EEOC to reconsider their guidelines and to go on record as being opposed to making freedom of expression proof of harassment.

It seems to me that this proposal by the EEOC has great danger in it in terms of the diversity of America and in terms of danger to our freedom of expression. I hope this Chamber will overwhelmingly endorse this sense-of-the-Senate and make it clear to the EEOC that these guidelines do not embody the kind of diversity and openness that we expect in American society.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Will the Senator from Colorado yield for a few questions?

Mr. BROWN. I do not have the floor, but I would be glad to respond to any questions the Senator has.

Mr. METZENBAUM. The Senator from Colorado has put up a list including such things as wearing a cross, a yarmulke, having a Christmas party or Hanukkah party, and various other things.

Is it not a fact that there is nothing in the EEOC-proposed guidelines that addresses itself to any of those specific issues?

Mr. BROWN. The Senator would be quite correct that these specific examples are not included in the guidelines. The reason they are brought forth here is that they are the kind of things that the guidelines will require the employer to restrict. As a matter of fact, one employer who already issued guidelines has come up with guidelines that will restrict these kinds of activities.

Mr. METZENBAUM. Would the Senator express the exact language of the EEOC-proposed guidelines that he finds offensive and finds are going to create problems for employers? I am having difficulty in understanding what it is the Senator is objecting to.

Mr. BROWN. I appreciate the question, and it is a very appropriate question.

My concern is that, under the EEOC guidelines and the related regulations and laws, these particular activities will become proof of religious harassment.

Mr. METZENBAUM. Just give me, if you would, please, the specific language that creates the problem, because as I understand it, the EEOC has proposed guidelines, and then the broad brush has been used to include, I think, these 25 or 30 items that you have listed over there. I am having difficulty in following how we get from those guidelines to these specifics.

Mr. BROWN. Specifically, the portion of the guidelines that forms part of the basis for this comes as follows:

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her religion or that of his or her relatives, friends, or associates.

If the Senator would permit me, let me emphasize that my concern is not over the physical conduct. My concern is over the verbal portion of this. I guess my concern is also that the standard for what is determined to be verbal comments that are found offensive is a standard that fits the individual. In other words, it could be any one of 61 different religious affiliations which would all have a different standard toward verbal comments.

Mr. METZENBAUM. But none of us, if I may say to my colleague from Colorado—they are saying if you make some snide remark about some religious practice of yours, mine, or whatever the employee's religion might be, that could be a basis for sexual harassment. But you have carried it beyond

that point. You have said that a woman or man wearing a cross or a yarmulke, or whatever be their designation or religious preference, that somehow that is being precluded by the EEOC. But as I understand what you are reading, all that the EEOC is saying is that if you make a snide remark or harass somebody by reason of their dress or conduct, that is sexual harassment.

But the mere fact that somebody wears the yarmulke, cross, or whatever, that is not a problem, and they are not saying that it is. It just seems to me that you are carrying the reasoning beyond the reality of what is in the proposal.

I would stand as strongly as you or anybody else on the whole question of the right of an individual at work to wear whatever he or she wants to wear and not to be bothered by reason of that fact, or harassed. But it seems to me that we are sort of reasoning from the specific to the absurd. I am having difficulty in following you. I am not sure we are in disagreement, but I think we are in disagreement. I think you have arrived at a conclusion that is an illogical conclusion based upon what the EEOC is attempting to do. I cannot see how you get there.

Mr. BROWN. If I may respond to the distinguished Senator. Let me say that I do believe we are on the same track in terms of looking at this. I do not think there is a disagreement. Let me mention three points that I think may be helpful to the Senator, or at least I hope they will be.

One, EEOC themselves admitted they have problems with these guidelines.

Second, the word "aversion"—and this has been acknowledged—that is included in those guidelines, they admit, does not have a statutory basis to it. The word "aversion"—the reason I focus on that is because you could have a verbal comment that would merely create an aversion to someone, which is a very vague standard, not well defined and not in the statute, so that is a broad standard and a vague standard that, I think, causes problems.

The third one, I think, goes right to the heart of your comment and concern. If you and I were setting the standard—and I do not mean to be presumptive for the Senator, but I think he referred to it—none of these things would be considered proof of harassment to either of us.

Mr. METZENBAUM. That is correct. That would be my interpretation and yours.

Mr. BROWN. And I think that is because we are both reasonable men. Others in this Chamber may not agree with that assessment—that we are reasonable. But I think they might, and I think they would agree that these are reasonable things. The problem here is that the test is not of a reasonable man; the test is of a reasonable person of each particular faith.

So it is not the same standard. There is a test for a reasonable Catholic. There is a test for a reasonable Buddhist. There is a test for a reasonable Protestant.

This is a floating test, not of a reasonable man overall test as we consider it in other areas of law, but a reasonable man test for someone of each individual's faith and each individual's reaction.

That is part of the problems with the standards as they have come down. It is not an overall reasonable man test, a test that floats and changes with each individual.

Lastly, let me say the concern I have, and it is the key point. It is how corporate attorneys, which are going to write these guidelines for companies, are going to take a look at the EEOC guidelines, and they are going to say, how do I protect our company from liability under these guidelines? And they are going to respond, as the U.S. airline already has, and come out with guidelines that will restrict all of these activities.

The reason they will is that they want to make sure that no matter what individual is involved they are protected from offending them.

It is complicated, I admit that, but it comes from the fact of the way corporations will respond to these guidelines.

Let me lastly suggest to the distinguished Senator because I do believe we are on the same track. I know the Senator wants to protect freedom of expression, and I know the Senator is sensitive and wants to protect people's freedom from being harassed on religious subjects.

Let me say I join him in that. The language of this amendment is to do exactly that—to maintain the ability to protect people from harassment and also make it clear that simple expressions do not constitute proof of harassment.

I want to invite the Senator, if there is a better way to say it in this resolution, I hope he will help us with that, because believe me it is not our intent to preclude or in any way inhibit the prohibition of harassment but we do want to get at this kind of fault.

The Senator has been most kind with his time.

Mr. METZENBAUM. Mr. President, I think the difficulty the Senator from Colorado and I are having relates to the fact that he is talking about the acts of individual employees, the very ones he has spelled out in those charts. That is really not the issue. That is not the problem.

The problem is not what the employee does. The problem is not the fact of the employee wearing a cross or a yarmulke, or whatever the case may be, because under no circumstances could that be sexual harassment.

The problem is when the employer says that you may not wear a cross or

the yarmulke or have a Christmas party or Chanukah party, or whatever the case may be.

But I would like to accept the suggestions of the Senator from Colorado that we put in a quorum call and see if we can work out some language. Excuse me. I think the Senator from Alabama was seeking the floor and I did not mean to preclude that.

Mr. BROWN. Mr. President, if the Senator will yield, I simply want to make it clear what this resolution calls for. Let me quote it. I am reading from the second paragraph:

Any new guidelines for the determination of religious harassment should 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.

So that it is the focus of this. I do not think Members will have a problem with that when they look at it.

Lastly, let me quote some guidelines that were already issued by a major airline in this country in response to EEOC dictates. This is from the airline's guidelines they issued.

Technical operations personnel should not possess nor display in any manner on the premise any material which may be construed by anyone to have racial, religious, or sexual overtones, whether positive or negative, or which contain suggestive profanity or vulgarity.

What we are literally talking about is anything that suggests or is displayed by anyone in any way related to religion. That is the way businesses are responding to these guidelines, and it is why we need the EEOC to perfect the guidelines.

I yield to the distinguished Senator from Alabama.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Alabama.

Mr. HEFLIN. Madam President, I rise in support of the Brown-Heflin resolution. We have held hearings in the Subcommittee on Courts and Administrative Practices on the proposed EEOC guidelines.

I want to say a few words, but first let me address the question of the distinguished Senator from Ohio.

First, I think to understand and the answer to his question is that these are guidelines. They are not regulations. The purpose of guidelines is to give guidance, in this instance to employees as well as employers.

I do not think there is any question that Senator BROWN and I believe that there ought to be guidelines established to give guidance on the issue of religious harassment.

The problem that was universally brought forth by all of the witnesses who testified at the committee is that the EEOC guidelines are vague and they are indefinite. When the Senator from Ohio asked the question, point to

something here that creates such a problem, the problem is that they are vague and indefinite.

The purpose of the guidelines is that they ought to establish such matters as the wearing of a yarmulke or the wearing of a cross in the lapel button is not a religious harassment. There are a number of different issues involved in developing such guidelines.

Last year we passed the Religious Freedom Restoration Act, and this is quite similar to the situation that arose relative to the Religious Freedom Restoration Act. As my colleagues will recall in a case of Employment Division versus Smith, a closely divided court abandoned the compelling interest standard and dramatically weakened the constitutional protection for the freedom of religion. That case involved two Native American employees at a private drug and alcohol rehabilitation facility who were fired and denied unemployment benefits after admitting that they had ingested a controlled substance as a sacrament during a religious ceremony of a Native American church of which they were members.

Congress reacted to this decision by passing, with the support of every conceivable religious group, the Religious Freedom Restoration Act. Congress established what the guidelines for the courts, rather the standards for the courts, ought to be. The Government may substantially burden a person's exercise of religion only if it demonstrates that the application of the burden to the person first is in furtherance of a compelling Government interest and second is the least restrictive means of furthering that compelling Government interest.

Now the EEOC proposed these guidelines on October 1, 1993, and put them out for comment. They have been out for comment, and that period was extended a second time.

At the time of the guidelines original proposal, the Religious Freedom Restoration Act had not been passed. But it seems to me that we have said to the Supreme Court of the United States that whatever decision you make, you ought to follow, first, whether or not the burden upon a person's exercise of religion is in furtherance of a compelling Government interest. Second, is the burden the least restrictive means of furthering that compelling Government interest.

Now, if we are willing to say that to the Supreme Court, I think the EEOC ought to be guided by the same rationale, the same standards apply to the Supreme Court.

This resolution calls on EEOC to withdraw religion from their present guidelines and to look at religious harassment separately. In my opinion, they ought to have a separate comment period, and public hearings. And they should come up in the end with

guidelines to help employees and employers that set forth in some detail what is and is not religious harassment on the job.

These guidelines are vague and indefinite. They include some broad, general standards. Adding to the problem the EEOC has lumped religion in together with race, color, gender, national origin, age, or disability all of which are protected from harassment on the job.

And so what we are saying is withdraw religion from these particular guidelines. Let us look at religion separately.

Religion occupies a different position from most of the other matters pertaining to harassment on the job. Therefore, it has a different status. First, because the first amendment gives you the right to the free exercise of religion and prohibits Congress and regulatory agencies from issuing regulations or laws that would, in effect, prohibit the free exercise of religion. The second factor which distinguishes religion is the Religious Freedom Restoration Act which should be considered.

When the guidelines were considered and published in October, there were only three of the five commissioners seated on the EEOC. They are all holdovers from the previous administration. It seems to me that, by the time that final guidelines are considered, you will have—and I hope very shortly—a full EEOC membership for the consideration of this matter.

There are a lot of things in the guidelines that go beyond existing law. Certainly, I do not think the guidelines are the least restrictive means of carrying out the issues pertaining to religious harassment in the workplace.

There is the question of the guideline's reasonable person test and how an employer or employee must take into account the perspective of their fellow employees. That means, in effect, that you have to be a student of comparative religion to know the perspective of each employee. They may be Moslems, they may be Jewish, they may be Baptists, they may be Methodists, or any denomination and faith.

The way that these guidelines are written and this language was taken from the sexual harassment language, which is separate. We should note the EEOC separated sexual harassment from all the other protected categories and lumped everything else together.

For an employer to know the perspective of every employee is quite a burden. The guidelines suggests to the employers that they should endeavor to ascertain the various religions and faiths of their employees, to try to notify all coworkers of the people of the various employees' religion. These guidelines may bring about a situation that results in the deprivation of freedom of religion or violates the Religious Freedom Restoration Act.

So it seems to me there has been a lot of misunderstanding by the EEOC pertaining to this. The EEOC has extended liability in a manner that goes beyond what I think the law was ever intended to do. They expand the protection for conduct that denigrates or shows hostility or aversion toward an individual because of his or her religion or that of his or her relatives, friends, and associates.

Now you are getting into a situation where you must know the perspective of a relative, of a friend, of an associate. My Lord, that is an impossible burden. How am I, as an employer, going to know that I have to be on the lookout, as a reasonable person, not to harass in any way, from a religious viewpoint, the third cousin of some employee? Well, that is actually what the EEOC has done. I mean, the Senator from Ohio speaks about something being absurd, but we have an absurd situation being provided by the EEOC.

So, this resolution says that the EEOC ought to withdraw their present guidelines; have a separate procedure involving a comment period that is separate from the other harassment issues; bring about a public comment period and to have public hearings. Then consider the proposed guidelines. By doing that, I think we would find that we could clarify this issue completely. There would not be all of the objections. But right now, as it is written, it is left in the hands of an employer.

An employer, therefore, turns to his lawyer, and he says, "How am I going to avoid liability? What action can I take to prevent me from being sued?" Well, the lawyer responds, "What you are going to have to do is just say, make the workplace religion neutral. You cannot talk about religion on the job. You cannot wear any emblems or do anything like that." And the employer would issue orders pursuant to that advise to protect themselves. Well, if they did that, there would be a violation of the free exercise of religion clause. So, what we have here is a proposal which makes no sense.

There are few freedoms more sacred to our way of life than religious freedom. I happen to have grown up in a Methodist parsonage, and prayer and faith played a central role in my life. Added to this, is a deep respect for the Constitution which has come over the years from being involved in public service as an attorney and as a judge.

Over the past few months, there has been a great debate and public outcry over these proposed guidelines on religious harassment in the workplace. While I believe that the EEOC probably had good intentions, the effect of the guidelines will be to create a workplace in which religious freedom is stifled and employers are put into an untenable position.

I chaired a hearing on June 9 regarding this issue. I called it when I real-

ized what the EEOC was proposing. We had a forum and we had representatives from the ACLU, the American Jewish Congress, the Southern Baptist Convention. There was also a labor lawyer from the management perspective, and a constitutional authority, a law school professor. Every one of them agreed that the guidelines were vague, indefinite, and ought to be rewritten.

We have had other people respond. I have a letter that I would like to put into the RECORD from the Society for Human Resource Management which is very critical of the guidelines. Let me read a part of it. It reads:

We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were "... unreasonably interfering with the [individual's] ... work performance". A pro-choice employee could claim religious discrimination because a devout Catholic was discussing her pro-life beliefs, which are based upon religious convictions.

I ask unanimous consent at the conclusion of my speech that this letter from the Society of Human Resource Management be printed in the RECORD.

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

(See exhibit 1.)

Mr. HEFLIN. I found numerous problems with the proposed guidelines, including that the guidelines do not make it necessary for an employee to inform the employer of his or her objection to the offensive behavior. If you have repetitive instances where a person is constantly after another employee, that can be harassment. The person should have to put the company that he is working for on notice, or at least the foreman or the supervisor that he considers the behavior offensive. Under these guidelines it is not necessary for the employee to inform the employer of his or her objection.

Also, they expand the employer's liability beyond comments directed to the employee to include comments that show aversion—and aversion is a word which needs to be clarified or defined to give some more guidance. Frankly, I think it ought not to be used—"to the religious belief of employees," or to the employee's "friends, relatives and associates."

One of the most significant departures from established law and precedent is the subjective, and vague, reasonable person test, which would re-

quire the employer to be conscious of each employee's individual religious views.

The expansion of the reasonable person test to something that is inherently personal and subjective will put employers in the position of being liable for actions that they may not know to be offensive.

There is a consensus on all sides of the political and religious spectrum that these guidelines, as currently worded, are seriously flawed at best. 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 trade-off for religious freedom.

We also cannot forget that these guidelines as worded will create a tremendous burden for employers who would be forced to make policies in anticipation of employee reactions to almost every manifestation of religious belief. In fact, I have been contacted by a number of human resource management associations about it that are concerned that the guidelines will impose an impossible burden on employers in managing their employees.

Along with Senator HANK BROWN, I want to introduce the other cosponsors who are sponsoring this. The cosponsors of this resolution are: Senator GRASSLEY, Senator DECONCINI, Senator BURNS, Senator MATHEWS, Senator GORTON, Senator COCHRAN, Senator BAUCUS, Senator HUTCHISON, Senator PRESSLER, Senator MOSELEY-BRAUN, Senator SMITH, Senator NICKLES, and Senator GRAMM of Texas.

So as you can see, it is a wide group of Senators from both sides of the aisle who have joined in this resolution.

I believe the steps we are advocating will provide an opportunity for the EEOC to clear up the confusion and the concern raised by these proposed guidelines. I am optimistic that this resolution will provide a reasonable process by which religious freedom can be provided for in a way that is consistent with the first amendment, title VII of the 1964 Civil Rights Act, and the Religious Freedom Restoration Act of 1993.

Let me just say it is my understanding that the EEOC is aware of many of the problems involved with these guidelines and is working to clear up some of these problems. Nonetheless, I do think religion should be looked at in a separate procedure. No other matter pertaining to harassment has the protections that religion has. If you stop and think about constitutional protection and the laws that have been passed. It is clear that there are standards that the Supreme Court follows and any guidelines should follow those same standards. It seems to me the same standards ought to be followed by the EEOC.

As someone who has lived through some of the most difficult and changing times in American history, I must

observe that the security and resulting cynicism of modern times has led many to grow very complacent in support of our morals, values, and institutions. You look around us, there is a hardening shell of cynicism that fosters this modern society's disrespectful attitude toward some of our most basic institutions: schools, families, marriages, expression of faith and worship. Nothing that the Government does should add to the cynicism that already exists.

Let me read the resolution as to resolving what it does. Some people misunderstand this. It says:

It is the sense of the Congress that, 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)—

(1) the category of religion should be withdrawn from the proposed guidelines at this time; and receive separate treatment from the other categories of harassment;

(2) any new guidelines for the determination of religious harassment should 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 should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

I do not think many people would disagree with those provisions if they read it and understood it. The resolution is being proposed for the purpose of clarifying it, to remove the vagueness in it, for the EEOC to be more specific, and to give protection to certain things that are commonly accepted.

It is commonly accepted to wear a yarmulke. It is commonly accepted to wear a religious fish. It is commonly accepted that Bibles are allowed to be on officers' desks or supervisors' desks. You go down the line in regards to the very sample of actions that Senator BROWN has brought to the Senate's attention and all could be prohibited.

Any guidelines that are adopted should meet the standards of the Religious Freedom Restoration Act. The standard is that there must be a compelling Government interest, and it must be the least restrictive means of obtaining that compelling Government interest.

So, I feel that this resolution is a good resolution and ought to be adopted.

EXHIBIT 1

SOCIETY FOR HUMAN
RESOURCE MANAGEMENT,
Alexandria, VA, June 15, 1994.

Hon. HOWELL HEFLIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEFLIN: The society for Human Resource Management (SHRM) would like to share with you our concern re-

garding the Equal Employment Opportunity Commission's (EEOC) proposed rulemaking on harassment.

SHRM is the leading voice of the human resource profession, representing the interests of almost 60,000 professional and student members from around the world. SHRM provides its membership with education and information services, conferences and seminars, government and media representation, and publications that equip human resource professionals to become leaders and decision makers within their organizations.

SHRM members are the individuals within U.S. corporations who are responsible for ensuring employment decisions are made without regard to race, sex, color, religion, national origin, disability or veteran status. SHRM members are the individuals who will be responsible for ensuring corporate compliance with the proposed harassment guidelines. We are therefore very concerned because we fear that the proposed guidelines may impose an undue burden and create unnecessary confusion in the workplace.

As a result of input we have received from our members on the proposal, we are most concerned about the proposed guidelines regarding harassment based on religion.

Initially, we would like to note that the EEOC has apparently decided to issue these guidelines not because of some upsurge in charges of religious harassment, or because the existing prohibitions against harassment contained in Title VII are inadequate. Rather, these guidelines are being issued to partially consolidate guidelines, "reiterate and emphasize" existing law, provide "more detailed information" (despite no evidence that such detailed information is necessary) and because of the enactment of the Americans with Disabilities Act. SHRM does not believe a case has been made by the EEOC that these guidelines are necessary.

Sec. 1609.1 (b) states that harassment is verbal behavior that has "the purpose or effect of creating an intimidating, hostile, or offensive work environment". Harassing conduct includes "epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to * * * religion." The standard for determining whether the conduct is severe or pervasive enough to create a hostile or abusive work environment would be based on what a "reasonable person" would find abusive, including the "perspective of persons of the alleged victim's * * * religion."

We believe that this standard will impose an impossible burden on employers to restrict employees from expressing their views on issues which might be construed as religious. Under the proposed guidelines the simple expression of a religious belief by one employee could be considered to be religious harassment by another.

Therefore, an employer would be required to restrict an employee of the Muslim faith from talking about or describing the religion because a Jewish employee might file a charge that this discussion was hostile, intimidating, and created an offensive work environment. An individual who strongly disagreed with the Muslim faith could charge that those talking about their faith were "unreasonably interfering with the [individual's] * * * work performance". A pro-choice employee could claim religious discrimination because a devout Catholic was discussing her pro-life beliefs, which are based upon religious convictions.

While an employer could attempt to ban any discussion of religion in the workplace in an effort to avoid liability under the

guidelines, this would be impossible to do. How could an employer establish rules spelling out what subjects could be considered "religious", and therefore prohibited? Unlike race and sex, religion is not an immutable characteristic. It is a system of beliefs and values. An employer would have to be ever-vigilant to ensure that it was aware of each individual employee's views (which might be constantly changing) on religion to ensure that no one was exposed to behaviors they felt to be harassing.

When the 1991 amendments to the Civil Rights Act were enacted and created a right to punitive and compensatory damages, the incentive to file complaints and to litigate became stronger. By proposing guidelines which broadly define religious harassment, EEOC is proposing to open the flood gates to litigation charging employers with religious harassment because employers failed to read the minds of their employees and failed to know what each employee considered to be religious harassment.

At a time when employers are striving to value diversity in the workforce, and urging all workers to treat and understand coworkers as individuals, it is unfortunate that EEOC would propose guidelines which would force employers to restrict communication on such an important aspect of worker diversity. It is particularly troublesome since employers have an obligation under Title VII to provide accommodation for individuals' religious beliefs. Employers will be caught in the middle of two EEOC interpretations. Will an employer, for example, be charged with allowing a hostile work environment by accommodating an employee's request to wear clothes dictated by that employee's religion, if the religion offends another employee?

SHRM believes that existing Title VII precedent and interpretations provide adequate guidance and protection to ensure that religious harassment is actionable. At a minimum, however, SHRM believes that if the EEOC did not intend to create such an overly broad and potentially burdensome guideline for employers, then the EEOC must recast the proposal and provide more guidance to employers on what behaviors the agency will consider impermissible. The difficulty in distinguishing between religious beliefs and expression and expressions of values and opinions certainly merit more detailed treatment by the agency on the subject.

In addition, if the agency does re-propose religious harassment guidelines, SHRM urges the Senate to recommend to the EEOC that the guidelines be drafted to provide the clearest guidance possible to employers. Specifically, SHRM has found that the question and answer format used by the EEOC in the agency's Americans With Disabilities Act Technical Assistance Manual has been well received by our members.

For these reasons SHRM asks the Senate to encourage the EEOC to withdraw the proposed guidelines on religious harassment as overbroad and unnecessarily restrictive, or, at a minimum, repropose separate guidelines on religious harassment that address these difficult areas.

Sincerely,

SUSAN R. MEISINGER,
Vice President,
Government and Public Affairs.

Mr. BROWN addressed the Chair.

Mr. FORD. Madam President, I say to the Senator from Colorado, Senator METZENBAUM wished to be notified as soon as Senator HEFLIN was through speaking. I believe the Senator is close to some sort of agreement?

Mr. BROWN. Yes. I have been able to reach agreement with Senator METZENBAUM. At the time the Senator feels is appropriate, I would like to offer a Metzenbaum-Brown amendment.

Mr. FORD. Will the Senator withhold until I notify Senator METZENBAUM?

Mr. BROWN. Yes.

Mr. FORD. Madam President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1804, AS MODIFIED

Mr. BROWN. Madam President, I send to the desk a modification of my amendment that I have worked out with Senator METZENBAUM and Senator HEFLIN. Let me just outline those changes.

They eliminate some of the language on page 2 and page 3 and in the resolve clause under paragraph 1, they delete this language at the end of the sentence:

*** and receive separate treatment from the other categories of harassment.

It substitutes therefor "at this time." Paragraph 1 would then read:

The category of religion should be withdrawn from the proposed guidelines at this time.

And then the balance of the resolve clause continues on.

Madam President, I send these modifications to the desk and ask they be incorporated in the amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, with its modifications, is as follows:

At the appropriate place, insert the following new section:

SEC. . RELIGION 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 government 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 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 in comparison to other harassment and may warrant separate treatment; 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) SENSE OF THE CONGRESS.—It is the sense of the Congress that, 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)—

(1) the category of religion should be withdrawn from the proposed guidelines at this time;

(2) any new guidelines for the determination of religious harassment should 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 should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

Mr. BROWN. Madam President, I ask unanimous consent that Senators MURKOWSKI and DURENBERGER be added as cosponsors of this amendment.

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

Mr. HEFLIN. Madam President, I have not looked at these modifications yet. I would like to review them a little bit before we move forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FORD. Madam President, I have discussed this procedure with the participants on the EEOC amendment. I ask unanimous consent that the amendment presented by Senator BROWN, of Colorado, be set aside temporarily.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment will be set aside.

GAINESVILLE AIRPORT INDUSTRIAL PARK

Mr. GRAHAM. Madam President, I ask if the distinguished chairman of the Aviation Subcommittee would be willing to turn his attention to the subject of the Gainesville Airport Authority and the Airport Industrial Park the city of Gainesville would like to develop adjacent to the airport.

Mr. FORD. I am familiar with this issue and would be pleased to discuss it.

Mr. GRAHAM. The city of Gainesville owns about 1,900 acres of property which surrounds the Gainesville Airport. It has long been the city's desire to develop this land in a manner that will benefit both the airport authority and the local community.

Unfortunately, deed restrictions and covenants on the land have hampered the city's efforts to develop the Airport Industrial Park. Meanwhile, the city has expended considerable time and effort to develop comprehensive land use and development master plans; a portion of the Industrial Park lands, which is owned by the city, has recently been subdivided and is available for industrial development subject to FAA approval.

The U.S. Department of Transportation's airport compliance requirements contain the general policy for a total release which would permit the sale and disposal of this property. My understanding is that this policy allows for property which is no longer needed to directly support an airport activity or purpose to be released for sale or disposal. However, this policy also indicates that the disposal must produce an equal or greater benefit to the airport than the continued retention of the land.

Madam President, one thing is abundantly clear—continued retention of the land is producing no benefit at all to the city, the airport authority, or anyone else. The primary draw for commercial air service to the Gainesville Airport is its proximity to the University of Florida. Maintenance and future expansion of this service is dependent on establishing new sources of demand, the Gainesville has identified the Industrial Park as a primary source of new development.

The city seeks approval to modify existing restrictions in order to permit the sale of one or more Industrial Park parcels at below market value so as to enable the eventual development of the park. Federal Aviation Administration [FAA] approval is needed to accomplish this transaction in a manner that will not penalize the airport authority with regard to its receipt of formula funds under the Airport Improvement Program. Further, the approval should clarify that this collaborative agreement to develop the park does not constitute a diversion of revenues.

The city of Gainesville has been attempting for years to attract development in this area and has been unable

to do so because of the constraint that it must conduct all transactions at fair market value. The eventual revenues generated from the Airport Industrial Park would contribute to the funding of the airport's operations, stimulate increased use of the airport, and create long-term benefits to the entire area.

The city wishes to be a catalyst to encourage the initial development of the Airport Industrial Park through the release of one or more of the subdivided lots from the restrictions and reverter clauses on a portion of the property. This action would allow the city to offer the property for development at less than fair market value, if needed, without penalty to airport authority. This initial development is intended to attract seed projects to stimulate further development.

I know the chairman is already aware of the situation as I have just described it, but I wanted it to be a part of the record to establish the good intentions on the part of the city and the potential benefits to the Gainesville community—including the airport authority—if this project proceeds as envisioned.

At this time, I seek the chairman's comments on three specific issues pertaining to the Gainesville Airport Industrial Park.

First, would the Senator from Kentucky agree that the FAA should proceed with the agreement to allow the city of Gainesville to sell a portion of the industrial park land potentially at below market value in order to spur investment in the park?

Mr. FORD. Yes. This seems like a great economic development initiative which will benefit the Gainesville Airport Authority, the adjacent Airport Industrial Park, and the local community.

Mr. GRAHAM. The second area is the issue of revenue diversion. Given the fact that there is no revenue generated by the industrial park at this time, despite a concerted effort by the city to bring new businesses there, would the chairman agree that sale of certain of the park's lots—even if those sales required discounts below market value—would not constitute a diversion of revenue from the airport authority?

Mr. FORD. I agree that approval of the plan would not contravene congressional intent on the issue of revenue diversion. The city's goal, after all, is to create revenue for the airport authority where there is none today and no apparent potential for any without future development.

Mr. GRAHAM. That is most welcome guidance, and I hope the FAA will be mindful of the interpretation made by the chairman of the Aviation Subcommittee.

The final issue on which I seek clarification pertains to the Airport Improvement Program funds received by the Gainesville Airport Authority.

While previous AIP funds have been utilized to create access roads across the industrial park lands to FAA facilities, city officials and I are concerned that the FAA could interpret these past expenditures as an entitlement to offset any revenue generated by the Industrial Park with reductions in AIP grants. Would the chairman agree that the release and sale of these lots should not negatively affect AIP receipts by the Gainesville Airport Authority?

Mr. FORD. Yes. The Senate has before it legislation whose primary purpose is to further the development and maintenance of America's airports. Consideration of issues such as the Industrial Park in Gainesville must be framed with that primary goal in mind. I cannot see how the Gainesville Airport Authority benefits by not allowing the park's development. Further, I see no reason why the authority should be penalized for this collaborative initiative that should ultimately increase benefits to the FAA and the authority.

Mr. GRAHAM. Madam President, I would like to extend my gratitude to the Senator from Kentucky for his attention to this issue of great concern to the Gainesville community. Throughout consideration of his legislation, he and his staff have been most accommodating.

I sincerely hope that the FAA will work cooperatively with the city of Gainesville as it seeks to diversify its airport's clientele and simultaneously undertake an important economic development initiative for the area. Toward that end, the counsel and guidance from the chairman will be most helpful as the city continues its conversations with the FAA and works to finalize this process.

Mr. DOLE. Madam President, it had been my intention to offer an amendment that some refer to as "diversion" or "revenue sharing."

The cost of flying on commercial airlines continues to increase due in part to added fees and taxes associated with constructing and maintaining the infrastructure at airports. In part, this bill seeks to address these rising costs by somewhat shifting the balance toward a more level negotiating status between cities and airlines.

However, we have failed to provide for—as a matter of fact we continue to prohibit by law—is an incentive for entrepreneurship to reduce these costs by providing for new economic activity at our airports.

I believe it might be possible for airports to develop new revenue streams—coming entirely from the voluntary expenditure of money by the traveling public—which could partially supplant increased costs borne by airlines and existing Federal grants. And, this new business might even generate sufficient profits which could be used for police protection or other services provided to the traveling public by our cities.

I have encountered stiff opposition, in part due to what I believe is the mistaken notion that I support the immediate transfer of funds from airports to city coffers with the shortfall being picked up by increasing fees paid by airlines and increasing grants from the Federal Government. Let me state clearly that I would oppose such a plan.

However, I also oppose a blanket statutory prohibition to the American entrepreneurial spirit.

I have had a few discussions with the chairman of the Aviation Subcommittee and know that this matter is very complicated due in part to the many different revenue streams that exist today. However, I do not believe it is too complicated for us to provide for this possibility without upsetting the fine aviation transportation system in place today. The chairman has indicated another aviation bill will be considered this year and has pledged to explore with me the possibility of drafting such a compromise. Without asking him to offer his support for a plan yet to be negotiated, I ask my friend, the senior Senator from Kentucky, if that is his understanding.

Mr. FORD. I agree with Senator DOLE that airports should develop new revenue streams to lower the cost to the traveling public. Entrepreneurship should be encouraged. Nothing in the carefully crafted compromise discourages that.

Existing law contains a prohibition on revenue diversion—this bill here restates that commitment and provides DOT the tools to address illegal revenue diversion.

I recognize the Senator's desire to continue to seek a mechanism to allow funds to be diverted. However, having spent the last 5 or 6 months debating, negotiating, and crafting a compromise supported by the entire aviation community, I do not want to suggest to my colleague that a solution is feasible. I look forward to working with him to reach a better understanding of the problems and solutions that are feasible.

AMENDMENT NO. 1805

(Purpose: To require the Secretary of Transportation to make available information on the disinsection of aircraft)

Mr. FORD. Madam President, I have an agreed-upon amendment that is presented by Senator LEAHY. I send the Leahy amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. LEAHY, proposes an amendment numbered 1805.

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

The amendment is as follows:

At the end of the committee substitute, insert the following:

SEC. 26. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) AVAILABILITY OF INFORMATION.—In the interest of protecting the health of air travelers, the Secretary of Transportation shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) REVISION.—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) PUBLICATION.—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).

Mr. LEAHY. Madam President, I am offering this amendment today to make sure that American air travelers know if they will be sprayed with a pesticide in the course of their flight.

Most people do not realize that many countries require flight attendants to spray airplane cabins with an insecticide before landing. For passengers with chemical sensitivities or respiratory problems, and for crew members who are repeatedly exposed to the chemical, this practice raises some very real health concerns.

I have been working with the Department of Transportation and the Environmental Protection Agency since February to establish a list of countries that require spraying of pesticides. I have written to each of the countries identified by the Air Transport Association as requiring disinsection of incoming flights, urging them to comply quickly with DOT's request for information on their disinsection practices.

That was over 2 months ago. To date, only 21 of the 109 countries that were notified of the Department's request in April have responded. That includes only 4 of the 28 countries that have already been identified as probably requiring spraying.

American air travelers have waited long enough.

The Department of Transportation has assured me that a list of the countries requiring on-board spraying will be ready before the end of the month. The purpose of this amendment is to make sure that this deadline is met.

I had hoped to include in this amendment a requirement that Secretary Peña make this list of countries available to all people purchasing airline tickets in the United States. However, there were concerns about how this information would be made available. I intend to try to resolve these concerns in the next few weeks so that this issue can be settled in conference.

Having a list of countries that require spraying does little good if consumers do not have access to that information. I will be working with the Department to ensure that this information is made readily available to all people purchasing airline tickets in the United States.

Passengers have the right to know before purchasing their tickets whether they will be sprayed with an insecticide during their flight. Only with accurate and well-disseminated information on which countries require this practice can we protect the health of all passengers.

AMENDMENT NO. 1806

(Purpose: To provide for contract tower assistance)

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

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] for himself and Mr. DECONCINI, an amendment numbered 1806.

Mr. PRESSLER. Madam 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:

SEC. . CONTRACT TOWER ASSISTANCE.

The Secretary of Transportation shall take appropriate action to assist Chandler, Arizona, Aberdeen, South Dakota, and other communities where the Secretary deems such assistance appropriate, in obtaining the installation of a Level I Contract Tower for those communities.

Mr. PRESSLER. Madam President, this amendment would direct the Secretary of Transportation to assist Aberdeen, SD and Chandler, AZ, and other States in obtaining the installation of a level 1 contract tower for those communities. In my view, this will enhance aviation safety in the affected communities.

Madam President, the objective of the Federal Aviation Administration [FAA] Contract Tower Program is to ensure that an efficient network of control towers is maintained to provide safe and effective service to the users of the National Airspace System. Contract towers provide a high level of air traffic control service to local communities.

Aberdeen city officials have been working to include their airport in the FAA's contract tower program for some time. This goal became increasingly important when the Aberdeen Airport's Flight Service Station was closed last year. It is true that flight service stations and air traffic control towers do not serve the same function. However, given that flights at the Aberdeen Regional Airport reached a level of over 48,000 for 1993, one of these services should be available. Therefore, I am offering my amendment today.

I urge my colleagues to support my amendment and advance the safety of our air traveling public.

Mr. FORD. Madam President, I ask unanimous consent that these two

amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Madam President, I have no objection, but would the Senator from Kentucky be good enough to give us a 1-minute synopsis?

Mr. FORD. I tried to. One is pesticides by Senator LEAHY, sprayed in the cabin, and the other one is in relationship to towers under contract. Phase I of the towers.

Mr. METZENBAUM. I thank the Senator.

Mr. FORD. It is more technical.

Mr. METZENBAUM. I have no objection.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1805 and 1806) were agreed to, en bloc.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. FORD. I yield the floor, Madam President.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1804, AS MODIFIED

Mr. BROWN. Madam President, I call up the Brown amendment.

The PRESIDING OFFICER. The Brown amendment is now the pending question.

Mr. BROWN. Madam President, I ask unanimous consent for the modification that had been offered to the body and is at the desk, the Metzenbaum-Hefflin-Brown modification.

The PRESIDING OFFICER. There is confusion in the Chamber.

Will the Senator restate his request.

Mr. BROWN. Madam President, we have sent to the desk a modification of the amendment, and I repeat my request for unanimous consent that that modification be accepted.

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

Mr. BROWN. Madam President, I ask unanimous consent to add Senators MURKOWSKI, DURENBERGER, MIKULSKI, and THURMOND as cosponsors of the amendment.

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

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Madam President, I have a little problem pertaining to the modification, but I agreed to it. But basically the original modification called for the EEOC to conduct a separate procedure. Senator METZENBAUM was desirous of knocking that out. I am agreeable to it. But in my opinion

the resolution does not prohibit the EEOC from dealing with it in a separate procedure.

I just wanted to make that clear.

Mr. BROWN. Madam President, if there are no other comments, I would ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, one of my concerns on this subject was that the question of religious harassment would be separate and apart from other kinds of harassment in the workplace. I do not believe that should be. I believe that the EEOC ought to have the opportunity to look at the entire field of harassment in the workplace.

One of the other questions that came up had to do with whether or not the individual acts Senator BROWN had put up on the board were to be a part of this problem, and they really are not. We are talking about employers taking action, and if an employer does provide for religious harassment it would still be possible for the EEOC to deal with it.

There seems to have been considerable comment and concern about the original guidelines. I am not an authority on those original guidelines, but this would provide for the EEOC to re-examine that issue, not as a separate category but to go back and look at it as they were doing previously.

I see no objection to doing that. I think this is a movement in the right direction. There was considerable objection to the EEOC's original actions. I am not sure that they were wrong. I am not sure that they were right. But in this manner there will be a chance for a reevaluation, and I think all parties to the discussion can be satisfied.

Mr. NICKLES. Madam President, I rise in support of the amendment before the Senate. This amendment seeks to preserve religious liberty in every workplace in the United States. Many are aware of the proposed Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability issued by the Equal Employment Opportunity Commission [EEOC]. I have concerns that the proposed guidelines would seriously infringe on the religious liberties of working men and women in the workplace.

On June 9, 1994, 24 of my colleagues and I sent a letter to the Acting Chairman of the EEOC, Tony Gallegos, urging the Commission to remove the category of religion from the proposed guidelines or to create a separate category clarifying the issue relating to religion.

Also on June 9, the Judiciary Subcommittee on Courts and Administrative Practice held a hearing on this issue. It was clear at the hearing that no one approves either of religious harassment or supports the suppression of religious freedom. EEOC representatives, labor and constitutional law scholars, and business and religious leaders made it clear that changes must be made in the Guidelines.

The standard set for religious harassment in the workplace is so vague and broad that expressions of religious belief by one employee could be considered religious harassment by another even if it simply shows aversion to the faith, religion or beliefs of another person or that person's relative, friend, or associate.

The reasonable person standard, which determines whether actions on the job constitute harassment, is a modified reasonable person standard. The reasonable person must be a reasonable person of the claimant's particular segmented individual religious perspective. Therefore, there is no one standard an employer or employee may look to for guidance, thus making it ripe for litigation and dispute.

The lack of clarity in the definitions of what constitutes religious harassment will cause severe problems for many employers and employees, who will be mandated to apply the vague and confusing regulations to every day situations. There is evidence to demonstrate that many employers in an effort to minimize their liability will move to limit or prohibit religious expressions in the workplace. How would the following real life situations be treated under the proposed guidelines.

Would an employee or employer be able to wear a cross around his/her neck, a yarmulke, a turban, or any other religious symbol in the workplace?

Could an employee or supervisor have a Bible, a Book of Mormon, a picture of Jesus or a Star of David displayed at his/her work area?

Could employees have a weekly prayer breakfast in which the employer participated with some, but not all, employees?

Could an employee or employer discuss or make statements about his/her religion to another employee in the workplace?

Moreover, I am also concerned that these guidelines fail to take into account the Religious Freedom Restoration Act [RFRA], Public Law 103-141. RFRA prohibits a law from "substantially burden(ing) a person's exercise of religion" unless the Government can demonstrate that the law is the least restrictive means of furthering a compelling Government interest. I am concerned that the Guidelines do not meet the criterion of RFRA.

The proposed guidelines, as currently written, are so broad and ambiguous

that I believe that they will result in a workplace in which religious expression and religious freedom are repressed. Therefore, I urge my colleagues to support this sense of the Senate which would urge the Commission to address the unique concerns of religion in the workplace.

Mr. DOLE. Madam President, I want to say a few words in support of the amendment offered by my distinguished colleague from Colorado, Senator HANK BROWN.

Last May, I wrote to Acting EEOC Chairman Tony Gallegos expressing my concerns about the proposed EEOC guidelines, which appear to be a classic example of what is known here in Washington as the law of unintended consequences.

As currently drafted, the guidelines are so broad in scope and so vague that employers seeking to avoid liability would resort to establishing rules prohibiting any discussion or expression of religion whatsoever in the workplace. In other words, to prevent lawsuits and the expenses that normally go hand-in-hand with lawsuits, employers would resort to requiring religion-free workplaces. This result would be disastrous for employers and workers alike, and it would be a major set-back for religious freedom in our country.

I am also concerned that the guidelines are inconsistent with the Religious Freedom Restoration Act. When Congress passed the act, we made clear that Government must demonstrate a compelling interest to justify any law that burdens religious freedom. As far as I can tell, the EEOC has not met this requirement.

It is my hope that this amendment will send a strong signal to the EEOC that it should go back to the drawing board and remove the religion category from the proposed guidelines. While the prevalence of workplace sexual harassment has been well-documented, there is very little evidence to suggest that religious harassment in the workplace is a major problem.

So, Madam President, as the old saying goes: If it ain't broke, don't fix it.

Madam President, I ask unanimous consent that my letter to Acting EEOC Chairman Tony Gallegos be inserted in the RECORD immediately after my remarks.

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

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, May 26, 1994.
Hon. TONY E. GALLEGOS,
Acting Chairman, Equal Employment Opportunity Commission, Washington, DC.

DEAR CHAIRMAN GALLEGOS: I have had the opportunity to review the Commission's proposed Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability ("Guidelines"). It is my understanding that the comment period for the Guidelines expires on June 13, 1994.

As you know, the Guidelines define religious harassment broadly as "verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her . . . religion . . . or that of his/her relatives, friends, or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities."

I am concerned that the Guidelines, as currently drafted, are so broad in scope and so vague that employers seeking to avoid liability would resort to establishing rules prohibiting any discussion or expression of religion whatsoever in the workplace. In other words, to prevent lawsuits, the employer would require a "religion-free workplace." Clearly, this is not your intention, though I suspect that the Guidelines could have this practical effect.

I am also concerned that the Guidelines are inconsistent with the Religious Freedom Restoration Act ("RFRA"). As you may know, RFRA applies a strict scrutiny test to any law that substantially burdens religious practice. Based on the information available to me, I am not convinced that the Guidelines would pass this test. For example, it appears that the Commission has not adequately enunciated a "compelling government interest" for the Guidelines. While the prevalence of workplace sexual harassment has been well-documented, there is very little evidence to suggest that religious harassment in the workplace is a major problem. In addition, I do not believe that the Guidelines are the "least restrictive means" of advancing whatever interest the Commission intends to promote.

In my view, the best course of action would be for the Commission to consider deleting the religion category from the Guidelines. As you know, existing law adequately protects employees from religious discrimination and harassment in the workplace. If there is a gap in the law that the Guidelines seek to fill, I would appreciate your views on how the Guidelines serve this purpose.

Chairman Gallegos, thank you for your consideration of this request.

Sincerely,

BOB DOLE.

Mr. GRASSLEY, Madam President, I appreciate the resolution that Senators BROWN and HEFLIN have brought to the floor this evening. As an original co-sponsor, I join them in raising concern about the effect of the EEOC's proposed guidelines on harassment under title VII, and specifically, the effect of these guidelines on the expression of religion in the workplace.

I have received numerous letters and phone calls from concerned constituents who worry that the guidelines as drafted will stifle, if not eliminate, constitutionally protected religious expression in the workplace.

Considering how much time the average American spends at work every day, the idea that the workplace could somehow become sterile concerning religious expression is certainly a concern.

Most of these constituents have requested that religion be dropped from the guidelines entirely.

Last week, the Subcommittee on Courts and Administrative Practice, of which Senator HEFLIN is the Chair, and I am the ranking member, held a hearing on this very important issue. The hearing included testimony from the EEOC and representatives of various organizations.

While there were a range of opinions shared, there was one thing on which all agreed. That is, that religious expression is protected speech under the first amendment to the Constitution and under the recently passed Religious Freedom Restoration Act.

There were expressions of varying degrees on the perimeters of that protection, but there was no question raised about the principle.

The resolution the Senate is considering is compromise language reached after consideration of the issues raised at that hearing.

While some groups were calling for complete elimination of religion from these, or any, EEOC harassment guidelines, other groups argued strongly that religious harassment must be addressed in order to protect religious people from undue aggravation in the workplace.

I believe the most appropriate step to take is to drop religion from these guidelines but have it addressed in separate guidelines in the same way that sexual harassment has been addressed in separate guidelines. This answers the concerns of both sides.

It is crucial that any guidelines issued by the EEOC appropriately defer to Constitutional and Religious Freedom Restoration Act implications. With this in mind, more consideration should be given to the comments of imminent first amendment scholars, such as Prof. Douglas Laycock who testified at the hearing last week. He made specific suggestions of how the EEOC could erase the constitutional vagueness in the pending guidelines. Additionally, there should be public hearings on this issue since it touches the lives of so many Americans.

At the same time, the resolution affirmatively recognizes the need for guidelines to address genuine religious harassment. Title VII covers religion as well as the other protected areas; it is not an acceptable option for religion to simply be ignored.

I fully support the compromise reached by the language before us. It recognizes the need for regulations on religious harassment while it also recognizes the important constitutional implications of religious expression.

I commend my colleagues for taking this step to clarify the Senate's concern on this issue.

Mr. BAUCUS, Madam President, I join my colleague from Colorado, Senator BROWN, in offering this amendment.

The Equal Employment Opportunity Commission [EEOC] has proposed

guidelines to provide employers with guidance in the elimination of workplace harassment based upon race, color, religion, gender, national origin, age and disability. There are worthy goals—the elimination of all forms of harassment in the workplace is something I strongly support.

Unfortunately, when it comes to the matter of religious harassment, the EEOC guidelines could create serious problems for employers and threaten to stifle our freedom of speech and freedom of religion. They are vague. They are too broad. They show a lack of common sense. And, frankly, they make me question whether some of the folks at the EEOC are in touch with the reality of life in the American workplace.

Expressions of religious belief by an individual in the workplace, for instance, could be considered religious harassment by another based solely on the fact that the statement showed aversion to the faith, the religion or the beliefs of another person or that person's relative, friend or associate.

I shudder to think of the mischief this could cause. I shudder to think of the frivolous lawsuits this could spawn. And I shudder to think of the tensions this is likely to create for both employers and employees. Delta Airlines, for example, has already issued a directive to its employees asking them to refrain from any display or discussion of their religious beliefs.

In essence, the EEOC could effectively designate every American workplace a "Religion-Free Zone." Let me provide a few examples of the types of activities that could be grounds for a lawsuit under the EEOC guidelines:

Wearing a cross around the neck; displaying a picture of Christ on an office desk or wall; having a Bible on your desk; or praying while at work.

The EEOC needs to be sent back to the drawing board. Their proposed regulations are too board, too ambiguous, and they threaten two cherished values: freedom of religion and freedom of speech. I, therefore, urge my colleagues to support this worthy amendment.

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

Mr. FORD, Madam President, I ask unanimous consent that the vote on this amendment occur at 6:45 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Objection. The PRESIDING OFFICER. Objection is heard. Is there further debate on the amendment?

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

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

Mr. METZENBAUM. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside in order that the Senator from Ohio may offer an amendment which would be considered subsequent in time to the Brown amendment but at least could be discussed in the interim.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Madam President, as I understood it, we were trying to make sure a recorded vote on this occurred at 6:45?

Mr. FORD. Correct. There is no question about that. The Senator from Ohio agrees with that.

Mr. METZENBAUM. I have no problem with that. If the Senator from Ohio has not completed discussion or debate has not concluded, we will set the amendment aside.

The PRESIDING OFFICER. There is a unanimous consent request pending. Is there objection to the request of the Senator from Ohio? Hearing none, the Senator from Ohio may proceed.

AMENDMENT NO. 1807

(Purpose: To provide for the reemployment as air traffic controllers of certain discharged air traffic controllers)

Mr. METZENBAUM. Madam President, I send an amendment to the desk for consideration subsequent to the consideration of the Brown amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 1807.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . REEMPLOYMENT AND RECERTIFICATION AS AIR TRAFFIC CONTROLLERS OF CERTAIN DISCHARGED AIR TRAFFIC CONTROLLERS.

(a) REEMPLOYMENT.—Notwithstanding any other provision of law and to the maximum extent practicable, the Secretary of Transportation shall—

(1) notify persons referred to in subsection (b) of openings in positions of employment with the Federal Aviation Administration as air traffic controllers; and

(2) if such persons express an interest in employment in such positions, employ the persons in the positions on a basis which is numerically equal to that of any person other than a person referred to in subsection (b) in the positions.

(b) COVERED PERSONS.—Subsection (a) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action, and who is presently physically and mentally capable of qualifying for a position as an air traffic controller.

(c) PROGRAM.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall carry out a program to provide training to persons referred to in subsection (b). The purpose of the program shall be to facilitate the employment of the persons provided the training by the Federal Aviation Administration as air traffic controllers.

(d) COVERED PERSONS.—Subsection (c) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action; and

(3) who is re-employed by the Federal Aviation Administration as an air traffic controller.

(e) FUNDING.—The Administrator shall carry out the program only if funds are appropriated to the Department of Transportation specifically for purposes of carrying out the program.

Mr. METZENBAUM. Madam President, this amendment requires that when the FAA fills air traffic control jobs, it hire equally from qualified former controllers and from other applicants—a 50/50 basis.

The amendment also requires the FAA to prepare retraining programs in order that the former controllers may be recertified for Federal service.

A recertification program would help get former controllers back into control towers promptly, once they are rehired.

Of course, it will be much less expensive to recertify the former air controllers than to wait for young, newly trained, inexperienced air traffic controllers to come up to speed.

Recertifying the former controllers could take a matter of weeks. By contrast it takes years for a brand new controller to become seasoned.

The point is simple—it is much more cost efficient to retrain the former controllers.

Madam President, this amendment would give former air traffic controllers some fairness with respect to Federal air traffic control jobs that open up in the future.

These air traffic controllers are the men and women who were fired after going out on strike in 1981. That strike was for the right reasons: bad working conditions, and obsolete equipment.

But this job action violated a no strike oath. As a result, some 11,400 traffic controllers were summarily fired by President Reagan.

That firing did untold damage to labor-management relations. It also jeopardized the safety of our air traffic control system.

However, no matter what one may think of the traffic controllers walkout and their subsequent firing, this issue is now far behind us. For 12 years, the controllers were barred from Federal employment in their profession. Plenty of convicted felons receive shorter sentences than the 12 years served by the traffic controllers.

Last year, the ban on re-hiring these men and women was lifted by President

Clinton. Lifting the ban was the right thing for the President to do.

Lifting the ban was a gesture of decency to the former controllers. But it was also an enlightened management step: The controllers represent a vast pool of talent and experience of which the FAA should be able to take advantage.

Mr. President, there is considerable debate as to how many air traffic controllers the FAA may need to hire in the coming years. The FAA feels it will need a very low number.

Recent congressional testimony has indicated that there may actually be a much larger number needed. The GAO is expected to report its findings on this matter by the end of this month.

This amendment does not mandate any hiring by the FAA. It does not require the FAA to create one single job.

This amendment simply says that if—if air traffic controller slots do happen to open up the former fired air traffic controllers ought to have a fair shot at those positions.

This amendment also recognizes that, at some point, there will be a need for new controllers and that the FAA ought to take steps to be ready for the most experienced pool of talent.

Madam President, this amendment gives meaning to President Clinton's lifting of the ban on rehiring. To date, not one single former controller has been rehired. These men and women deserve more than mere symbolism.

But this amendment is not only about symbolism. This amendment is also about air safety. It would seem to this Senator that experienced, seasoned air traffic controllers make for safer skies.

Air traffic control is obviously a complicated job. I would hope that any Federal Agency filling skilled positions would look to the most experienced candidates available.

Madam President, many of these men and women have had very recent air traffic control experience through regular military service, and also through emergency service during the Persian Gulf War.

There are nearly 5,000 former air traffic controllers interested in reemployment. There are certainly a large number of candidates within this pool who are just as experienced as anyone else.

Furthermore, this amendment in no way requires the FAA to lower its standards for hiring and for recertification.

Madam President, I do not want to micromanage FAA operations. This amendment is not about micromanagement. This amendment is about utilizing the best talent available.

This amendment is about fairness.

This amendment is about making good on the President's symbolic promise implied in lifting the rehiring ban.

This amendment says that 12 years is more punishment than anyone—probably even Ronald Reagan—ever intended to inflict on 11,400 dedicated public servants.

And this amendment is about putting the most experienced air traffic controllers in the country back in America's control towers.

It is an important step not merely for former traffic controllers but also for the flying public.

ORDER OF PROCEDURE

Mr. FORD. Madam President, I understand there may have been a little confusion at the time. I want to reiterate. I ask unanimous consent that the vote occur on the Brown-Metzenbaum-Heflin amendment at 6:45.

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

Mr. FORD. I thank the Chair.

Mr. PRESSLER. Madam President, my colleagues, I am going to speak against Senator HEFLIN's amendment and then ask for a rollcall vote. I will speak fairly briefly. If I could conclude in 3 or 4 minutes, we could perhaps have that vote at 7 following this one, if there be agreement, unless there are other speakers.

I will begin speaking. In August 1993, the Clinton administration lifted the ban on rehiring the PATCO strikers. My colleague from Ohio argues these amendments are necessary to assist PATCO strikers in gaining reemployment under this policy. The arguments against it are that no rehiring preference should be granted because the PATCO controllers' illegal strike against the Federal Government crippled the Nation's aviation system.

Serving as a controller is a privilege, not a right. The FAA will hire only 77 controllers this year and less than 100 controllers over the next 3 years. The FAA is not hiring controllers because it is fully staffed.

The FAA has a pool of people from the College Training Initiative Program who are fully qualified to become controllers. These trainees can be placed directly in air control traffic facilities.

FAA has also ex-military controllers and controllers from level 1 facilities that are being contracted to private companies who like to be retained. In total, FAA has 1,500 to 2,000 non-PATCO strikers who are ready and qualified, if positions open.

The additional cost of training PATCO strikers is derived from the fact that it costs an additional \$5,000 for 4,800 PATCO strikers to go through the FAA academy compared to those who are graduated from the College Training Initiative Program and do not need the FAA academy phase of training.

Madam President, those are the arguments against the Metzenbaum amendment that I would like to make.

I do not know if there are other speakers who wish to speak against it.

But 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. PRESSLER. Madam President, I ask that we have two rollcall votes in a row stacked.

Mr. METZENBAUM. That is agreeable to the Senator from Ohio.

Mr. FORD. I cannot agree to that yet.

Mr. BROWN. Madam President, I ask unanimous consent that Senator DOLE be added as a cosponsor of the Brown-Heflin amendment.

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

Mr. BROWN. Madam President, I ask unanimous consent that Senator COATS be added as a cosponsor of the Brown-Heflin amendment.

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

Mr. METZENBAUM. Madam President, may I make a unanimous consent request? I would like to request that the vote on the Metzenbaum amendment occur immediately following the vote on the pending Brown amendment, unless either the majority leader or the minority leader have an objection which they can assert immediately after this vote.

Mr. FORD. Madam President, I have to object to that. I understand what the Senator is trying to do. But under the circumstances—I will catch the heat for this—but I have to object to the Senator. I apologize to him for having to do that.

The PRESIDING OFFICER. The vote on the Brown amendment has been ordered to occur at 6:45.

The question is on agreeing to the Brown amendment, as modified. 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 Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUE], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN] would vote "aye."

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

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—94

Akaka	Exon	McConnell
Baucus	Faircloth	Metzenbaum
Bennett	Feingold	Mikulski
Biden	Feinstein	Mitchell
Bingaman	Ford	Moynihan
Bond	Glenn	Murkowski
Boren	Gorton	Murray
Boxer	Graham	Nickles
Bradley	Grassley	Nunn
Breaux	Gregg	Packwood
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hollings	Riegle
Campbell	Hutchison	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Sarbanes
Cohen	Kempthorne	Sasser
Conrad	Kennedy	Shelby
Coverdell	Kerrey	Simpson
Craig	Kerry	Smith
D'Amato	Kohl	Specter
Danforth	Lautenberg	Stevens
Daschle	Leahy	Thurmond
DeConcini	Levin	Wallop
Dodd	Lieberman	Warner
Dole	Lott	Wellstone
Domenici	Lugar	Wofford
Dorgan	Mack	
Durenberger	Mathews	

NOT VOTING—6

Gramm	Inouye	Moseley-Braun
Harkin	McCain	Simon

So the amendment (No. 1804), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1807

Mr. FORD. Now Mr. President, we have before us the Metzenbaum amendment, and I believe there is no further debate. I ask for an immediate vote. There will be another vote about 9 p.m.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN] would vote aye.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 65, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—29

Akaka	Campbell	Feingold
Biden	Daschle	Feinstein
Boxer	DeConcini	Ford
Bradley	Dodd	Harkin

Jeffords
Kennedy
Lautenberg
Leahy
Levin
Lieberman

Metzenbaum
Mitchell
Moynihan
Murray
Riegle
Robb

Rockefeller
Sarbanes
Sasser
Wellstone
Wofford

NAYS—65

Baucus
Bennett
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Dorgan

Durenberger
Exon
Faircloth
Glenn
Gorton
Graham
Grassley
Gregg
Hatch
Hatfield
Hefflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lott
Lugar

Mack
Mathews
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—6

Coats
Gramm

Inouye
McCaIn

Moseley-Braun
Simon

So the amendment (No. 1807) was rejected.

Mr. FORD. 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.

Mr. FORD. Mr. President, the Senator from South Dakota, the commander of the bill, has an amendment on behalf of Senators BOND and NICKLES.

AMENDMENT NO. 1808

(Purpose: To authorize a study of the use of infant restraint systems aboard air carrier aircraft.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. NICKLES, proposes an amendment numbered 1808.

Mr. PRESSLER. 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 from line 7 through line 18 and insert in lieu thereof the following:

SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) STUDY.—The Administrator shall conduct a study on the availability, effectiveness, cost, and usefulness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) STUDY CRITERIA.—Among other issues, the study shall examine the impact of the following:

1. The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of

seats containing infant restraining systems; such estimate to cover a ten-year period;

2. The impact on air carrier passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles, such estimate to cover a ten-year period.

3. The impact on fatality rates of infants using other modes of transportation, including automobiles, subject to the findings in subsection (b) 2, above; such estimate to cover a ten-year period; and

4. The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) REPORT.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

Mr. PRESSLER. Mr. President, I think this amendment has been agreed to on both sides.

Mr. FORD. Mr. President, we had Senator EXON on our side, who is on the committee, who had a study in the language of the bill. He has now also cleared it, so that leaves me clear and we will accept the amendment on our side.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1808) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1796

Mr. BAUCUS. Mr. President, I must express my strong opposition to the amendment offered by the Senator from Ohio [Mr. METZENBAUM].

While I have great respect for my colleague from Ohio, I must say that this is one of the worst amendments I have seen in a long time. It would almost be funny if the stakes were not so high.

It is time for Congress to exercise a little more restraint and a lot more common sense. This is an example of mandates and regulation running amok. It would impose an unreasonable burden on individual businesses. And it could ground short-distance air service in Montana and throughout America.

For instance, there are many commuter airlines across America operating on the margins. They cannot afford to keep flying if the cost of their equipment is increased.

In Montana and many other states, we benefit from the Essential Air Service [EAS] program. Without the modest EAS subsidy, scheduled air service would cease in the communities of Miles City, Havre, Lewistown, Glasgow, Wolf Point, Sidney and Glendive. This amendment would only run up the

costs of the EAS program—and, I fear, thereby threaten air service to these communities.

And, beyond that, most of these planes are so small, it is hard to imagine where they would put the head.

In closing, I urge my colleagues to flush this very bad idea right down the drain.

Mrs. BOXER. Mr. President, I would like to take a few moments to express my thoughts on the passage of S. 12491, the Federal Aviation Authorization Act. This bill authorizes \$6 billion in airport improvement funds over the next 3 years, providing almost 300,000 jobs and critically needed improvements in our air transportation system.

In the previous fiscal year California received nearly \$159 million in these discretionary airport grants, and I expect the State will benefit from a comparable amount this fiscal year.

These grants are critical to help airports reduce their congested airways. Five airports in California are among the primary airports in the country now exceeding annual capacity.

Although I am pleased that we are finally moving this needed legislation for infrastructure investment, I am disappointed that we were not able to reach a complete resolution in the dispute between airports and the major air carrier over landing fees.

I want to thank the chairman of the Aviation Subcommittee, Senator FORD, for his considerable patience and perseverance in trying to reach a compromise on this difficult issue. Through his cooperation we were able to make significant changes in the legislation to pare down provisions that would be less harmful to airports.

Previously, the bill disallowed the cost of service, or "compensatory," approach whereby airlines pay 100 percent of the cost of airside operations and instead reinstituted the residual approach whereby the airport would subsidize the airlines by reducing the landing fees with concession and other revenue. Under this approach, airports would lose control of their own destinies by impeding the airports ability to raise capital for needed improvements through bonds.

Fortunately, the bill does not establish any particular approach. It does not attempt to define "reasonable rates" as the airlines had requested. The determination of the fairness and reasonableness of rates is ultimately left to the Secretary of Transportation, once negotiations fail to resolve the issue.

In addition, the bill does not extend retroactively to the dispute between the carriers and Los Angeles International Airport. A retroactive provision would have been a detriment to all interests concerned.

I also appreciate the chairman's willingness to work with the airport and financial communities, before the conference with the House, to smooth out

problems which could harm bond financing capabilities that could lead to higher airport financing costs.

The issue of the imposition of civil penalties on governmental grant recipients for violating grant agreements had raised considerable concern from inside and outside the aviation community. The National League of Cities said "it is unprecedented that the breach of a grant assurance would *** give rise to liability for substantial monetary penalties."

Under the legislation, civil penalties could be unlimited in amount. A grantee could be liable for millions of dollars in civil penalties. This provision is unnecessary considering that it is well understood that violation of grant agreements can lead to termination of the grant and disqualification from further grants of this type.

I appreciate the openness of the Senator from Kentucky to our concerns in this regard and his willingness to modify this requirement, such as capping the amount of monetary penalty that can be imposed and clarifying the Secretary of Transportation's ability to provide an opportunity for an airport sponsor to cure any violation through corrective action prior to the imposition of civil penalties.

Finally, Mr. President, I would like to add my support to the effort extended by Senator DOLE and others to encourage airports and airlines to discuss in a reasonable fashion opportunities for revenue sharing. Many airports already have some form of exemption that allows the municipalities which own the airports to use airport revenue for city services.

It is possible, I believe, for agreements to be reached that could reduce costs to airlines, provide needed revenue for city services and not gouge the traveling public with unreasonable concession rates. This is what the people of Los Angeles voted for when they approved a charter amendment in 1992 to lift restrictions on the use of surplus airport revenues for off-airport purposes.

Los Angeles International Airport serves 48 million passengers a year. It is a booming success that no longer requires such a restriction to guarantee its healthy operation and growth. In time, I believe an agreement can be reached between the airlines and the airport that capitalizes on that success to the benefit of everyone.

Unfortunately, this was not the place and time for such a consensus to develop.

TRUCK DEREGULATION

Mr. DOLE. Mr. President, included in this bill is a provision which may well have the effect of deregulating intrastate truck rates. As I understand it, originally an amendment was added to codify a decision by the Ninth Circuit Court of Appeals which held that some integrated freight companies could not

be regulated by the States do to the Air Deregulation Act of the 1970's.

The amendment would have had the impact of treating some companies in a more advantageous fashion than their competitors simply because of their reliance on the use of air transport as opposed to truck transport for a percentage of the freight hauled.

I was advised of this amendment by a company in my home State of Kansas, a company which would have been left a competitive disadvantage. Following that notice, I worked with the committee to draft a compromise which did not disadvantage my constituent and a number of other trucking companies throughout the country.

The amendment was further modified at the request of the distinguished senior Senator from North Carolina, Senator HELMS, so as to include an even greater number of trucking companies.

I am concerned, however, with the process used in reaching this point. Some days ago, I was informed by another Midwest trucking company that it had only recently become aware of this action since no notice was received by that company from its trade association. Additionally, it appears hundreds if not thousands of small trucking companies may remain unaware of this action, since the association has failed to put out this notice.

In general, I support deregulation. I generally believe the free market does a far superior job at regulating markets than does government, so I support this provision. I hope that State agencies which currently regulate truck rates will discover their jurisdiction has been sufficiently reduced that further rate regulation would not prove worthwhile. By so doing, all trucking companies would be put on an equal footing with respect to complying with State regulations.

In closing, let me again state that, while I support the concept of deregulation, I wish this action had taken place with the full notice of all companies which might be impacted.

Mr. SASSER. Mr. President, I rise in strong support of section 211 of S. 1491, the Airport and Airway Improvement Act. This provision will at long last bring an end to the duplicative and excessively bureaucratic patchwork of State regulations governing the delivery of express packages within State borders.

Section 211 of the committee substitute would exempt from State regulation the services, rates, or routes of intermodal air carriers which deliver their packages by truck.

It is important to point out that this provision would not affect safety or environmental standards. Both the Federal and State governments would retain their authority over such standards.

I am disappointed that we were not able to address the concerns of smaller

truckers. Section 211 was broadened to include the larger trucking firms, but a formula to address the concerns of smaller trucks proved elusive. I realize that it just proved not to be possible and hope that it can be addressed on another day.

However, Section 211 as contained in the bill recognizes the reality of modern American interstate commerce. Every day in this country, four to five million packages are shipped by air freight.

Business has come to rely on express air carriers for timely delivery of documents and other critical shipments. The ability to send and receive packages rapidly often gives businesses a critical advantage.

However, each of those packages must be picked up and delivered by truck. That surface delivery component is subject to State trucking regulation. Thus, when our national express package delivery companies make changes in their rates or services they must cope with the regulatory processes of 39 States.

These intrastate trucking regulations unnecessarily delay the delivery of packages. Carriers must spend large amounts of time and money to satisfy regulations in different States.

Intrastate regulation limits the ground transportation activities of air express carriers and impedes their ability to expand their operations through regional or local sorting centers. It raises the operational costs of carriers and the price of express package transportation for their customers. And they increase fuel consumption and cause more pollution.

These regulations lead to some absurdly inefficient results.

Under the regulations imposed by the State of Indiana, it is most economical for a driver for Federal Express—who collects a package in Terre Haute, Indiana, that is bound for Gary, Indiana—to deliver that package to the airport, where it is flown to Memphis and then on to Gary—even though Federal Express has a sorting hub in Indianapolis.

It costs slightly more than \$200 to ship a load of paper products from Richmond, VA, to Raleigh, NC—a distance of 146 miles. The cost of shipping the same cargo the same distance within Virginia—for example, from Richmond to Danville—is more than twice as much.

And, Mr. President, before California's intrastate economic rules were eased last year by a ruling in the ninth circuit, it cost nearly twice as much to move 2,000 pounds of goods directly from Oakland to San Francisco—15 miles—than it cost to ship the same amount via Reno—200 miles away.

Intrastate regulation of express package carriers costs American business thousands of dollars every day. As a matter of fact, a 1991 study by the

Department of Transportation concluded that intrastate regulation is costing the American economy between \$4.9 and \$7 billion dollars a year. Eventually, those costs are passed on to freight company customers, and indeed all consumers.

American consumers and businesses are ready for lower prices, a wider range of services, and a greater variety of product and service innovations. We can help accomplish that goal here today by removing these burdensome, unnecessary State regulations.

Mr. President, in the current world marketplace we cannot tie the hands of our Nation's businesses. We must work as a partner with them so that they can compete in an increasingly internationalized marketplace.

I would urge my colleagues to look at the European Community. They have recognized the needs of modern commerce and deregulated transportation. They have removed their internal regulations, providing more efficient service between its member nations.

We need to remove our own internal trade barriers to allow our own express air carriers to operate more effective and efficient service in our own country.

In conclusion, Mr. President, I believe that the constraints placed on transportation through intrastate transportation regulations run contrary to the goal of a vibrant, efficient, open national economy. Higher transportation costs attributable to excessive regulation raise the price of American goods and place them at a competitive disadvantage to products from countries with less burdensome regulatory frameworks.

These rates rules, which may have made good economic sense decades ago, no longer do. It's time for us to act in the best interests of our economy, and in the best interests of consumers and businesses all over the country.

Finally, Mr. President, I would like to commend the chairman of the Aviation Subcommittee, Senator FORD, for crafting this legislation. As we all know, guiding a major reauthorization bill through the legislative process, and reconciling the often conflicting interests of all 100 Senators is a difficult proposition. As always, the Senator from Kentucky has managed this bill with great skill as well as good humor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we have one amendment left, and then we are ready to debate that and we will have a rollcall vote. I have indicated to my colleagues that rollcall vote will be approximately 9 p.m.

I see the Senator from Wyoming here, who will be opposed to the amendment. I am looking for Senator HARKIN, who was here just a moment ago and said he was ready to go.

Let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I ask unanimous consent that I may proceed as if in morning business for up to 10 minutes.

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

THE ISRAEL-ARAB PEACE ACCORD

Mr. SPECTER. Madam President, in the absence of any activity on the pending bill, I thought this would be a good time to acquaint my colleagues and perhaps those watching on C-SPAN II with a Senate caucus which was formed yesterday to monitor the Israel-Arab peace accord.

Senator SHELBY of Alabama and I are cochairing this Senate caucus. It consists of 15 U.S. Senators—8 Republicans and 7 Democrats. A similar monitoring group has been formed on the House side. The purpose is to monitor compliance with the Israel-Arab peace accords.

There is no doubt about the substantial United States interest in peace in the Mideast. Nothing could be more emphatic proof of that than the war which the United States fought with Iraq to liberate Kuwait, with a very substantial interest which we have in that area of the world.

The Camp David Accord which was brokered, in effect, by President Carter between Israel and Egypt has been a mainstay of peace in the Mideast. But that accord has not been extended to other Arab countries until we had the historic signing of the Israel-Arab peace accord back on September 13 of last year.

Regrettably, there have been many occasions where the PLO, Palestinian Liberation Organization, has continued its terrorist policies.

There is now an issue as to the advancing of very substantial funds from the United States and other funds from the World Bank. It is the view of our caucus—and I think it ought to be the policy of the United States Government—that those funds not be advanced unless the PLO lives up to the agreements under the Israel-PLO peace accord.

It has been reported by the Zionist Organization of America that there have been some 23 violations since Jericho and Gaza were turned over by Israel to the PLO. There have been reports, again compiled by the Zionist Organization of America which has

done an outstanding job of monitoring, of what is occurring there under the leadership of its president, Morton Klein, and its officer, Sandy Stein.

Those reports candidly are hard to verify, and I do not vouch for the authenticity of all of them. But we do know from the mouth of Chairman Yasser Arafat on a recording that he has called for a jihad or a holy war against Israel after the signing of the peace accord and after the turning over of Gaza and Jericho to the PLO. We know that because Arafat made a speech in South Africa to a small group which he thought would be unreported but fortuitously a recording was made and in Arafat's own voice you hear him call for a jihad, which is a holy war, and that is hardly the statement of someone who is dedicated to the interest of peace and who ought to be following the terms of the Israel-Arab peace accord.

Frankly, Madam President, September 13 of last year was a tough day for me personally to come to the White House and see Arafat honored on the White House lawn.

But it seemed to me, as I think it seemed to most Americans, that if Prime Minister Rabin, Foreign Minister Peres, and Israel was prepared to deal with Arafat and the PLO, and that since Israel had been the principal victim of PLO terrorism, that the United States ought to go along with the arrangement.

I think it was a major achievement for President Carter and for Secretary of State Warren Christopher to again broker that arrangement. It was really an historic moment when President Carter put his right arm around Prime Minister Rabin and his left arm around Arafat and to draw them together.

Mr. FORD. President Clinton.

Mr. SPECTER. President Clinton. Did I leave him out?

Mr. FORD. You called him Carter.

Mr. SPECTER. Well, I thank my colleague from Kentucky for the correction.

Who knows, before long I may give Clinton credit for the Camp David accord.

Mr. FORD. I would correct you on that, too.

Mr. SPECTER. I will not make an inquiry, Madam President, as to who has the floor, but I may have a question or two to direct to Senator FORD.

But, back to my frame of thought, it was a major achievement for President Clinton. It hopefully marked a new era of peaceful relations between Israel and the PLO. But, regrettably, that has not happened.

This caucus has been formed really to be sure that the peace is maintained.

I still recall the 1974 incident when our Ambassador and a Belgian charge d'affaires were murdered in Sudan at the hands of the PLO and Arafat being

involved, and Mr. Klinghoffer being murdered, thrown off the side of the *Achille Lauro*, again by PLO terrorists and by Arafat.

So that if these very substantial U.S. funds are to be advanced and if the United States is to participate in the advancement of funds by the World Bank, we ought to be sure that the PLO lives up to its agreement.

Today we had a markup in the Foreign Operations Subcommittee of the foreign aid bill. We will be looking for a way to put teeth in U.S. law in terms of what we will do by way of expecting strict—Madam President, I would ask that the Senate be in order.

The PRESIDING OFFICER. The Senator from Pennsylvania has asked that the Senate be in order so he can continue to speak at this time.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

As I was saying, Madam President, the effort is being made on the foreign aid bill to see to it that there is an enforcement mechanism that the PLO observes strictly and meticulously the terms of the Israeli-PLO agreement on the condition that, if that is not done, U.S. aid be terminated and the maximum amount of U.S. influence on the World Bank be exerted as well.

It is our hope that the agreement will be maintained, that there will be peace and stability in the Mideast. But if the PLO maintains its policy of terrorism, then I think it is important that it be detected and that it be acted upon.

That is the purpose of the Senate caucus which was formed yesterday.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania yields the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

COMMEMORATING THE 50TH ANNIVERSARY OF THE GI BILL

Mr. THURMOND. Madam President, we recently celebrated the commemoration of one of the most significant events of this century, the landing of Allied forces on beaches of Normandy. I, along with many of my colleagues, have spoken on this floor and elsewhere regarding the 50th anniversary of D-day. I wish to thank my colleagues who have offered their kind remarks in reference to my military service and again pay tribute to all who served this Nation in that time of need.

Madam President, during 1943-44, while our Nation's veterans were valiantly serving throughout the world, the Congress was enacting legislation to provide for the readjustment of veterans who had returned or would be returning to civilian life. The Service-

men's Readjustment Act of 1944, popularly known as the GI bill of rights, was the primary legislation to accomplish this goal. This legislation, unanimously enacted 50 years ago, was signed by President Roosevelt on June 22, 1944.

The American Legion is credited with designing the primary features of the GI Bill and with leading a nationwide campaign to win its passage. I salute the American Legion and other veterans' organizations which made such a contribution and continue to work on behalf of all veterans.

Let me elaborate on some of the provisions of this act. First, the bill provided for education and training benefits. These benefits were available to all veterans who served a minimum of 90 days in the military and were discharged other than dishonorably. Depending on their length of service, veterans were entitled to training and education for a period of 1 to 4 years. This benefit could be completed at approved educational institutions, scientific and technical schools, vocational schools, apprenticeship programs, and training at industrial establishments.

The Veterans' Administration paid the institution the cost of tuition, fees, books, supplies, equipment, and related expense, up to a maximum of \$500 per year. The educational assistance program also provided for a subsistence allowance of up to \$50 per month for veterans with no dependents, or up to \$75 per month for veterans with dependents.

Madam President, by 1956, when the program terminated, 7.8 million World War II veterans had used this benefit to receive training and education. Over 2.2 million veterans attended colleges and universities, accounting for 49 percent of college enrollment in 1947. Another 3.5 million veterans attended other schools, 1.4 million veterans completed on-the-job training programs, while 690,000 veterans participated in agricultural training programs. An additional 12.5 million veterans have benefited from assistance programs enacted subsequent to the GI bill of 1944.

A second major benefit program of the bill was the home loan program. The act provided for the guaranty by the Federal Government of not to exceed 50 percent of a loan made to a veteran for the purchase or construction of homes, the purchase of farms and farm equipment, or for the purchase of business properties.

The loan guaranty program of the original GI bill is still in force, although the benefit has been modified by subsequent legislation. This program contributed significantly to the transition from a war economy to a peacetime economy by providing an outlet for investing the pool of savings which had accumulated during the war. These investments helped avert the

economic recession typically associated with postwar periods.

The loan program, offered in lieu of cash bonuses, helped veterans to establish or improve their credit ratings. Because of their wartime service, many veterans missed the opportunity to establish favorable credit ratings. The GI bill home loan guaranty helped place veterans on a par with civilians who had developed favorable credit ratings during the war economy years.

The home loan guaranty program has provided home ownership opportunities to millions of veterans and their families. Since the inception of the program, over 14 millions loans, totaling over \$400 billion, have been guaranteed.

A third category of benefits of the GI bill of 1944 concerned employment services. The act established an improved structure for effective job counseling and placement for returning soldiers and sailors.

Madam President, to assist veterans between discharge from military service and reemployment, the Act provided for the payment of an unemployment allowance of \$20 per week, with a partial offset for earned wages, for a maximum of 52 weeks. While critics charged that such payments would encourage veterans to avoid employment during their period of eligibility, the record shows that less than one-fifth of the potential benefits were claimed. Furthermore, only about 5 percent of participating veterans claimed all 52 weeks of the payment.

When President Roosevelt signed the Servicemen's Readjustment Act of 1944, he stated "It gives emphatic notice to the men and women in our armed forces that the American people do not intend to let them down." The GI bill provided the special benefits which were due to the veterans and more. The act is credited with creating the middle class, contributing to the growth of the postwar economy, making college obtainable and affordable for millions, and bringing home ownership within reach of the average American. In 1990, President George Bush stated:

The GI bill changed the lives of millions by replacing old roadblocks with paths of opportunity. And, in so doing, it boosted America's work force, it boosted America's economy, and really, it changed the life of our nation."

In recognition of the 50th anniversary of enactment of this landmark legislation, I was pleased to sponsor a bill, joined by all my colleagues on the Veterans' Affairs Committee, commemorating the anniversary. The measure requests the President to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities. I encourage my colleagues to support this bill. I know many in this body have taken advantage of the benefits of the GI bill.

I have stated many times that the highest obligation of American citizenship is to defend this country in time

of need. This obligation creates an equal responsibility on the part of our Nation to care for the men and women who have sacrificed and suffered as a result of their service.

Senator Wagner, of New York, stated upon enactment of the GI bill that it was designed to repay, in some small measure, the brave men and women who were forging victory at the risk of their lives. He went on to say, "No money can compensate for the sacrifices that military service demands. Rather, it is for us to make the country our servicemen return to, the kind of land they fight for, a land of opportunity, security, and peace, a land where every man has a chance to work and develop to his fullest capacity."

Madam President, we must stand ready to continue to assist in defending and supporting this Nation and the men and women Veterans who served. I encourage my colleagues and all Americans to consider the price that has been paid on our behalf; to pause and reflect on the duty owed to those who paid the price. Finally, I encourage all Americans to appropriately commemorate the 50th anniversary of the GI bill. I yield the floor.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority whip.

Mr. FORD. Madam President, we have an agreement now—and under the rules I want to be sure. I ask the Chair, if I ask unanimous consent that S. 1491 be set aside and that the legislative branch appropriations bill be brought up, is there any question in the Chair's mind but what when regular order is called for, that we would return, then, to the airport improvement reauthorization bill?

The PRESIDING OFFICER. The Senator from Kentucky is correct. That would be the result.

Mr. FORD. Madam President, I ask unanimous consent that S. 1491 be set aside.

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

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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 1995

Mr. REID. Madam President, I ask unanimous consent the Senate proceed

to the consideration of Calendar No. 460, H.R. 4454, the legislative branch appropriations bill.

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

The Senate proceeded to consider the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, which had been reported from the Committee on Appropriations, with amendment; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italic*.)

H.R. 4454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS SENATE

MILEAGE AND EXPENSES ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS
For mileage of the Vice President and Senators of the United States, \$60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees, \$3,000 for each Chairman; in all, \$56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$71,338,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$457,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$2,195,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$656,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$996,000 for each such committee; in all, \$1,992,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$384,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$192,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$12,961,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$32,739,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,197,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$17,052,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$3,381,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$936,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOOR- KEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$1,287,000 for each such committee; in all, \$2,574,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, \$78,112,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$348,000.

SECRETARY OF THE SENATE

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of the Secretary of the Senate, \$1,966,500 and, in addition, \$7,000,000, to be derived by transfer from funds appropriated in fiscal year 1992 for "Salaries, Officers and Employees" and to remain available until September 30, 1998.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$74,894,000.

MISCELLANEOUS ITEMS

For miscellaneous items, \$7,429,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$203,542,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, \$889,000.

SETTLEMENTS AND AWARDS RESERVE

For expenses for settlements and awards, \$1,000,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, \$4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, \$8,500; in all, \$13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$15,000,000.

RESCISSION

Of the funds previously appropriated under the heading "SENATE", \$23,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS

SEC. 1. Effective on and after the date of enactment of this Act, the Secretary of the Senate, subject to the approval of the Committee on Appropriations of the Senate, is authorized to transfer up to \$300,000 from any Senate appropriations account with respect to which the Secretary has disbursing authority to the revolving fund established under section 2(c) under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in Public Law 102-392 (2 U.S.C. 121d(c)) to provide additional capitalization for such revolving fund. Any moneys so transferred shall be available for use in the same manner and to the same extent as the moneys otherwise in such revolving fund.

SEC. 2. (a) Not later than September 30, 1995, the Secretary of the Senate shall submit to the Committee on Rules and Administration a report evaluating the quality and scope of the educational experience available to visitors to the Senate concerning the constitutional and historical role of the Senate in American Government and society.

(b) The Secretary of the Senate shall include in the report a plan for the improvement of the educational experience available to Senate visitors. Senate officers and officials and legislative branch support agencies shall work with the Secretary of the Senate in the development of the plan. Appropriate executive branch agencies, such as the National Archives and Records Administration and the Smithsonian Institution, are encouraged to offer assistance to the Secretary of the Senate in developing the plan.

(c) There are authorized to be paid out of the Contingent Fund of the Senate, upon vouchers approved by the Secretary of the Senate, such sums as are necessary to reimburse the routine expenses associated with developing the report required by this section.

SEC. 3. (a) Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88-454; 2 U.S.C. 104a) is amended by adding at the end thereof the following new paragraph:

"(4) Each report by the Secretary of the Senate required by paragraph (1) shall contain a separate summary of Senate accounts statement for each office of the Senate authorized to obligate appropriated funds, including each Senator's office, each officer of the Senate, and each committee of the Senate. The summary of Senate accounts statement shall include—

"(A) the total amount of appropriations made available or allocated to the office;

"(B) any supplemental appropriation, transfer of funds, or rescission and the effect of such action on the appropriation or allocation to the office;

"(C) total expenses incurred for salary and office expenses; and

"(D) the unexpended balance."

(b) Section 318 of the Legislative Branch Appropriations Act, 1991 (Public Law 101-520; 2 U.S.C. 59f) is amended by striking the period at the end of the last sentence and inserting the following: ", and in the case of each Senator, the allocation made to such Senator from the appropriation for official mail expenses."

(c) The amendments made by this section shall be effective with respect to—

(1) reports and statements covering periods beginning on and after October 1, 1994; and

(2) appropriations made and obligations incurred on and after such date.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Daniel Webster Senate Page Residence Revolving Fund (hereafter referred to in this

section as the "fund"). The fund shall consist of all rental payments and other moneys collected or received by the Sergeant at Arms with regard to the Daniel Webster Senate Page Residence. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate in connection with operation and maintenance of the Daniel Webster Senate Page Residence not normally performed by the Architect of the Capitol. In addition, such moneys may be used by the Sergeant at Arms to purchase food and food related items and fund activities for the pages.

(b) All moneys received from rental payments and other moneys collected or received by the Sergeant at Arms with regard to the Daniel Webster Senate Page Residence shall be deposited in the fund and shall be available for purposes of this section.

(c) Disbursements from the fund shall be made upon vouchers approved by the Sergeant at Arms, or the designee of the Sergeant at Arms.

(d) The Sergeant at Arms is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to provide for the operations of the Daniel Webster Senate Page Residence.

SEC. 5. Effective October 1, 1994, each of the figures contained in section 506(b)(3)(A)(iii) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A)(iii)) is increased by \$20,000.

SEC. 6. (a) This section shall apply to mailings by Senators, Senators-elect, and offices of the Senate made during fiscal year 1995 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

(b) For the purposes of this paragraph—

(1) the term "mass mailing"—

(A) means, with respect to a session of Congress, a mailing of 500 or more newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

(B) does not include a mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed (to the extent of 2 such mailings) that—

(I) in the case of an initial response, is mailed at any time; or

(II) in the case of a followup response, is mailed during that Congress or no later than 60 days after the sine die adjournment of that Congress;

(ii) to other Members of Congress or to a Federal, State, or local government official;

(iii) of a news release to the communications media;

(iv) of a town meeting or mobile office notice; or

(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

(c) A Senator, Senator-elect, or office of the Senate may not mail a mass mailing under the frank.

(d) The Senate Committee on Rules and Administration shall prescribe rules and regulations and take other action as the Committee considers necessary and proper for Senators and Senators-elect to comply with this section and regulations.

SEC. 7. Of the funds previously appropriated under the heading "SENATE", \$65,000,000 shall not remain available for obligation beyond this date of enactment of this Act.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF

DECEASED MEMBERS OF CONGRESS

For payment to the estate of William H. Natcher, late a Representative from the Commonwealth of Kentucky, \$133,600.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$728,468,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$6,096,000, including: Office of the Speaker, \$1,444,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$1,042,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$1,429,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, \$1,284,000, including \$5,000 for official expenses of the Majority Whip and not to exceed \$563,000 for the Chief Deputy Majority Whip; and Office of the Minority Whip, \$897,000, including \$5,000 for official expenses of the Minority Whip and not to exceed \$104,000 for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, \$240,417,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, \$73,925,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, \$401,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, \$53,191,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, \$22,437,000, of which \$16,017,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further*, That amounts so credited for fiscal year 1994 and not obligated shall be available for obligation in fiscal year 1995.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$244,572,000, including: Official Expenses of Members, \$79,800,000; supplies, materials, administrative costs and Federal tort claims, \$6,103,000; net expenses of purchase, lease and maintenance of office equipment, \$11,779,000; net expenses for telecommunications, \$10,872,000; furniture and furnishings, \$2,012,000; stenographic reporting of committee hearings, \$1,100,000; reemployed annuitants reimbursements, \$1,279,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, \$130,849,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$778,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed, \$6,495,000: *Provided*, That the Federal Bureau of Investigation, notwithstanding any other provision of law, may in any fiscal year pay all administrative uncontrollable overtime accrued by its employees while on detail to the Committee on Appropriations.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, \$31,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$56,354,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed \$1,000 for official representation and reception expenses, \$14,158,000; for salaries and expenses of the Office of the Sergeant at Arms, including not to exceed \$500 for official representation and reception expenses, \$1,502,000; for salaries and expenses of the Office of the Doorkeeper, including overtime as authorized by law, \$11,506,000; for salaries and expenses of the Office of Director of Non-legislative and Financial Services, \$16,360,000; for salaries and expenses of the Office of Inspector General, \$295,000; for salaries and expenses of the Office of General Counsel, \$762,000; Office of the Chaplain, \$124,000; Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$983,000; for salaries and expenses of the Office of the Historian, \$337,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$1,630,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$4,400,000; six minority employees, \$747,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, \$1,523,000; the House Republican Conference, \$1,523,000; and other authorized employees, \$504,000.

ADMINISTRATIVE PROVISION

SEC. 101. (a) TRANSFER OF MAJORITY AND MINORITY PRINTERS TO DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.—As soon as practicable, but not later than October 1, 1994, authority over the Majority and Minority Printers of the House of Representatives shall be transferred to the Director of Non-legislative and Financial Services of the House.

(b) FEES FOR OFFICES AND UTILITIES.—

(1) IN GENERAL.—Upon the transfer required by subsection (a), the Director shall charge the Majority and Minority Printers a reasonable monthly fee for the rental of offices and utilities.

(2) AVAILABILITY OF RECEIPTS.—The amounts received under this subsection shall be deposited in the Treasury of the United

States for credit to the appropriation for "Salaries and Expenses of the House of Representatives", and shall be available for expenditure in any fiscal year to the extent provided in appropriations Acts.

(c) APPLICABILITY.—This section shall take effect upon the date of the enactment of this Act and shall apply to any fiscal year.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,090,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$1,370,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$6,019,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of \$500 per month each to two assistants and \$400 per month each not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) \$918,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,335,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

[For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, \$65,991,000, of which \$31,833,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and \$34,158,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1995 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.]

For the Capitol Police Board for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than \$600 each for members required to wear civilian attire, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, \$69,382,000, of which \$33,463,000 is provided to the Sergeant at Arms of the House of

*Representatives, to be disbursed by the Clerk of the House, and \$35,919,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1995 for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than \$600 each for members required to wear civilian attire, and Government contributions to employees' benefits under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.*

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, the employee assistance program, not more than \$2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and \$85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, \$2,000,000, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1995 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 102. Amounts appropriated for fiscal year 1995 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, \$1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, \$363,000, to be disbursed by the Secretary of the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed \$5,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed \$2,500), and rental of space in the District of Columbia, \$21,931,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no

part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed \$2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, **[\$23,133,000] \$23,188,000: *Provided***, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 221 fulltime equivalent positions: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, **[\$8,927,000] \$9,103,000.**

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, \$100,000, [to remain available until expended.]

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by \$200,000; and attendance, when specifically authorized by the Architect of

the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, **[\$22,340,000] \$22,797,000**, of which \$2,763,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, **[\$5,201,000] \$5,270,000**, of which \$25,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, **\$47,619,000**, of which \$7,709,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, **\$41,364,000**, of which \$10,260,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, **[\$33,342,000] \$33,437,000**, of which \$865,000 shall remain available until expended: *Provided*, That not to exceed \$3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1995.

ADMINISTRATIVE PROVISION

SEC. 103. The matter in chapter III of title I of the Supplemental Appropriations Act, 1975 under "Capitol Buildings and Grounds" under the heading "ARCHITECT OF THE CAPITOL" (40 U.S.C. 166b-2) is amended by striking "to grade 11" and inserting "at not to exceed grade 12".

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, **[\$58,938,000] \$60,459,000: *Provided***, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided fur-*

ther, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-monthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, **[\$87,717,000] \$89,724,000: *Provided***, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1995".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, **[\$3,182,000] \$3,230,000**, and, in addition, \$7,000,000 to remain available until expended to be derived by transfer from funds previously made available without fiscal year limitation under the heading "ARCHITECT OF THE CAPITOL".

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, **[\$207,857,000] \$210,164,000**, of which not more than \$7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1995 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$7,869,000: *Provided further*, That of the total amount appropriated, \$8,458,000 is

to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, [\$27,186,000] \$27,456,000, of which not more than \$14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1995 under 17 U.S.C. 708(c), and not more than [\$2,891,000] \$2,911,000 shall be derived from collections during fiscal year 1995 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than [\$17,391,000] \$17,411,000: *Provided further*, That up to \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed \$2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), [\$44,622,000] \$44,951,000, of which [\$10,896,000] \$11,694,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, \$5,825,000, of which \$1,886,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed \$194,290, of which \$58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal

agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed \$5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed \$12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. Under the heading "Library of Congress" obligational authority shall be available, in an amount not to exceed \$75,236,000 for reimbursable activities, \$8,706,000 for revolving fund activities, and \$6,150,000 for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, [\$9,860,000] \$13,483,000, of which [\$941,000] \$4,441,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, [\$30,600,000] \$32,207,000: *Provided*, That the objectives of chapter 41 of title 44, United States Code, as enacted by the Government Printing Office Electronic Information Access Enhancement Act of 1993, shall be carried out through cost savings: *Provided further*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$130,000: *Provided further*, That funds, not to exceed \$2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1993 and 1994 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal

year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed \$2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "OFFICE OF SUPERINTENDENT OF DOCUMENTS, SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than [4,193] 4,493 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed \$500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed \$75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed \$7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [\$439,525,000] \$443,360,000: *Provided*, That not more than \$1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1995: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than

\$6,000,000 of such funds shall be available for use in fiscal year 1995: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. The last sentence of section 307(a) of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 60-1 note) is repealed.

SEC. 306. Annual and sick leave balances of employees transferred from the Office of the Director of Non-legislative and Financial Services, House Postal Operations, to the Architect of the Capitol, as of October 31, 1993, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of title 5, United States Code, upon their transfer to the appropriation for House office buildings.

SEC. 307. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The first sentence of section 8335(d) of title 5, United States Code, is amended by striking "55" and inserting "57".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8425 of title 5, United States Code, is amended—

(A) in the first sentence of subsection (b) by striking "member of the Capitol Police or" and "member or";

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following:

"(c) A member of the Capitol Police who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member becomes 57 years of age or completes 20 years of service if then over that age. The Capitol Police Board, when in its judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Board shall notify the member in writing of the date of separation at least 60 days before that date. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires."

(2) Section 8415(d) of title 5, United States Code, is amended by striking "(a) or (b)" and inserting "(a), (b), or (c)".

SEC. 308. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE TO GRANTEEES AND CONTRACTORS.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 309. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "1994" and inserting "1995".

SEC. 310. *Provided*, That upon enactment of this Act, of the funds appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99-349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100-458, for Capitol Complex Security Enhancements, made available until expended, not to exceed \$2,015,000 may be obligated and disbursed for the purchase and installation of x-ray machines and magnetometers.

This Act may be cited as the "Legislative Branch Appropriations Act, 1995".

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

H.R. 4454 is now before the Senate.

PRIVILEGE OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that the privilege of the floor be granted to Chuck Turner, who is detailed to the subcommittee from the Library of Congress during the consideration of this bill.

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

Mr. REID. Madam President, H.R. 4454, the legislative branch appropriations bill for next year, 1995, contains a total of \$2,363,796,100 in discretionary budget authority. This is a reduction from the estimates of \$146 million. The bill is within the subcommittee's 602(b) allocation, according to the Congressional Budget Office scoring.

The bill before the Senate is designed to consolidate the retrenchments in the staffing and operating levels of the legislative branch started in 1992. Overall, this bill represents a freeze of on-board staffing and program activity at current levels, less the reductions that have been achieved pursuant to those mandated in last year's bill, including reductions in excess of those targets.

The two provisions included in the fiscal year 1994 act required a 4-percent reduction in full-time equivalent employment—FTE's as we refer to them—by the end of fiscal year 1995 and administrative cost reductions of 14 percent by fiscal year 1997.

As a result of the fiscal constraints applied to the legislative branch since the beginning of fiscal year 1992, the legislative branch, as a whole, has already exceeded the FTE reduction requirement and will achieve the administrative cost reductions in the required timeframe. In some instances, agencies have more than doubled the FTE reduction target.

The report accompanying the bill provides some of the detail for each agency in this regard. Here are some of the illustrations of what has happened in the legislative branch in the past 2½ years.

The Library of Congress, Madam President, I have learned during my tenure as being chairman of this subcommittee, is not only a great library, but it is the finest library in the history of the world.

You can go back through ancient times. You can read Durant's "History of Civilization," where he talks about great libraries. But never has there been a library like the Library of Congress. But the Library of Congress has had to recinch its belt. The Library in 1992 was operating with 4,640 FTE's. The Library now has 4,245. The Library has lost almost 400 full-time employees. In fact, the Library now has 573

fewer staff than it had in 1980, a 12 percent reduction from the level of 14 years ago.

The Congressional Research Service—this is something that has been so important to the functioning of Congress and has become more important as constituent services become so relevant to what we do. But since fiscal year 1992, the Congressional Research Service full-time equivalent positions have declined from 799 to 754 positions, a reduction of 45 positions or almost 6 percent.

The Government Printing Office. Since fiscal year 1992, GPO employment has been cut by over 400 full-time equivalent positions. At the end of fiscal year 1992, GPO had 4,830 positions authorized. They have had a reduction of 410, an 8.5 percent reduction.

The General Accounting Office. The General Accounting Office is the watchdog of Congress. Madam President, when you were in the other body, you worked very hard. I have not known anyone in Congress who worked any harder to ferret out waste in the military. Much of the information that you worked with came from the General Accounting Office. The famous hammers that cost hundreds and hundreds of dollars; the toilet seats, I do not remember how much they cost but \$600 or something like that, that information came from the General Accounting Office. They are the watchdog of Congress. They have saved the taxpayers of America billions and billions of dollars. But since fiscal year 1992, employment at GAO has been cut by over 630 full-time equivalent positions. At the beginning of fiscal year 1992, GAO had 5,342 positions authorized. Their current authorization is 4,707, a reduction of 635 positions or almost a 12 percent reduction.

So, Madam President, the Library of Congress, CRS, the General Accounting Office, and the Government Printing Office have over 1,400 fewer full-time positions now than they had 2 years ago. We have had, Madam President, a reduction of over 1,400 full-time equivalent positions. It is important to understand that these are reductions in on-board staff. These are real live people we are talking about. These are not statistics. These are people who used to work in the legislative branch of Government who no longer work there. These are not vacant positions.

A full-time equivalent, which is the measure of staffing levels we use, equals one person working 2,080 hours, which is 1 year's full-time employment. So these are real cuts affecting real people and real program capability.

I have here the number of hours that we have cut from the legislative branch employment since 1992. Hours, 3,224,000 hours—each year. That is the reduction we have accomplished. So all the critics of the legislative branch both

inside this body, the other body, and outside Congress should understand that we have done a job that we were called upon to do—3,224,000 hours are no longer here. The taxpayers are no longer paying the wages of these people. They are gone.

Not surprisingly, this sharp contraction in staffing and resources has had its consequences. What we have done has not been without consequence. The Library of Congress has had to institute a number of measures to adapt to these constraints. I have had meetings with the Library of Congress, Dr. Billington and his staff, on numerous occasions, as has Senator MACK. They have been there pleading with us not to cut them anymore.

To cite some of the things that have happened—well, let me cite the most obvious but by no means the most significant example. For the first time in the history of the Library of Congress of this country, is closed on Sundays. Now, this is significant. No matter what a person's religious belief, you do not complain much about coming to a library and reading books. We have scholars coming from all over the world to Washington not to sightsee but to study in the Library of Congress. They do not do it on Sunday anymore because we have had to close it. Scholars have to study some other place on Sundays.

The Congressional Research Service, which is the arm of the Library that most directly serves congressional needs, has been unable to replace key people specializing in health care financing, crime, gun control, nuclear nonproliferation, and a number of other very important avenues. Needless to say, these are issues of no little consequence in today's political environment.

The General Accounting Office has had to realign its headquarters and field offices and reduce the volume of new work taken at the request of Congress. In effect, they have had to turn down Members of Congress, committee chairmen, subcommittee chairmen, saying we cannot do it. It has maintained a hiring freeze for over 3 years. As a result, the General Accounting Office has been unable to fill vacancies in areas where specialized skills are needed. It has also had to lengthen the time required to report to Congress on key legislative issues. When they take something from us now, they say be patient; we cannot get the work done as quickly as you want. The reason that is important is I believe the reason the General Accounting Office was established especially in its present format was to save taxpayers' money.

Well, the longer you put off giving us information, the longer it takes us to remedy a problem. And the General Accounting Office has found lots of problems.

Let us talk a little bit, Madam President, about the funding history. In fis-

cal year 1992, the legislative branch as a whole was funded at \$2.306 billion. In 1993, total appropriations for the legislative branch were \$2.275 billion. And in fiscal year 1994, the enacted total for the legislative branch was again lower, at \$2.269 billion. It should also be noted that in addition to these reductions, \$31 million has been rescinded from the accounts of the legislative branch during this period.

Now, Madam President, these are nominal dollars. I am not talking about inflation adjusted dollars. In constant dollars, the real reduction is approximately \$330 million, which is over 12 percent.

I think this is the time for me to talk about the ranking member of this subcommittee for a little bit. This is the 6th year that I have handled this bill. But I can truthfully say that the hearings we held this year were detailed. We went into complex areas we had never before gone into. Frankly, as busy as I am, and most everybody is around here, it was only because of the tenacity and the persistence of Senator MACK that we had these extremely thorough hearings.

The reason I mention it here is the Director of the Congressional Budget Office, Dr. Reischauer, spent a considerable amount of time with us talking about how budgeting takes place and why, when he does his reporting to us, he makes a distinction between nominal and constant dollars.

In short—and I will talk more later—the Congress has gotten its lunch bucket full of hearings on this matter. We have spent a lot of time and this bill has been gone over by the staff, by Senator MACK's staff, by my staff, the appropriations staff, and Senator MACK and I in great detail. I am very proud of this bill. It is one that I think the entire Congress should be able to understand. There is no hidden agenda. There is nothing other than what you see right here. It is all beef.

(Mr. CAMPBELL assumed the chair.)

Mr. REID. There are Members of this body who have said that the legislative branch should lead the way in reducing the Federal deficit. Well, that is all well and good and makes a good press release. But the fact is we do lead because with a little over \$2 billion in total funding for this branch of Government, other people are going to have to follow the lead that we have done, because we are talking about a budget that is near a trillion dollars. We have done our share. I think it sets a pattern for what others should do. In an era of trillion-dollar budgets and multi-billion-dollar deficits, \$2 billion, the entire budget for the legislative branch, hardly shows up on the radar screen. But when it is picked up on the radar screen, we want to be able to hold our head high and indicate what we have done our part. And we can do that.

This committee, I repeat, has led with what it has had to work with. The numbers in this bill show categorically that the legislative branch had indeed led the way. They reveal absolute undeniable, real reductions to programs, staffing, and administrative support services. They reveal that services have been curtailed and growth in virtually all legislative branch entities have been reversed.

Mr. President, we are leading the way. We are not just preaching fiscal constraint. We are practicing fiscal constraint. At the same time some in the media, and some professional critics of this institution, people that make a living criticizing Congress, should recognize the fact that we have done our share. We have more to do. But to this point, we have done our share.

Let us talk about the Senate. In the aggregate the amount recommended for the Senate for fiscal year 1995 is \$438,580,500. This is \$5,784,200 less than provided in the current fiscal year. It is a decrease of \$54 million from the amount requested. This includes a rescission of \$23 million in prior year unobligated balances. This is the fourth year in a row that the Senate has been held either to a freeze or to less than a freeze in normal dollars.

In constant dollars, the Senate is more than 12 percent below fiscal year 1992. Some significant effect for these reductions are in the staffing of the Senate, standing committees, select and special committees, in the Office of the Sergeant at Arms; and, in the volume and costs of mass mail under the frank. The staff of the Senate committees is down over 10 percent.

In addition, the Sergeant at Arms staff is equivalent to a 40 full-time equivalent reduction. This is significant in a small office like they have. This is the third year in a row that the total funding for the Office of Sergeant at Arms has either declined or remained constant. This is a significant accomplishment because, as my colleagues know, the Sergeant at Arms is the logistical backbone of the Senate.

I want to take a minute here and spread across this RECORD the outstanding work that Martha Pope, who was the Sergeant at Arms until just a few months ago, has done. I have worked with her, and I am so impressed with the work she has done. When cutting was needed, she was the first to come forward with innovative ways as to how her staff and her budget could be cut. She led the way.

Her membership on the police board has made I think remarkable changes in the way the police department operates. She has stood up under the most difficult circumstances when there were problems within the police department for a lot of reasons. She would not back down. She held up for what was principle. And, as a result of

that, the police department, the Capitol Police force, is a better police department.

Based upon my experience with Martha Pope as Sergeant at Arms, and the new Secretary of the Senate, I think the Secretary of the Senate—recognizing there were some large shoes to fill of Joe Stewart—I think she can fill them. As good as Joe Stewart was, we all recognize that, I believe Martha Pope can fill the shoes of Joe Stewart.

Let us talk about administrative provisions in this legislation. As is customary, the committee has found it necessary to include several provisions altering the administration of certain Senate or joint item accounts, and for changing the statutory basis for certain legislative branch operations.

Mr. President, listen to this. Section 7 of the bill cancels the availability of \$65 million in funds appropriated in earlier years for Senate activities. The unspent money remains due to the conscientious efforts of Senate leaders, officers and Members to contain costs. Effective with the enactment of this act, these funds will revert to the general fund of the U.S. Treasury.

Mr. President, a commitment was made on this floor last year by Senator MACK, and Senator REID, that is we would work with Senator BROWN. It seems that only yesterday he was standing back there wanting more information, and had amendments that he wanted to offer. We had a quorum call. We went and talked to him, and, said, "Look. We also need to know more about this. We will hold some hearings, and we will get to the bottom of this." As a result of that, and especially at the urging of the Senator MACK, we are returning to the Treasury of the United States \$65 million. When this bill passes, the taxpayers of this country will have \$65 million they would not ordinarily have.

Senator MACK and I, as long as we are Members of this body, are going to continue to do what we can to make sure that those funds do not build up in the future.

The reason for that is we believe in truth in budgeting, and truth in reporting in budgeting, not that there has not been that in the past. No one has misled or done anything wrong. But this is the process of getting better at what we do. As a result of that, there will be \$65 million that will be returned.

Mass mailings:

The committee bill includes language banning unsolicited mass mailings with certain limited exceptions. This provision was developed by Senator MACK, our ranking member.

We have been able to work something out with Senator STEVENS, and this Senator who is managing the bill. And we have been able to take care of problems that some Senators have with mass mailings. But basically, as I have

indicated, unsolicited mass mailings are basically finished in this body with certain exceptions.

Visitor education information:

One of the things that has concerned me, and it has become more glaring the longer I have been here, is when people come—there are people here in the galleries now. If, in fact, it were during the daytime and they were part of the tours coming from Colorado, from Florida, from Nevada, they would be ushered in here and given a seat, and that was it. If they are lucky enough, they can get a tour of the Capitol, and they will be told about some pictures, and that you can whisper someplace and hear it on the other part of the room. I think that is historically unique and important.

But one of the things we want to do is have a richer experience for people that come to this Capitol. This is the people's body, the Congress of the United States. We think that when people come here they should have an experience like when they go to one of the art museums, and they walk in and, if they want have a little recording to tell them the history of this building, perhaps how a bill becomes law, and have more indication of what we are doing down here as they sit up there.

So anyway, we are going to do that. Section 2 directs the Secretary of the Senate, Martha Pope, drawing upon the resources of other Senate officers, support agencies, including the Smithsonian Institution, the National Archives, to submit a report to the Senate Rules and Administration Committee by the end of next year people coming here can have a better experience.

Something else that Senator MACK has stood for, and I stand with him shoulder to shoulder—and this could be based upon his experience and my experience in the House of Representatives—but section 3 of this bill includes a direction to the Secretary of the Senate to include a summary statement in the semiannual report of the Secretary of the Senate disclosing the funds available to each Senator, each committee, and each Senate officer, along with the total expenditures by each and the balances remaining for each.

This provision, as I have indicated, was initiated by Senator MACK. It assumes that Senators and officers who spend their money operating judiciously will get credit for this frugality.

In effect, there will be able to be a report prepared every 6 months, and the people can find out how their Senator or Senate office is spending the money.

Capitol Police Force. Mr. President, one of the House committees has passed a bill giving the executive branch a four-tenths of 1 percent increase over what has been recommended to us by the President. In addition to that, there is a 1.1 percent locality pay increase. We have that in

this bill. If in fact this is carried through by the respective Appropriations Committees in the House and Senate and is signed into law, there will be enough money to make that comparable for the legislative branch of Government. If that does not happen and the President's recommendations fall, our amount will also fall. That is in this bill.

The only place that is not the case is with the Capitol Police Force. The Capitol Police Force will receive their locality pay. They perform vital law enforcement functions for the Capitol complex and the neighborhood surrounding the Capitol. The fiscal security of the complex is critical to the visitors and employees alike. The professionalism and dedication of the Capitol Police Force is a matter of great pride. Personally, I was a Capitol policeman during part of the time I was going to law school. I worked in this building on the night shift as a Capitol policeman. So I have a special place in my heart for the Capitol Police. When I was a Capitol policeman, quite frankly, the most dangerous thing I did was direct traffic. That is not the way it is now. But I have great respect for the men and women who make up this Capitol Police Force. It is, if not the best, one of the four or five best-trained police forces in the world. And we need to make their pay comparable to law enforcement agents around the country. They are so well trained that people are stealing them and taking them to cities around the country.

So the locality pay will be with the Capitol Police so they are comparable to other Federal law enforcement agencies.

Office of Technology Assessment. The committee recommended \$21,970,000 for OTA. This is 11.8 percent below the 1992 level in real terms.

The central mission of the Office of Technology Assessment is to analyze for the Congress the impact on public policy of crucial scientific and technical developments. Its studies over the years on computer technology, energy efficiency and conservation, and acid rain, to name a few, have given the Congress crucial information necessary for informed policy choices in highly complex subject areas.

There have been efforts made during the time I have been involved in this legislative branch bill to do away with the Office of Technology and Assessment. But, Mr. President, if there ever was a bipartisan agency, this is it. I have Senator STEVENS, Senator KENNEDY, and Senator HATCH, who come in and tell us what OTA has done during the year and what they are going to do in the future. It is one of the smallest but one of the most popular agencies within the legislative branch.

Congressional Budget Office. The committee recommends an appropriation of \$21,970,000 for the Congressional

Budget Office. This is a decrease of \$60,000 below the request and is 10 percent below the 1992 enacted level.

CBO is a key analytical agent of the Congress in budget-related matters. It makes available to the Congress an independent and highly respected, nonpartisan source of economic and budgetary analysis. The organization of the Budget Office is as set forth in this chart. Dr. Reischauer is respected worldwide and certainly in this country. I indicated that the CBO—when I started talking about a nonpartisan source, I think we can all stop and reflect a minute about one of the important debates we had regarding a certain part of health care. The decision was directed to the Congressional Budget Office as to whether part of the Clinton health care plan was a tax, and he said, "Yes." If this had been partisan, he would have said no, because that is what some of we Democrats were hoping he would say. But he did not. That is why he has so much respect and why the Congressional Budget Office has developed so much respect over the years.

CBO is a key analytical agent of Congress. CBO is essential to the work of the House and Senate Budget Committees, to the tax-writing committees, and to this committee and its House counterpart. There is literally no policy area in which Congress works that has not benefited from analyses prepared by the CBO.

The Architect of the Capitol. The bill includes \$162,920,000 to support the operations of the Architect of the Capitol, including the Botanic Garden. In constant dollars, this is over 13 percent less than the 1992 level.

The committee has provided \$7 million for beginning the renovation of the Botanic Garden Conservatory by transferring unobligated funds available to the Architect of the Capitol. Why do we want to renovate the Conservatory? Well, this treasure that we have, the Botanic Garden, has had for several years a roof that—well, there is no roof. It was condemned, and they had to take it down. This beautiful facility is only partially used because it has no roof and is basically inoperable. So we hope over the next few years to replace that roof. This is a step in the right direction. The total cost, as we know it at this time, is about \$28 million. This is a downpayment on restoring a national treasure, the Botanic Garden. That is part of the responsibility, jurisdiction, and concern of the Architect of the Capitol.

The architect is the officer responsible for the preservation and maintenance of the architectural heritage embodied in the Capitol complex. The Capitol building, the House and Senate office buildings, and the Library of Congress buildings are not only unique expressions of architectural design, they are also living buildings, perform-

ing the work today that they were designed to do more than two centuries ago, in some instances. They must be consistently maintained so that we in the legislative branch can perform our work and also preserve this aesthetic dimension that certainly speaks well of our Nation's Capital.

I talked a little earlier about the Library of Congress, and a lot of times we think the Library of Congress is this building stuck here in Washington with a lot of books in it. The Library of Congress is so important to individual States because of the work that they do. The Library, apart from the Congressional Research Service that I have already talked to, requested \$272,259,000. The committee recommends an appropriation of \$263,116,000 for the Library of Congress, excluding the Congressional Research Service. This is a decrease of almost \$10 million below the request, and is a 12.1 percent decrease in nominal dollars under the 1992 level.

The Library of Congress, like other components of this bill, has endured several years of sharply constrained funding, which has resulted in a staff reduction of almost 10 percent. Its hours of public service have been reduced so that the Library is not only closed on Sundays but also Tuesday nights. Although this is an inconvenience to some users, these economies were essential if the core functions and collections of the Library were to be maintained and permitted to grow.

In my short time here in the Senate, I have come to respect a lot of people, but no one, Mr. President, have I gained more respect and admiration for than I have the senior Senator from the State of Oregon, Senator HATFIELD. I mention his name in the same breath I talk about the Library of Congress because he loves the Library of Congress.

It was through him and his missionary efforts in my early days on the Appropriations Committee that I became converted to a disciple of the Library of Congress. It is a wonderful institution, as so outlined by Senator Mark HATFIELD.

We rarely have a meeting that we talk about the Library of Congress that Senator HATFIELD is not there. A couple years ago Senator HATFIELD called me to a meeting with the Librarian of Congress and some others because he was concerned about the stacks of materials the Library was unable to process. Some of them in fact were mildewing and decaying and rotting because they could not process them. We did not have the ability to do that.

We have made provisions, because of Senator HATFIELD and we have joined with him, to reduce that backlog.

So, Senator HATFIELD performs I am sure many good things for the State of Oregon, but for the people of this country his ability to talk about and do

good things for the Library of Congress to me is overwhelming.

The Library of Congress performs dual functions as both Congress' Library, our Library, and the Nation's Library. We know that the original collections were Jefferson's. He gave his books to the Library of Congress after they were burned in the War of 1812. But it is more than the Library of Congress. It is also the Library of the people of this country.

The Congressional Research Service, funded in title I of this bill, provides to Senators, Representatives, committees, and officers of the Congress an enormous array of reference, research, and analytical services.

The Library of Congress is also an unsurpassed national and international treasure. Its a collection of more than 100 million items encompasses the full range of human artistic and intellectual expression, including books, manuscripts, music, film, recordings, maps, prints, and photographs.

The Library is also a major commercial center. As the American copyright depository and registration office, it assumes a major role in the protection of intellectual property rights through U.S. copyright laws and international copyright conventions.

Without the Library of Congress, other libraries in the United States would find it much more difficult to maintain the service they provide to their communities.

I have here a map, Mr. President, that shows the services to the Nation. It does not matter where you pick. Look at Florida, lots of places in Florida, Mississippi, Louisiana, California, the sparsely populated States of Wyoming, Montana, Idaho, all through. There are different services that the people of our States depend on the Library.

It is estimated that if the Library of Congress did not function in this manner it would cost the States in excess of \$300 million annually in costs that local public libraries certainly could not afford.

For the National Service for the Blind and Physically Handicapped, one thing Senator MACK and I are very proud of is we have increased the funding over the other body level for services to the blind of about \$350,000. We have done this because we have been impressed with what this Library does for the sightless. It provides books. It provides machines. We need to maintain, I know, that degree of competence we have had.

The Library of Congress, National Service for the Blind and Physically Handicapped provides more than 22 million talking books to more than three quarters of a million readers every year. Its inter-library loan program is of substantial value to college and university libraries throughout the country. In an era of reduced library

expenditures by college administrators, the help of the Library of Congress becomes even more important. We have had people who have come to us and said it is their only means of being able to communicate.

The General Accounting Office has had to cut and close offices, and we have talked about that.

In conclusion, I want to again spread across this RECORD my commendation for Senator MACK. I have been very candid and open in this regard. There have been a time or two when Senator MACK has really gotten on my nerves. He has, you know. He wants to know where every "i" is dotted and every "t" is crossed. I do not know what his background is, but he should have been an accountant because he is really interested in numbers, and it has been a real learning process for me to work with him and his staff.

So, even though early on in this process, I wish he had not been as diligent, for lack of a better word, I have come to have as much respect for him as I have anybody I ever worked a bill with. He has been diligent, as I indicated earlier on in my proceedings, and he knows what he thinks is right. He sets out to prove that point.

But I have to be very honest with you. He has a great quality about him, because you can show him that the facts are not as he originally thought. As a result of his having an open mind, we have been able to agree on certain things where there was original disagreement. I have had to change my view on a number of things that he thought were important that I originally did not.

So, I guess what I am telling the Members of this body is we have developed, I believe, a mutual admiration society.

I commend him for the attention he paid to the administrative provisions concerning the prohibition of unsolicited mass mailings and the new format for funding and expenditures disclosure.

I quite frankly felt when Senator MACK wanted to get interested in this franking thing I knew about all that, what could he show me. He was relatively new, and I have been through Senator NICKLES and Senator GORTON, and I fought with the House for all these years, and I thought we had done just about all we can do. Well, we have done a lot more as a result of his ability to understand numbers, and I publicly congratulate and applaud Senator MACK for his work in this area.

The content of this bill is the better, much better, for his work and insight. The tradition of bipartisan cooperation on the work of this bill has resulted in a responsible and balanced approach to the tough choices presented.

I want to, in closing, say this: If there are those in this body who think we could do more, give us a chance. I

had here a chart that my staff has taken that showed over 3 million hours of pay that has been saved for the taxpayers. This year we are trying to consolidate some of the cuts we have made in the last several years. Give us the opportunity to do more.

We have made a commitment—it is in the law—that we are going to cut 4 percent of the employees. We are going to make 14 percent reductions in administrative costs. We are going to do at least that and maybe we will do more.

I am very proud of this bill. I think it is a tough bill. We have made tough choices. I think we have set a good example for those who are concerned about spending.

I also thank Senator BYRD of the full committee and the staff for the help in bringing this measure to this point in the process. Having Senator BYRD's advice and counsel on occasions when I called upon it of course has been very important, and no one understands this institution better nor exemplifies its best qualities more fully than Senator BYRD. So it is an honor to serve as one of his subcommittee chairmen under his full committee.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Thank you, Mr. President.

Let me just pick up on the point Senator REID made with respect to working together. This truly is a bipartisan effort. I certainly learned a great deal during this past year as I did the year before that, and again I commend Senator REID for his openness and his willingness to work. So I think we offer the Senate this evening a truly bipartisan bill.

Chairman REID and I have hammered out a bill that makes significant changes and improvements in the funding and operation of the Senate and the legislative branch. I believe this legislation is responsive to the American taxpayer, Members of the Senate, and to the Senate as an institution. Our goal from beginning to end has been responsible and realistic budgeting. I believe we have gone a long way towards reaching this goal.

As Senator REID has already detailed the bill, I will only emphasize a few points.

First, the Senate funding: This is the fourth year in a row now that we have held funding at or below the previous year's levels in real dollars. The 1995 appropriations for the Senate itself is \$5.7 million below 1994. Let me repeat: Below 1994. And the bill is \$54 million below the request.

Mr. President, one of the many criticisms made about the Federal Government and Congress, in particular, is the size and growth not only in spending but also in the size of staffs. In response, the committee has worked with

each support agency in taking a critical look at staffing levels and workloads. The approach was to maintain necessary service levels while finding savings and increasing efficiencies which have resulted in lower staffing levels.

Pursuant to last year's bill, the legislative branch support agencies have already or are well on their way to accomplishing their reductions in full time equivalents, or FTE'S. The 1994 act mandated a 4 percent deduction in FTE's by the end of 1995. That has substantially been achieved.

The Government Accounting Office is down 630 full time equivalents from 1992, 12 percent, and I might just add that that means that actually their staff level is below what it was 25 years ago. So we have made accomplishment. We have achieved I think some worthwhile goals.

The Library of Congress is now down nearly 400, about 8.5 percent; the Government Printing Office, over 400; and the Office of Technology Assessment is down 12 percent.

All totaled, the legislative branch of Government has reduced its staffing level by nearly 2,400 full-time staff members from 1992 levels.

I might add, Mr. President, that during the past year, I have taken the time to visit with staff and tour the facilities of several support agencies of Congress and departments of the Senate. I wish that each Member could take the time to do the same, because I have been impressed with the professionalism and the dedication of these staff members and the service they provide Congress and the people of our country.

And just a word or two again about some of our hearings and some of our meetings during this past year.

I had the opportunity to spend some time with the former Sergeant at Arms and now Secretary of the Senate, Martha Pope. I must tell you that after we reviewed what has taken place and the changes in the management approach and the people that are on board, the financial accounting system that is in place, I must tell you, I am much more confident about how this place operates with the system that is in place to keep track of the dollars that we spend.

So I think Martha Pope is to be commended for what she did when she stepped in as Sergeant at Arms, and I am sure she will continue to do an excellent job as the Secretary of the Senate.

In addition to that, again, I spent time with the new Sergeant at Arms, Larry Benoit. I am confident he will continue the work that was begun by Martha Pope.

I look forward to working with both of them, as well as the others that I met as I went through the different support agencies and the different staffing operations for the U.S. Senate.

Mr. President, on another matter, during last year's debate—and Senator REID has already referred to this—our distinguished colleague, Senator HANK BROWN, brought the issue of unobligated balances to the attention of the committee. I am happy to report to the Senate that we have successfully resolved that issue. This legislation, in effect, returns \$65 million of previous years unobligated balances to the Treasury. I thank Senator BROWN for pursuing the issue, and I thank Chairman REID for his help in resolving it.

Mr. President, Chairman REID has repeatedly stated that his intention is to make this bill an open book; that Members of the Senate and the American people can see how taxpayer dollars are being spent on the legislative branch. This year we have included provisions to make the information presented in the Secretary of the Senate's report more understandable and more useful to the Senate and the general public. I believe that these reporting requirements are an important reform.

And, finally, Mr. President, we have agreed to a sound proposal on provisions that will reduce Senate mail costs. These provisions fundamentally eliminate the use of the frank for unsolicited statewide mass mail newsletters.

Last year, I offered a similar amendment which lost by one single vote. As I stated on the floor during that debate, none of us need to be reminded of the fiscal situation the Nation faces. The Senate must show leadership in prioritizing spending, especially when it comes to the legislative branch. Unsolicited mass mailings cannot be described as a high priority item. Quite simply, mass mailings are a luxury neither this body nor the American taxpayer can afford.

Mr. President, I again want to thank all of the committee members who have worked on this bill, but especially, I want to extend my thanks and appreciation to Chairman REID. He has been exceedingly helpful and cooperative every step of the way. With his leadership, we have sharpened our focus on legislative spending, and we plan to continue that effort. But we must also remember our institutional responsibilities and our capacity to serve our constituents. This bill does a good job at striking that difficult balance. I yield the floor.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4454, the legislative branch appropriations bill and has found that the bill is under its 602(B) budget authority allocation by \$53 million and under its 602(B) outlay allocation by \$7 million.

I compliment the distinguished manager of the bill, Senator REID, and the distinguished ranking member of the Legislative Branch Subcommittee, Senator MACK, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4454—
FISCAL YEAR 1995 LEGISLATIVE BRANCH APPROPRIATIONS—SENATE-REPORTED BILL

(In millions of dollars)

Bill summary	BA	Outlays
Discretionary totals:		
New spending in bill	2,370	2,172
Outlays from prior years appropriations		206
Permanent/advance appropriations	0	0
Supplementals	0	—(*)
Subtotal, discretionary spending	2,370	2,377
Mandatory totals	92	92
Bill total	2,462	2,469
Senate 602(b) allocation	2,515	2,476
Difference	—53	—7
Discretionary totals above (+) or below (—):		
President's request	—140	—79
House-passed bill	—29	16
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	0	0
Domestic Discretionary	2,370	2,377

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, provided no points of order under rule XVI be waived thereon, and that the measure, as amended, be considered as original text for the purpose of further amendment.

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

Who seeks recognition?

MOTION TO RECOMMIT

Mr. SMITH. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] moves to recommit the bill, H.R. 4454, to the Committee on Appropriations with instructions to report the bill back 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 provided therein to a sum not greater than its fiscal year 1994 level.

Mr. SMITH. Mr. President, I have paid very careful attention to the debate here from my colleagues. I respect the fact that the Senate, I believe, in its portion of this appropriation, has done a reasonably good job in terms of fiscal restraint.

But the bill before us is much broader than that. It encompasses other areas, including the Library of Congress, the Capitol Police, and other areas.

All we have to do, Mr. President, with all due respect to my colleagues,

is look at the cover. We do not even have to read the document. The cover says the amount of the bill as reported to the Senate is \$2,363,796,100. The legislative branch appropriations for 1994 was \$2,270,713,300. The difference is \$93 million, Mr. President. There is \$93 million-plus more being spent in this legislative branch appropriations bill this year than last year. That is the bottom line.

You can couch the numbers; you can play with the numbers; you can massage the numbers; you can present them in a number of different ways. But the bottom line is we are spending \$93 million more than we did last year. That is the part that concerns me.

We hear all this talk about balancing the budget and fiscal restraint and being fiscally responsible, and all of that. But every time an appropriations bill, it seems as if almost every time—not every time, many times, most of the time—an appropriations bill comes to the floor of the U.S. Senate, it has more money in it than it had last year. Yet, we hear all this talk about how we are saving money and cutting the budget.

If that is true, why is the debt going up higher every year?

On March 1, the Senate decided that other issues were more important than the national debt. On March 1, this year, that was the day the Senate voted to kill the balanced budget amendment. It was a close vote, but that was the vote. We killed the balanced budget amendment.

Since that time, the words "deficit reduction" have scarcely been uttered in this Chamber. It is as if it just passed off the face of the Earth and we said, "We have done our part now. We do not want a balanced budget amendment. So if we do not talk about deficit reduction, we will not have to deal with it. OK. We had the debate. It is over. We expressed our concern. Let's us move on to more important things now."

Well, I do not want to move on to more important things, because I do not think there are more important things to move on to.

I have looked at the Senate calendar. There is not one order, not one, that I consider to be of greater consequence to the people of this country than reducing this deficit, balancing this budget, and beginning to buy down this debt before it bankrupts our children.

This is a very small portion of that debt and the deficit that I am talking about tonight, \$93 million. That is a lot of money where I grew up; probably a lot of money where most of the people that are watching tonight grew up; a lot of money, \$93 million.

But, if we do not start somewhere, we do not start anywhere. That is the bottom line.

In fact, health care reform, welfare reform, and other big ticket items

would only serve to increase Federal spending, as would the bill before this body today. It is time to ask ourselves what are we doing? Why are we doing this to ourselves? Why are we doing this to our children? Why are we doing this?

I get so tired of hearing all of the excuses and all the rhetoric and all the explanations as to how all these bills that come down on the floor of the U.S. Senate are fiscally responsible. If they are fiscally responsible, why do we add to the national debt every year? It is not the issue of the relatively good job that my colleagues have done in the Senate portion of this bill. They have done a good job. But the entire bill is \$93 million more than it was last year. The Federal Government has been on a 25-year spending spree. There is no end in sight.

I said on the floor last year, it is like the "Energizer Bunny," it just keeps going and going and going. Unfortunately, the battery does not wear out in this place, it just keeps going.

Our national debt, in case anybody cares on this floor—most do not, apparently—is \$4.5 trillion. That is with a "T," not with a "B," and not with an "M"—\$4.5 trillion and growing. The Federal Government could cancel every spending program in existence—agriculture, weapons, Social Security, all of them; cancel them all and the remaining thousands we could cancel each and every one and apply every single tax dollar to the national debt for the next 3 years and we would still be short of paying off the national credit card. Think of that. We would still be short of paying off the national credit card.

We come to the floor and ask for a \$93 million reduction in the legislative branch appropriations and it is as if we are asking somebody to jump off a cliff 10,000 feet high. "We cannot do that. We are fiscally responsible. There is nothing wrong with this bill. It is OK. We have cut all this money."

We have cut all this money but it is still \$93 million more than last year. The OMB estimates the Federal Government will spend more than \$1.5 trillion in the upcoming fiscal year, but every time you hear the budget—listen. Wait until the next appropriation bill comes down. You will hear it. "This is a great bill. We are fiscally responsible. We are watching the numbers carefully." It will be more than it was last year in most of them if not all of them. The breakdown is not very complicated. Mandatory entitlement spending will consume \$774 billion. That is mandatory entitlement spending. We cannot touch it unless we change the law. There is no discretion; \$774 billion mandated.

Interest on the debt, an item pretty difficult to reduce when you keep increasing spending. It is pretty tough to reduce the interest when you keep

spending more. That will total \$213 billion in fiscal year 1995—\$213 billion interest on the debt in this country. Think of what you could do with that for the environment, for health care, for the homeless, for some weapons program. You pick what you like. We are not going to have it. We are going to give it for interest on the debt and that is going up. That is going up.

Defense spending will be about \$292 billion.

We will spend about \$21 billion on international affairs.

And last but by no means least, we will spend \$250 billion in the domestic discretionary category.

Total spending, about \$1.5 trillion. Total revenue, about \$1.3 trillion. Total deficit, about \$170 billion.

Try doing that in your households. Try increasing your mortgage payments every month and get less in income every month and see how long you can go before somebody calls you up and says, "Enough is enough. You are cut off."

Not here. Not in this place. We just keep spending, just like the bunny, keep going and going and going. And on top of that, to make it worse, we hear about how fiscally responsible we are, on the floor of the Senate. We hear it every time. We have another good bill here, fiscally responsible. Everything is OK; \$93 million, just a lousy little 93 million bucks in this bill, no big deal. All I am asking is about 3.5 percent of the overall budget, but we cannot cut it.

Do you know what it means? Do you know what the recipe is here? Total disaster for the future generations of Americans.

I used to teach history and I am a very strong believer that history will judge. And they are the only ones who will judge. We cannot judge ourselves. We cannot judge each other. But history will judge us and they are not going to judge this generation of politicians very kindly for what they did to this country, I assure you. I want to be on record saying it is wrong.

If we cannot start with \$93 million in a \$2.5 billion legislative appropriations bill, which is money we have direct control over, where can we start? Where do we start? Find the other guy, find the other account? Why not start right here? No, it will hardly make a dent. It is true. It will not make a dent. It is not even half of the interest we will be paying—half? That is not even a tenth, not even 1 percent of the interest we will be paying. But we cannot make a start.

There is no silver bullet solution to this problem. We have to act. We are not willing to do that. We are never willing to do that. Meanwhile the debt gets bigger, the deficits—yes, they have gone down a little bit but every time you have a deficit, you add to the debt.

We need to cut our office accounts. We need to cut funding in the executive branch. We need to attack the mandatory spending programs. We need to limit discretionary spending, domestic, international and defense—which we have been doing in defense. And we need to look at entitlements. But are we willing to do it? No.

I have been in meetings for 4 years in this place and everybody is looking for an excuse not to deal with it. How can we deal with it without cutting this entitlement or that entitlement? We cannot cut this spending, everybody will be on our backs screaming. Imagine how many people will be on your backs when America goes bankrupt and cannot pay the debts?

The message is simple. It is very simple. On these appropriations bills as they come up, one by one, let us not spend more than we did the last time around. What is complicated about that? Why do we make it so complicated? Spend less than you did last time. Did you ever sit down with your checkbook at the end of the month and say to yourself, "I am a little short. I have to spend less next month." And you do it. Not here.

The bill before the Senate today will appropriate \$93.1 million more than in 1994 levels. You can play with that and say we cut it here in the Senate and all that, and that is fine. I already applauded that. But it still is \$93 million more than last year. And let me tell you what is worse. That is not money that came in here from the taxpayers with a balanced budget and no debt. That is \$93 million of borrowed money—borrowed money we are spending. Borrowed money, 7 percent interest at current rates—roughly 7 percent. Americans will spend \$6.5 million in interest costs alone on the \$93 million we will spend tonight when we vote for this bill. So it will cost the American people \$6.5 million in interest alone because we borrowed the \$93 million that we are going to spend tonight.

Does anybody care? No. If they did, there would be more people on the floor of the Senate. They do not care. That is the bottom line. We can do better than that. Our children deserve better than that. And as I stated earlier, it does not make a difference to this Senator if it is agriculture, defense, foreign affairs, it does not matter if the President requested more spending or if the budget resolution allowed for more money. That is not the point. Enough is enough.

We are spending more than we spent last year in this account. Period. That is the issue. I do not care what the President requested. It does not matter what he requested. It is what we are spending. I think we can make do with the same as we did last year. Why not? Why can we not? Because we do not want to; because we do not have to; because we are not held accountable. That is why we do not.

If you want to look at other areas, I am more than happy to sit down and look at other areas including entitlements, and I have been out in my State saying it, saying that it is better to cut some entitlements or at least freeze some entitlements now rather than lose them for our children in future years. Let us put it on the table—every dollar, every program, every issue. We may disagree about how to reduce the deficit but we should all agree that now is the time to do it. Not tomorrow. Not next year, or next month. Today.

But it is not going to happen today. It never happens today. It has never happened in any of the todays that I have been here in the U.S. Senate or House of Representatives for the past 10 years. It never happened.

The national debt in the last 10 years has doubled because we will not deal with it.

So again, in conclusion, I urge my colleagues to support my motion. I do not expect them to support it. I will not be surprised when they do not. But if we did, we could take a small portion off the deficit of the United States, small—\$93 million—and save \$6.5 million in interest on that \$93 million. And we could say we did that because it is the account that we control, the legislative branch appropriation.

But we will not. We will not. As I say, history will judge us by what we do here, and the words we say are not enough. It is what we do. Many times the rhetoric does not equal the deed and, even now, you can sense the impatience: "Soon Smith will be finished. He'll sit down and we'll vote for this bill and we will spend the \$93 million and it will be over and nobody cares."

So I urge my colleagues to support my motion to recommit, which I have offered. I ask my colleagues to consider one small dent in one big debt and think about the fact that every one of the young children who are born tonight during this debate are born \$17,000 in debt. That is their share of the national debt.

It is not going to go down until you reduce spending. You just added \$93 million more to it, plus \$6.5 million more in interest, so roughly \$100 million has been added to the debt tonight with your vote.

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

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

If not, the question is on agreeing to the motion.

The motion was rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. 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. JEFFORDS. Mr. President, I am going to be offering an amendment in a brief time. We are trying to get it drafted to be able to work something out here. It is an important question that we are raising here, and I think it is one that Members should give their attention to, but I also think it is one that, hopefully, we can agree on.

The amendment, which will be before us shortly, is simple on its face. It requires the Congress to behave like all other American employers and not subject its employees to mandatory retirement based upon their age. We have seen any number of congressional accountability bills and amendments seeking to make Congress live under the laws that we impose on other employers. This amendment that I will be offering does exactly that. It limits itself to a very small slice of the Federal work force. Rule XLII of the Standing Rules of the Senate states:

No Member, officer or employee of the Senate shall, with respect to employment by the Senate or any office thereof, fail or refuse to hire an individual, discharge an individual or otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions or privileges of employment* * *

It goes on:

* * * on the basis of such individual's race, color, religion, sex, national origin, age or state of physical handicap.

Today I am concerned about the discrimination on the basis of age, and it is clear that Congress cannot and should not engage in this practice.

The Civil Rights Act of 1991, a law near and dear to my own heart, also addresses this issue. Title III of that law is entitled the Government Employee Rights Act [GERA]. It applies to Congress the same prohibitions on employment discrimination that apply throughout the Government and in private practice.

Again, age discrimination, as defined in the Age Discrimination and Employment Act of 1967 [ADEA] is among the specific prohibitions applied to Congress.

The specific age discrimination addressed by this amendment is the practice of forcing members of the Capitol Police, who are employees of Congress, to retire at the latter of the age 55 or when they reach 20 years of service and are over the age of 55.

As an ideological matter, I disagree with the premise that age is the best way to determine the continued capability of a given employee—in this case, a Capitol Police officer—to perform the task required in his or her job.

Mandatory retirement has been abolished as an unnecessary form of age-based employment discrimination throughout the private sector. I was in the House of Representatives in 1986

when amendments to the Age Discrimination and Employment Act were being debated and eventually enacted.

In the debate on the issue of creating exceptions permitting mandatory retirement of tenured faculty and public safety officers, I was on the losing side. However, the Senate resisted the House position, and the law which ultimately passed included a limited 7-year exemption of these two classes of employees; that is, of tenured faculty and public safety officers.

The exceptions created in that law expired as of December 31, 1993, and I was completely in favor of allowing them to do so. I am also opposed to current legislative efforts to reinstate the exemption on a permanent basis.

Two things have changed since 1986, Mr. President. First, the state of our knowledge on this issue has grown. Everybody has found out that mandatory retirement is an unnecessary and discriminatory means of dealing with personnel problems.

The study of the issue requirement of the 1986 law concludes that:

Accumulated deficits in abilities are only marginally associated with chronological age and can be documented with available tests that are better predictors of job performance than age.

Further, the Penn State researchers found:

The risk of experiencing a catastrophic medical event that would compromise public safety is so small as to eliminate this factor in the debate regarding age-based retirement.

Based on these findings, the recommendation of the researchers was that the exemption of public safety officers from the 1986 ADEA amendments be eliminated.

Mr. President, here are the facts. Age discrimination and mandatory retirement have been outlawed for all private sector employees and the vast majority of public sector employees. With the expiration of the noted exemption, age discrimination and mandatory retirement have been outlawed for tenured faculty and public safety officers. With the passage of the Civil Rights Act of 1991, age discrimination and mandatory retirement have been outlawed for all congressional employees—all congressional employees, that is, except the Capitol Police. There is no reason for this anomaly to continue to exist. This amendment would end the practice of forcing such retirements by denying the use of funds to maintain or enforce the policy or to enforce the act under which they presently take place.

I have raised this issue with the leadership and attempted to have the situation addressed by rulemaking or some other policy change. The situation continues today, and I think it is time for it to stop. This amendment has the support of the American Association of Retired Persons. I ask unanimous con-

sent that a letter of support from that organization be printed in the RECORD.

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

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, June 16, 1994.

HON. JAMES JEFFORDS,
U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: The American Association of Retired Persons [AARP] represents millions of workers age 40 and older. The right to work free of age discrimination is a fundamental right and is generally insured by the Age Discrimination in Employment Act [ADEA]. Unfortunately, too many American workers are denied the protection of this law.

The ADEA was amended in 1986 to abolish age-based mandatory retirement for most workers in the private sector as well as employees of state and local governments. Although most federal workers also cannot be forcibly retired because of their age, some exceptions remain, most notably for some public safety employees.

The Association supports the complete elimination of mandatory retirement for all employees. Numerous studies, including one commissioned by Congress and another published by the FBI Academy and the Major City Chiefs of Police, have found no basis for the belief that public safety would be jeopardized by the continued employment of older workers. Retirement decisions, these studies concluded, should be based on ability rather than chronological age.

Very truly yours,

MARTIN CORRY,

Director, Federal Affairs Department.

Mr. JEFFORDS. The amendment also has the support of the Leadership Conference on Civil Rights.

Mr. President, I know the argument will be made that other Federal police officers are subject to mandatory retirement and that an effort was made in 1990 to treat the Capitol Police similar to those other Federal officers. However, in 1991, we overwhelmingly passed the Civil Rights Act which said, among other things, that Congress should live by the rules in the private sector with regard to not discriminating against its employees. The private sector can no longer engage in mandatory retirement, nor can State or local police forces. I believe we in Congress must also live up to that standard, Mr. President.

AMENDMENT NO. 1809

(Purpose: To provide that no funds may be used to carry out the provisions of retirement laws relating to the mandatory separation of members of the Capitol Police)

Mr. JEFFORDS. Mr. President, I have an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. METZENBAUM, proposes an amendment numbered 1809.

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:

At the appropriate place, insert the following:

SEC. A. No funds appropriated under this Act may be used to carry out the provisions of section 8335(d) or 8425(b) of title 5, United States Code, relating to the mandatory separation of a member of the Capitol Police.

SEC. B. Officers mandatorily separated under Public Law 101-428 shall be entitled to preferential rehire to the extent qualified for any available positions.

Mr. JEFFORDS. Mr. President, I would be happy to yield to my good friend from Ohio. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Mr. President, I ask the Chair to add my name as a cosponsor of the amendment.

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

Mr. METZENBAUM. I am very pleased to join my colleague from Vermont in offering this amendment. We go back to 1986 on this subject when the Congress of the United States enacted a law that I had proposed banning discrimination in employment; you could not fire somebody because they had reached a particular age. We made that the law for all people in the Congress. We provided two exceptions. One exception was a group of professors up in the New England area, I think involving about seven universities, and the other was for the police and firemen. But the understanding was that 7 years thereafter everybody would be covered.

My recollection is that the Senator from Kentucky, the Senator from Pennsylvania, Senator Heinz, who, unfortunately, left us, and I worked out that compromise with the police and firemen. Then we came along and said to the police and firemen who work for the Senate, well, as far as you are concerned, it is different; you have to lose your job.

That just is not right. It just is not fair to those police officers. Capitol Hill Police officers are forced to retire at age 55. We are not forced to retire at age 55. If we did, I would not be standing here, and a number of other Members who are seated in the Chamber here this evening would not be here. For those of us who are either 55 or 65 or 75, I think our constituents decide whether or not we stay here or whether we do not, but the law does not require us to retire.

This is a misguided and unfair form of age discrimination. Although Federal law enforcement officers are subject to mandatory retirement age 57, that policy also needs to change. That is a different group.

Recent studies completed after Congress passed mandatory retirement for law enforcement officers have shown that older law enforcement officers are just as capable as younger officers.

When they are not as capable and when they are not capable enough to do the job, whatever their age, they should not be on the police force and the fire force.

Who are these men and women about whom we are speaking? They are the people who help and protect Members of Congress every day, day in and day out. They are the men and women who guard the doors, who say good night to us, and good morning to us. They check visitors to see that they do not walk into this building and take a pot-shot at us, and they patrol the Hill for safety.

They are the men and women like Leon Monroe, who was forced to retire at the beginning of this year. He testified at a Labor Committee hearing I held earlier this year about how he was forced to retire under the law. Just about every Member of the Senate knew Leon Monroe. When we left here, whether it was 9 o'clock, 10 o'clock, 11 o'clock, or 12 o'clock at night, he was the one standing down at the door greeting us. Let me read to you—it is a little bit lengthy, but I want to share with you what he testified at our committee hearing on this subject.

I believe I was capable of working longer and I wanted to work longer. In fact, when I retired, I received a tribute on the Senate floor from several Senators. They said things like, "Officer Monroe has been recognized time and again for his diligence and professionalism. His file is full of letters from citizens and Members of the House and Senate, complimenting the superb manner in which he carries out his duties. He has also shown concern for his co-workers by donating his leave to those who have experienced extended absences because of illness or injury. He is one of the very best people I have known since I have been in Washington." When I retired, the Sergeant at Arms had a retirement ceremony for me and I was moved that most of the Senate leadership came to the party. Senator MITCHELL even gave me a plaque.

I believe I was able to do the kind of job that would call for these compliments because I loved my job. I gave my heart to my job. I tried to do everything I could for the Senators, the staff, the public who came in, and my coworkers. As one of the Senators mentioned in his tribute to me on the Senate floor, I always tried to be friendly, courteous, polite and helpful to everyone. During 20 years of service, I only missed a total of 51 days. For 20 years, I drove in every day all the way from Baltimore.

Being forced to retire has been a real hardship for me. Since this law passed in 1990 and I had to retire in January of 1994, I had very little time to prepare for my retirement, because I had to retire so much earlier than I had intended. I now have to make the house payments, car payments, and pay other bills on a retirement pension that is half the salary I was making before. I used to try to help out my sister and niece, who are in real financial need, whenever I could, but now I don't have the money to do that. I also give money to the church, but I am having trouble doing that now too.

I am suffering emotionally, as well as financially. I miss my job and my coworkers. I miss being in the Senate and I miss the

Senators. I am working part time now directing traffic for school children, but it isn't the same.

I would very much like to be back at work in the Senate. I do not believe this law that forced me to retire is fair. I believe it is age discrimination. If I wasn't able to work, that would be a different story. But I am able; so I think its wrong.

I ask unanimous consent that the entire statement be printed in the RECORD.

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

TESTIMONY OF LEON A. MONROE, RETIRED
CAPITOL POLICE OFFICER

Good morning. My name is Leon Monroe and I am a retired Capitol Police Officer. I was forced to retire on January 31, 1994, at the age of 62.

I was forced to retire under a federal law that requires Capitol Police to retire the later of age 55 or once they reach 20 years of service. Congress passed this law in 1990 and it became effective in 1992. Since the law became effective, I understand that approximately 110 officers have been forced to retire. I understand that Senator Metzenbaum has introduced a bill that would abolish mandatory retirement for Capitol Police and other federal law enforcement and firefighters. I want the Senator to know that I appreciate his efforts.

I believe I was capable of working longer and I wanted to work longer. In fact, when I retired, I received a tribute on the Senate floor from several senators. They said things like, "Officer Monroe has been recognized time and again for his diligence and professionalism. His file is full of letters from citizens and members of the House and Senate, complimenting the superb manner in which he carries out his duties. He has also shown concern for his co-workers by donating his leave to those who have experienced extended absences because of illness or injury. He is one of the very best people I have known since I have been in Washington." When I retired, the Sergeant-at-Arms had a retirement ceremony for me and I was moved that most of the Senate leadership came to the party. Senator Mitchell even gave me a plaque.

I believe I was able to do the kind of job that would call for these compliments because I loved my job. I gave my heart to my job. I tried to do everything I could for the Senators, the staff, the public who came in, and my co-workers. As one of the senators mentioned in his tribute to me on the Senate floor, I always tried to be friendly, courteous, polite and helpful to everyone. During 20 years of service, I only missed a total of 51 days. For 20 years, I drove in every day all the way from Baltimore.

Being forced to retire has been a real hardship for me. Since this law passed in 1990 and I had to retire in January of 1994, I had very little time to prepare for my retirement, because I had to retire so much earlier than I had intended. I now have to make house payments, car payments, and pay other bills on a retirement pension that is half the salary I was making before. I used to try to help out my sister and niece, who are in real financial need, whenever I could, but now I don't have the money to do that. I also give money to the church, but I am having trouble doing that now too.

I am suffering emotionally, as well as financially. I miss my job and my co-workers. I miss being in the Senate and I miss the

Senators. I am working part-time now directing traffic for school-children, but it isn't the same.

I would very much like to be back at work in the Senate. I do not believe this law that forced me to retire is fair. I believe it is age discrimination. If I wasn't able to work, that would be a different story. But I am able; yes I think its wrong.

Mr. METZENBAUM. Mr. President, Leon Monroe is just one of many men and women who should be allowed to serve the U.S. Senate and the House as long as they are able and willing. No one is suggesting that older officers be required to stay on the job if they are not physically able to do the job.

We had expert testimony at the hearing we conducted on this subject where a study was made, and there was no correlation between age and the ability to do the job. Physical fitness is a legitimate job qualification, and employees should be required to prove that they are qualified to do the job. If they are able, they should be allowed to continue to serve this body and the country. By forcing them to retire early, we are forcing them to take reduced pensions, lose other valuable benefits, yes, and lose a sense of their own dignity. The odds that they will be able to get a comparable job at comparable wages are slim.

How could we in good conscience say that one law is applicable to all of the people of the United States and another law is applicable to those officers who work for the U.S. Senate? What an unbelievable concept. No one tells any of us Senators that we are too old to perform our jobs. There is no reason that the Congress should treat these men and women differently.

I think this amendment is so right. I know that there are thoughts about dropping it in conference. I hope to be able to prove, before the matter goes to conference, the reality of what is happening in America. There are many police officers throughout this country who are not forced to retire because they reach a specific age. In fact, more than half of the police officers in this country are not forced to retire by reason of age.

I hope when the Senate accepts this amendment, as I understand the chairman of the committee is prepared to do, I hope that he can see fit to fight for it to remain in the bill when it goes to conference.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, if I could make a very brief comment, I want to commend the Senator from Ohio for his longstanding effort on behalf of all Americans to be able to be treated fairly under the law. I have worked with him many times over the years, and I am sorry to see him go at the end of this session. What he has said is absolutely correct.

I will just make one comment about history. Fifteen years ago, by virtue of an opinion of the Attorney General of the United States, neither the Federal executive branch nor the Congress were considered to have to be under the civil rights law and laws against discrimination. In 1978, I was successful in working with others to get an amendment, for the first time, for the Federal branch under civil rights laws with regard to the disabled. Now we are coming close to the end, hopefully, of completing that long, hard fight to get everyone that should be appropriately covered in both branches under the laws that certainly are there to aid all other Americans.

So I appreciate the understanding that this amendment will be accepted. I think it is only appropriate that it should be. I thank the leadership for that.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I certainly understand the intent of the authors of the amendment and their diligence.

I ask unanimous consent to have a letter from Robert L. Benoit, a member of the U.S. Capitol Police Board, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 16, 1994.

Hon. HARRY REID,
Chairman, Subcommittee on Legislative Branch
Appropriations, Washington, DC.

DEAR CHAIRMAN REID: On behalf of the Capitol Police Board, I am responding to your inquiry regarding Capitol Police retirement mandates. It has been the Board's intention to be consistent with other federal law enforcement agencies in its personnel policies and procedures. In this regard, the Board supports increasing the mandatory retirement age from 55 to 57 for Capitol Police officers. This increase will attain parity with other federal law enforcement agencies and their retirement mandates.

The Board believes that a mandatory retirement provision will continue to assist female officers and minority officers in achieving upward mobility within this organization. Absent a mandatory retirement age for police officers, fewer vacancies will be created to accommodate promotions. Therefore, the unintended effect of eliminating mandatory retirement would be a reduction in opportunities for officers interested in advancement.

Over the past year, we have instituted a minority recruitment program and have executed contracts which provide for outside vendors to develop, administer and certify our promotional testing processes. It is the Board's intention to continue providing as many opportunities for advancement as possible.

Thank you for your attention to this matter. If you have any questions or need additional information, please contact me at your convenience.

Sincerely,

ROBERT L. BENOIT,
Member, U.S. Capitol Police Board.

Mr. REID. Mr. President, also before we accept this, the reason we have mandatory retirement—and, in fact, Senator MACK and I have agreed in our bill to meet the House number and raise the mandatory retirement age to 57—is because all Federal law enforcement agencies currently require mandatory retirement at 57.

We will take a look at this in conference. Senator METZENBAUM has indicated that he has held some hearings. He is going to give me the benefit of those hearings, and we will take a close look at it in conference.

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

The amendment (No. 1809) was agreed to.

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

The PRESIDING OFFICER. Without objection, the motion to table is agreed to.

AMENDMENTS NOS. 1810 AND 1811, EN BLOC

Mr. REID. Mr. President, I have two manager amendments of a technical nature. The first has corrective language regarding the availability of allocation of funds for the Sergeant at Arms expense account. The second modifies bill language under the Government Printing Office and the Superintendent of Documents accounts with respect to electronic access.

I send both to the desk, and I ask unanimous consent that they be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Nevada [Mr. REID] proposes amendments numbered 1810 and 1811, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

Is there further debate on the amendments? If not, the question is on agreeing to the amendments offered by the Senator from Nevada.

The amendments (Nos. 1810 and 1811) en bloc were agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 1810

(Purpose: To modify the appropriation for the Sergeant at Arms and Doorkeeper of the Senate)

On page 5, line 25, before the period insert the following: ", of which \$21,347,000 shall remain available until expended".

AMENDMENT NO. 1811

(Purpose: To strike the proviso relating to GPO)

On page 36, beginning with "That" on line 4, strike all through "Provided further," on line 8.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1812

(Purpose: To modify certain restrictions relating to the Government Printing Office)

Mr. MACK. Mr. President, I send an amendment to the desk in behalf of Mr. BURNS, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. BURNS, proposes an amendment numbered 1812.

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:

At the appropriate place, insert the following:

SEC. . Section 207(a) of the Legislative Appropriations Act, 1993 (Public Law 102-392) is amended—

(1) in paragraph (1) by inserting "or made available from any source" after "appropriated";

(2) in paragraph (2)(A) by inserting after "as certified by the Public Printer," the following: "if the work is included in a class of work which";

(3) by redesignating paragraph (3) as paragraph (4);

(4) by adding after paragraph (2) the following:

"(3) Any Federal officer or employee who publishes a Government publication or orders or contracts for an individual printing order under paragraph (2) shall comply with all applicable provisions of chapter 19, title 44, United States Code, regarding distribution of Government publications by the Government Printing Office to Federal depository libraries."; and

(5) by amending paragraph (4), as redesignated to read as follows:

"(4) As used in this section, the term 'printing' includes the processes of composition, platemaking, presswork, duplicating, silk screen processes, production of an image on paper or other substrate by any process, binding, microform, and the end items of such processes."

Mr. BURNS. Mr. President, I rise today to offer an amendment H.R. 4454, the legislative branch appropriation bill. This amendment is similar to the amendment I offered last year which passed the Senate but was dropped during conference.

This is cost-saving amendment regarding the printing of Government documents. Most people, including those in Montana, are telling Congress to cut Government spending, and this amendment will save our Government about \$120 million.

The amendment requires that large print jobs be sent to the 21 regional centers of the Government Printing Office across the country and awarded to

open-competitive, private-sector bids. These private sector competitive jobs save taxpayers approximately 50 percent over the agency in-house jobs of over \$1000 in cost. The bottom line is, this amendment saves American taxpayers at least \$120 million.

Not only will this stop redundancy in our Government, it will create jobs. Allowing the private sector to perform these services means more jobs. This was a win-win situation.

I urge the adoption of this amendment.

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

Mr. MACK. Mr. President, I believe this has been cleared on both sides.

Mr. REID. It has been cleared. There is no further debate, Mr. President.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1812) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider and the motion to lay on the table are agreed to.

AMENDMENTS NUMBERED 1813 AND 1814, EN BLOC

Mr. REID. Mr. President, I have two amendments which have been cleared on both sides.

I send these to the desk and ask that they be considered and agreed to, en bloc.

The first restricts availability of funds provided for increased pay costs to the levels authorized in the final action on the Treasury, Postal Service, and general Government bill.

I talked about this in my earlier statement. If, in fact, the Treasury-Postal Service increases, the legislative branch would be increased. If it does not, we will not increase.

The second requires any additional costs associated with the renovation of the Senate page dorm to be absorbed under the Senate Office Buildings account.

I believe both these amendments have been cleared by the minority.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 1813 and 1814, en bloc.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

Is there further debate on the amendments? If not, the question is on agreeing to the amendments of the Senator from Nevada, en bloc.

The amendments (Nos. 1813 and 1814) were agreed to; as follows:

AMENDMENT NO. 1813

(Purpose: To make the availability of certain funds subject to the enactment of certain legislation)

At the end of the bill, add the following:

SEC. ____ The following amounts appropriated under the following headings shall be withheld from obligation and shall only become available to the extent necessary to cover the costs of increases in pay and allowances authorized pursuant to the enactment of H.R. 4539, of the 103d Congress, or pursuant to the pay order of the President or other administrative action pursuant to law:

Capitol Police Board:

Capitol Police:

Salaries \$167,000

Office of Technology Assessment:

Salaries and expenses 39,000

Congressional Budget Office:

Salaries and expenses 55,000

Architect of the Capitol:

Office of the Architect of the Capitol:

Salaries 176,000

Capitol Buildings and Grounds:

Capitol buildings 161,000

Capitol grounds 69,000

Senate office buildings 280,000

Capitol Power Plant 95,000

Library of Congress:

Congressional Research Service:

Salaries and expenses 671,000

Government Printing Office:

Congressional Printing and Binding 2,007,000

Office of Superintendent of Documents:

Salaries and expenses 107,000

Botanic Garden:

Salaries and expenses 48,000

Library of Congress:

Salaries and expenses 2,307,000

Copyright Office:

Salaries and expenses 270,000

Books for the Blind and Physically Handicapped:

Salaries and expenses 79,000

Architect of the Capitol:

Library building and grounds:

Structural and mechanical care 123,000

General Accounting Office:

Salaries and expenses 3,835,000

AMENDMENT NO. 1814

On page 26, line 14, after "expended", insert:

Provided, that of the amount appropriated under this heading such sums as are necessary shall be used, at the direction of the Sergeant at Arms and Doorkeeper of the Senate, to complete improvements to the property acquired pursuant to section 1202 of P.L. 103-50.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 1815

(Purpose: To limit mass mailings)

Mr. REID. Mr. President, the bill reported by the committee contains language banning mass mailings with certain exceptions.

A number of the Senators expressed concern about that provision in its present form. I said in full committee

that a compromise in the interest of Senators was being developed, and I am glad to say we were finally able to do this.

I have a package of amendments that incorporates an acceptable resolution of the issues.

I send the 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 Nevada [Mr. REID] proposes an amendment numbered 1815.

Mr. REID. 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 6, line 19, strike "\$15,000,000" and insert "\$11,000,000, to remain available until September 30, 1996".

On page 10, line 18, strike "\$20,000" and insert "\$50,000: Provided, That, in any fiscal year beginning with fiscal year 1995, a Senator may use funds provided for official office expenses, but not to exceed \$50,000, for mass mailing, as defined in section 6(b)(1) and all such mass mailings shall be under the frank".

On page 10, line 20, strike "Senators-elect, and offices of the Senate".

On page 11, line 2, insert "more than" before "500" and strike "or more".

On page 11, beginning with "(to the extent" on line 10, strike all through "Congress" on line 17.

On page 11, line 23, strike "or mobile office".

On page 11, line 24, after "notice" insert "but no such mailing may be made fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any Federal, State, or local office in which a Member of the Senate is a candidate for election".

On page 12, line 6, strike "A" and insert "Except as provided in section 5, a".

On page 12, line 6, strike "Senator-elect, or office of the Senate".

On page 12, line 11, strike "and Senators-elect".

On page 12, between lines 16 and 17, insert the following:

SEC. 8. None of the funds appropriated under the heading "SENATE" under the subheading "OFFICIAL MAIL COSTS" may be used in any fiscal year beginning on or after October 1, 1994, for mass mailings as defined in section 6(b)(1).

Mr. REID. Mr. President, a compromise has been reached on section 6 and related mass mail issues. The major elements of the agreement are as follows:

(1) Reduction in official mail to \$11 million.

(2) Language prohibiting mass mailings under the official mail account.

(3) Language deleting the ban on mass mailing with respect to offices of the Senate.

(4) Increase of \$3 million in appropriation for Senators' official personnel and office expenses account.

(5) Increase of Senator's official expense allowance by \$30 thousand in addition to \$20 thousand already in the bill.

(6) Language allowing additional \$50 thousand in expenses allowance to be used for mass mailings subject to existing rules.

(7) Series of technical and conforming amendments to subject mailings financed from the office account to the same rules now applicable to mass mailings under the official mail account.

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

The amendment (No. 1815) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider and the motion to lay on the table are agreed to.

Mr. REID. 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. REID. 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. WOFFORD. Mr. President, when I came to the Senate I made a promise to the people of Pennsylvania that I would not send out taxpayer-financed self-promotional mass mailings. And I have not.

Everywhere I go in Pennsylvania the people are demanding that their Government be fiscally responsible, set priorities, cut waste and unneeded programs and realize that most people live paycheck to paycheck. For most families every nickel of income is accounted for in their budgets. And while they are struggling to pay the mortgages, pay skyrocketing health care costs, to find affordable child care, and just pay the bills, the last thing they need is a piece of self-promotional junk mail in their mail box—a self-promotional newsletter that they are paying for.

That is why I have promised not to do mass mailings, and why I am returning an \$445,000 of unused mass mail money from my office account. Together with unused funds that I have returned to the Federal treasury in the past, that makes more than \$1 million of unspent taxpayer money that I have returned since I have been in the Senate.

Like getting rid of free health care for Members of Congress, as I proposed in 1991 and we accomplished in 1992, this is one more way that we can put Congress in the same boat as the people we represent. In ways large and small, symbolic and substantive, we have to take actions that bring a sense of responsibility and respect to public service. Ending self-promotional mass mail, ending free health care, ending

wasteful congressional office moves are some of the ways we can do just that.

I understand from the distinguished managers of the bill that my amendment returning unused mass mail funds has been cleared on both sides. And I thank the managers for their cooperation.

OFFICE MOVES

Mr. WOFFORD. Mr. President, today I had planned to propose an amendment to this bill to put an end to the practice of Senate office moves. As I have said before, I think we should put a stop to the unnecessary and wasteful practice of moving Senators after each election. Instead, I propose that each State be assigned two permanent offices—the type of arrangement that California already has.

However, in discussions with the distinguished chairman of the Rules Committee, we have reached agreement about an alternate course of action. The chairman has long experience with the management of Senate offices, and he has agreed to hold hearings on my proposal so that the entire question of office moves can receive a full airing. He has promised to conduct these hearings in the Rules Committee in a timely fashion so that the Senate can address the issue of office moves this year.

Mr. FORD. I commend my friend the Senator from Pennsylvania on his efforts to improve the operation of the Senate. Since coming to the Senate 3 years ago, he has been unstinting in his work in this regard. Most notably, 3 years ago the Senator from Pennsylvania rightly insisted that Members of Congress should pay for their health insurance, just as other Americans do. He was right, and we adopted his proposal.

Now he has identified another area in which he believes we can improve the manner in which the Senate operates. He is proposing a change in the manner in which offices are assigned to Senators. This is a serious matter, and I commend the Senator for bringing it to the attention of the body.

Before moving forward, however, I think it would be wise and prudent to hold hearings on how best to accomplish the type of reform that the Senator from Pennsylvania has proposed. Furthermore, since the recommended change could affect virtually every Senator, I think it is only proper to give all Senators an opportunity to be heard on the Senator's proposal. In that regard, I propose that the Rules Committee will conduct timely hearings on the Senator's proposal to assign permanent offices to each state.

Mr. WOFFORD. I thank the distinguished chairman. As he knows, I remain convinced that we should move to a system in which every State is assigned permanent offices. This reform would save money, end the disruption of office moves, and end the confusion

that our constituents experience in looking for their Senator's office. However, the chairman has promised to move forward expeditiously with hearings so that we can revisit this issue when the Senate considers congressional reform legislation soon. I thank the chairman and accept his proposal for timely hearings on my proposal.

AMENDMENT NO. 1817

(Purpose: To establish a Human Resources Program for the Architect of the Capitol)

Mr. REID. 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 Nevada [Mr. REID] proposes an amendment numbered 1817.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. ____ ARCHITECT OF THE CAPITOL HUMAN RESOURCES PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Architect of the Capitol Human Resources Act".

(b) FINDING AND PURPOSE.—

(1) FINDING.—The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) PURPOSE.—It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) PERSONNEL MANAGEMENT SYSTEM.—

(1) ESTABLISHMENT.—The Architect of the Capitol shall establish and maintain a personnel management system.

(2) REQUIREMENTS.—The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) **IMPLEMENTATION OF PERSONNEL MANAGEMENT SYSTEM.**—

(1) **DEVELOPMENT OF PLAN.**—The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c);

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library not later than 12 months after the date of enactment of this Act; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library, as specified in paragraph (2).

(2) **EVALUATION AND REPORTING.**—The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) **APPLICATION OF LAWS.**—Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(e) **DISCRIMINATION COMPLAINT PROCESSING.**—

(1) **DEFINITIONS.**—For purposes of this subsection:

(A) The term "employee of the Architect of the Capitol" or "employee" means—

(i) any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;

(ii) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(iii) within 180 days after the termination of employment with the Architect of the Capitol, any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment with the Architect of the Capitol.

(B) The term "violation" means a practice that violates subsection (b) of this section.

(2) **DISCRIMINATORY PRACTICES PROHIBITED.**—

(A) **IN GENERAL.**—All personnel actions affecting employees of the Architect of the Capitol shall be made free from any discrimination based on—

(i) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(ii) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(iii) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

(B) **INTIMIDATION PROHIBITED.**—Any intimidation of, or reprisal against, any employee by the Architect of the Capitol, or by any employee of the Architect of the Capitol, because of the exercise of a right under this section constitutes an unlawful employment practice, which may be remedied in the same manner as are other violations described in paragraph (1).

(3) **PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.**—

(A) **GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD.**—(i) Any employee of the Architect of the Capitol alleging a violation of paragraph (2) may file a charge with the General Accounting Office Personnel Appeals Board in accordance with the General Accounting Office Personnel Act of 1980 (31 U.S.C. 751-55) and regulations of the Board. Such a charge may be filed only after the employee has filed a complaint with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol and has exhausted all remedies pursuant to such requirements.

(ii) The Architect of the Capitol shall carry out any action within its authority that the Board orders under section 4 of the General Accounting Office Personnel Act of 1980 (31 U.S.C. 753).

(iii) The Architect of the Capitol shall reimburse the General Accounting Office for costs incurred by the Board in considering charges filed under this subsection.

(B) **GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD OR OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.**—An employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings alleging a violation of subsection (b) may file a charge pursuant to paragraph (1), or may elect to follow the procedures outlined in the Government Employee Rights Act of 1991 (2 U.S.C. 1201 et seq.).

(4) **AMENDMENTS TO THE GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.**—

(A) Section 751(a)(1) of title 31, United States Code, amended by inserting "or Architect of the Capitol" after "Office".

(B) Section 753(a) of title 31, United States Code, is amended—

(i) in paragraph (7) by striking "and" at the end of the paragraph;

(ii) in paragraph (8) by striking the period and inserting "; and"; and

(iii) by inserting at the end thereof the following:

"(9) an action involving discrimination prohibited under subsection (d)(2) of the Architect of the Capitol Human Resources Act."

(C) Section 755 of title 31, United States Code, is amended—

(i) in subsection (a) by striking the "or (7)" and inserting ", (7), or (9)"; and

(ii) in subsection (b) by striking "or applicant for employment" and inserting "applicant for employment, or employee of the Architect of the Capitol".

Mr. REID. Mr. President, the amendment that has been sent to the desk has been cleared on both sides. It re-

lates to the improvement of personnel management practices in the Office of the Architect of the Capitol.

Mr. President, this amendment is a modified version of Senator MIKULSKI's bill, and it will achieve the goal of establishing a modern personnel system for the Architect of the Capitol. The Architect's existing authority and employment practices need to be updated to reflect modern personnel management practices. This amendment will create authority for a new personnel management system for the Architect which will provide new direction and authority where it is lacking and carefully integrate that with existing law. Adopting the proposed amendment will accomplish the following goals.

First, it will establish the basic requirements of a new personnel management system, including: assurance of fair personnel appointments, promotions and assignments based on merit and fitness; create an affirmative employment program with monitoring procedures to ensure a workforce reflective of the diversified labor pool; assure a classification system for jobs that ensures equal pay for equal work; improve employee performance and opportunities through training; creates a performance-based job evaluation system; assures that all employees have access to a fair and equitable system for addressing job conduct and performance, including a formal grievance process; assures confidential programs for employee assistance to deal with mental health, alcohol and drug abuse, and other employee problems; and assures a fair and clearly understood and administered sick and annual leave policy.

Secondly, this amendment will require an implementation process for these new and enhanced personnel management practices, including evaluating and reporting annually to the Congress on the program's evaluation.

Finally, the amendment will provide for all Architect employees a clearly defined appeals process through which they may address complaints of job discrimination. The amendment clearly prohibits job discrimination based on race, sex, color, religion, or national origin; age; and handicap or disability. The amendment provides a fair and equitable system for employees who feel they have a discrimination complaint to file, and fully protects them from any intimidation or reprisal. The amendment also establishes a uniform appeals process for employees of the Architect's office that is fair, objective and final.

I believe that this amendment will correct deficiencies recently cited by the GAO regarding the Architect's personnel management practices and policies. It is a tough amendment, with a tight time frame, and the reporting requirement will assure that the objectives of fair treatment and equal opportunity are realized.

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

The question is on agreeing to the amendment.

The amendment (No. 1817) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I have reluctantly agreed to permitting this bill, H.R. 4454, the legislative branch appropriations for fiscal year 1995, to be passed on a voice vote. I truly think there should be a roll call vote on all legislation relating to Government spending. However, since there are several Senators absent this evening I will forgo asking for the yeas and nays. If a roll call vote were to be conducted on passage of H.R. 4454, I would like the record to reflect that I would have voted in the negative.

Mr. REID. Mr. President, I know of no further amendments to be offered.

I ask for third reading of the bill.

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

The amendment was 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 the bill pass?

So the bill (H.R. 4454), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I wish at this time to acknowledge the staff that has worked on this bill. We have been waiting around for several days to bring this before the body while the airport bill was being debated these past several days.

I want to extend my appreciation to my clerk of the Appropriations Committee and the subcommittee, Jerry Bonham. He and I have worked together on this bill for 6 years. This has been a difficult year because of all of the budget constraints. We have had to work doubly hard, and I extend my thanks to him.

I extend appreciation to Chuck Turner, who has helped both the majority and minority staff.

I wish to also extend my appreciation to Keith Kennedy, who has also worked on this bill with Jerry Bonham. In these past 6 years I have gotten to know Keith very well. I appreciate his expertise and experience that he so generously has offered to me over these many years.

And, of course, I extend my appreciation again to Senator MACK. It has been a pleasure working with him.

Also because he is here on the floor, I thank Senator FORD. A lot of what this bill does we have to work in conjunction with the Rules Committee, the chairman of which, of course, is Chairman Senator WENDELL FORD. I think we worked well together. There is opportunity for jurisdictional disputes. We never have those. If a problem arises, Senator FORD calls me, and we work it out, or I call him. So we never had a problem. He has been a pleasure to work with and the people of Kentucky are lucky that he represents them.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I also express my appreciation to members of the staff on both sides who helped us in preparation of this bill. I thank Larry Harris of my staff and Keith Kennedy for his work and his effort over these several months, and also Jerry Bonham.

I appreciate the cooperative spirit in which we worked together over these last several months to put this bill together.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in looking at my notes I failed to mention Larry Harris who works with CONNIE MACK on Senator MACK's staff. I also express my appreciation to him. He has been as diligent as his Senator in working this bill out for which I am grateful.

Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ROCKEFELLER) appointed Mr. REID, Ms. MIKULSKI, Mrs. MURRAY, Mr. BYRD, Mr. MACK, Mr. BURNS, and Mr. HATFIELD conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me say to my fine colleagues and friends here, Senator REID and Senator MACK, and to Jerry Bonham and other members of the staff, as Senator REID mentioned, I want to return the compliments because it has been treacherous waters trying to satisfy all Senators to do the things that we felt were important to meet the goals of the reduction of expenditures and staff and then to meet and accommodate the ever-growing needs of many of the Senators with more letters coming today than ever before, more work to do with more i's to dot and more t's to cross. No one could work any better than these two gentlemen with the Rules Committee, and I hope we reciprocated.

So, as I say, we go through these treacherous waters of reduction in order to constrict the expenditures and the employment here and to meet the goals set by the leadership. I am very pleased to have had the opportunity and look forward to working with them in the future.

If there is nothing further, I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that there be a period for morning business with Senators allowed to speak therein up to 5 minutes each.

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

Mr. FORD. I yield the floor.

WHAT THE UNITED STATES CAN DO TO IMPROVE THE PRESENT SITUATION IN RWANDA

Mr. DURENBERGER. Mr. President, I rise again today to emphasize the continuing need to take steps to assist the peacekeeping efforts of the United Nations—and to reduce the suffering in Rwanda and the neighboring countries of Uganda, Tanzania, and Burundi to which thousands of refugees have fled.

My good friend Congressman TONY HALL has just returned from visiting the refugee camp known as Benaco located in Tanzania. This camp presently acts as a temporary home for over 275,000 refugees of which more than 70,000 are children under the age of 5.

By official count, 2,000 new refugees are arriving every day. Congressman HALL observed 3,000 to 4,000 refugees waiting to be processed.

The food supply was inadequate. There was only one day's food supply on hand. A sudden, dramatic increase of refugees could readily overwhelm the camp's capacity and exhaust its food supply.

Congressman HALL also visited the now famous bridge between Rwanda and Tanzania. The river that flows beneath this bridge was filled with human corpses, a tragic reminder of the slaughter in Rwanda that has gone unabated for too long.

The administration should stop talking about providing assistance to the people of Rwanda, and take action—to improve the situation on the ground, to assist in the humanitarian efforts to preserve life, and to give hope to those who are the victims of the genocide.

and military conflict that still ravage that country.

Our present inaction as a nation is the direct result of the leadership vacuum that exists at the White House and that is mirrored at the Department of State and at the National Security Council.

An example of the administration's present ineptitude in dealing with foreign policy issues—really with issues of basic human needs—is the extended negotiations that have ensued over providing 50 armored personnel carriers requested by the United Nations to protect peacekeeping forces from African nations.

While the number of killed and wounded has increased every day in Rwanda, the United States and the United Nations have been negotiating for weeks over the kind of vehicles that would be provided, and the terms—buy or lease—under which the vehicles would be supplied.

Such disregard for human suffering cannot be explained merely on the basis of ineptitude. The administration's present handling of the Rwanda situation points to a more basic flaw—a timidity in taking a leadership role for fear that any action that is taken will fail.

Despite the administration's hesitancy to act—and to act in an expeditious manner—the time to act is still now.

The United States should provide humanitarian assistance to those refugees that have fled to the neighboring nations—principally to Uganda, Tanzania, and Burundi.

Such humanitarian assistance should include food, shelter, sanitation, and medical care. This could be provided by an agency of the United States, by an international organization such as the United Nations or the Organization of African Unity, or by a nongovernmental organization under a contract.

The President has pledged \$15 million to the United Nations' fund for refugees to assist in Rwanda. However, this is certainly a small portion of the amount needed to help the thousands of people that have fled Rwanda.

In addition to providing humanitarian assistance, the United States should—through diplomacy—make sure that the borders of the neighboring countries of Uganda, Tanzania, and Zaire are open, and that anyone who is able to get to the border will be able to find safety and will not be turned back.

The United Nations Security Council last month authorized a 5,500-man force to establish safe zones within Rwanda where relief from the fighting may be sought, but the all-African force will not be available until the end of June. Well over 200,000 people have already been slaughtered needlessly. More will be killed before the new African troops arrive in Rwanda.

The United States should have been there to provide the leadership to es-

tablish the safe zones weeks ago, yet we are still talking about it long after the Security Council's authorization.

The United States should be willing to provide logistic support for those African troops who participate as a part of the peacekeeping force, including food and equipment, but not arms and ammunition, and some portion of the out-of-pocket expenses.

However, a force that has never trained together or used the same equipment needs help. We should provide the needed training. But such assistance should not be open-ended. It should be for a specific period of time.

The United States should itself, or through the United Nations or the Organization of African Unity, push for a lasting cease-fire. Though this may take a great deal of persuasion, the degree of difficulty of the task should not deter us from doing what is moral and right—that is to end the killing permanently.

The United States should also exert its leadership, if possible in conjunction with the United Nations and the Organization of African Unity, to reinstate the Arusha accords and to create an interim coalition government that will be respected by a majority of the Hutus and the Tutsis.

The churches in Rwanda should take a larger role in reconciling the differences between the warring factors. I find it shocking that a country that is more than 70 percent Christian can be the scene of a genocide where more than 200,000 people have been slaughtered. Much more can be done in this area.

In the long term, there must be a plan for the reconstruction of Rwanda and the permanent reconciliation of tribal differences. In this regard, the United States has to be a good listener and back a plan that fits the needs of the people of Rwanda and has a chance of succeeding.

In our focus on Rwanda, we should not forget the fragile situation that exists in the neighboring country of Burundi which is divided by the same tribal differences as Rwanda.

What is the plan now for Burundi? Do we have a game plan for Burundi that will prevent the genocide that occurred in Rwanda? If we pursue our present course of indecision and leader-less foreign policy, it is only a question of when—not if—the present genocide in Rwanda will spread to Burundi.

We should take steps now to prevent the renewal of fighting in Burundi—to prevent a genocide in that country—rather than react to a crisis after it occurs.

I have written a letter to the President of the United States outlining constructive steps that the United States can take to improve the situation in Rwanda and to provide relief to the thousands of refugees. I look forward to his response.

Mr. President, I yield the floor—and ask that the contents of the letter to the President be made a part of my statement here today.

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

U.S. SENATE,
Washington, DC, June 8, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Even at this late date there is a continuing and pressing need to take immediate steps to aid those who are the innocent victims of the genocidal acts that have resulted in over 100,000 people being massacred in Rwanda. There still remains those in Rwanda in fear of bodily harm because of their tribal affiliation or their political views in favor of moderation and reconciliation between the Hutu and Tutsi tribes.

Thousands of refugees have fled the fighting and terror within Rwanda and have sought safety in neighboring countries, principally Uganda, Tanzania and Burundi. These refugees, as well as those who remain within Rwanda, are in desperate need of medical assistance and the basic necessities of life. The continuing rumors of a cease-fire between the armed forces of the present government of Rwanda and the Rwanda Patriotic Front does not change the urgent need of those who are the innocent victims of genocide and war.

The gravity of the situation requires that immediate action be taken to end the present genocide, to protect and to provide humanitarian assistance to those victims of the present violence, and to ensure that the present government never receives diplomatic recognition. To this end, I urge that the following actions be taken immediately:

First, the United States should support an immediate deployment of a regional force, comprised of troops from African nations, as a part of the United Nations Assistance Mission for Rwanda (UNAMIR) operations or under the auspices of the Organization of African Unity, to protect civilians in Rwanda, to create temporary safe zones for civilians, and to establish protected corridors for the safety and speedy delivery of humanitarian relief.

Second, the recent offer by fourteen African nations to send troops to Rwanda in an effort to end the present conflict should be encouraged and should receive the full support of the United States.

Third, the United States should provide logistic support, including equipment and supplies (but not arms and ammunition) as may be needed by any regional force, but United States troops should not participate directly in the peacekeeping effort.

Fourth, the United States and other nations within the international community should themselves, or through organizations such as the United Nations and the Organization of African Unity, continue to provide humanitarian assistance, including food, clothing, sanitation, shelter and medical care, to the thousands of victims of the present conflict.

Fifth, the United States should vigorously continue its efforts to facilitate negotiations among the United Nations, the Organization of African Unity, the Rwanda Patriotic Front, and other involved parties to reach a lasting cease-fire based upon the Arusha Accords.

Sixth, the United States should denounce in the strongest possible terms the extremist

government formed in the aftermath of The President's death, and to issue publicly a clear warning that no government which has been implicated in the killings would ever receive any U.S. financial assistance or diplomatic recognition. I encourage you to isolate any illegitimate government in Rwanda.

Seventh, the United States should work closely with human rights and religious organizations to identify and condemn those officials responsible for perpetrating these brutal attacks. These individuals should be brought to justice and they should not be recognized as legitimate leaders of Rwanda.

Eighth, finally, the United States should, in its contracts with the Rwanda Patriotic Front, encourage them to exercise restraint and to cooperate with human rights workers.

While unfortunately there is no easy solution to the genocide in Rwanda, I believe that these steps will lead to a clear, strong and pro-active U.S. policy on this grave situation.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

RECOGNITION OF THE FIFTH ANNUAL NATIONAL RACE FOR THE CURE

Mr. AKAKA. Mr. President, I rise in support of the fifth annual National Race for the Cure, which will be held in Washington, DC, this Saturday, June 18, 1994. Race for the Cure is a breast cancer benefit run sponsored by the Susan G. Komen Breast Cancer Foundation. The foundation was established in 1982 by Nancy Brinker in honor of her sister, who died of breast cancer at the age of 36. Since that time, the Komen Foundation, through events such as the Race for the Cure, has raised more than \$23.5 million to fund research and promote education, awareness, and early detection of the disease. Three-fourths of the money raised by the 48 races nationwide goes toward local treatment and screening activities, while one-fourth of the funds goes to the Komen Foundation to fund national research activities.

The statistics on breast cancer remain startling. This year, an estimated 46,000 American women will die of breast cancer, and another 182,000 will be diagnosed with the disease. Breast cancer is the leading killer of young African-American and Hispanic women. Low-income women have survival rates that are 9 percent lower than women with higher incomes. Of particular concern to me is the fact that native Hawaiians have the highest incidence of breast cancer among all racial and ethnic groups in this country.

Considerable attention is given to the risk factors associated with breast cancer, which include family history of the illness, a prior diagnosis of cancer, an early first period, late menopause, and birth of a first child after the age of 30. Yet, an estimated 60 to 80 percent of the women who develop breast cancer do not have any of these risk factors.

Because the cause of breast cancer remains unknown, and because the dis-

ease is not fully understood, it cannot be prevented. However, advancements have been made in the management of breast cancer. As with many other life-threatening illnesses, early detection of breast cancer, coupled with appropriate and timely followup, remains the most effective method to ensure successful treatment options and improved survivability. According to the American Cancer Society, early detection procedures have increased the 5-year survivor rate for localized breast cancer from 78 percent in the 1940's to 93 percent today. However, much work remains. Many women still do not know how to self-examine, and many who would benefit from a screening mammogram do not seek one because of fear, cost, or lack of access to information.

On Saturday, Honorary National Chairs Vice President AL GORE and Mrs. Tipper Gore will join more than 15,000 runners, walkers, and wheelchair participants in the fifth annual National Race for the Cure. I would like to encourage my colleagues and their staff and families to join in this event to heighten public awareness about early detection and raise funds for breast cancer research and screening for low-income women.

COMMEMORATION OF THE 1994 NATIONAL RACE FOR THE CURE

Mr. MACK. Mr. President, I am pleased to participate this morning as the Senate commemorates the fifth anniversary of the National Race for the Cure.

Five years ago, the race was simply an idea in the minds of a small group of people who wanted to make a difference in the lives of American women. Since then, it has grown into one of the most successful and prestigious charitable events in Washington.

Now the race has branched out to communities around America, and more than 46 additional races will take place this year. This means more research dollars and more mammograms for low-income women.

I would like to commend the Susan G. Komen Foundation for their decision to involve other breast cancer organizations in this year's race as both participants and financial benefactors. Those of us involved in this effort must never lose sight of the fact that we are working on a common goal—to eradicate breast cancer. We will be most successful by working together to achieve this goal.

It is also important to note that more corporate and association sponsors will participate this year than ever before. Two Florida organizations have been most helpful with the fifth anniversary race. First, the T-shirts which the more than 15,000 race participants will wear were donated by

Sporting Goods Manufacturers Association. Second, the winners of the male, female wheelchair, and survivor division winners are all going to Disney World. We thank all of the corporate sponsors for their contributions.

Again, I congratulate the organizers of the Fifth Anniversary National Race for the Cure. This is always an important event in my office, and my staff and I are looking forward to being a part of the race on Saturday.

BREAST CANCER

Mrs. BOXER. Mr. President, I rise today to urge my colleagues to join in the fight against breast cancer. Too many of us have seen our friends and family confront breast cancer and the fear and grief that comes with it. Too many American women are becoming losers instead of winners in the battle against this terrible disease.

One out of nine women in the United States will develop breast cancer in her lifetime. It is the leading killer of women between the ages of 35 and 52. This year, breast cancer will claim the lives of an estimated 46,000 women. In my home State of California, roughly 19,000 new cases of breast cancer will be diagnosed this year, and nearly 5,000 women will die.

We do not know what causes breast cancer. We do not know how to prevent it. We do not have a cure. Breast self-examination and mammography screening are the only tools women have to detect breast cancer early, when it can be treated with the least disfigurement and when chances for survival are highest. But even the effectiveness of mammography has been questioned.

Last year the National Cancer Institute revised its guidelines to recommend mammograms for women age 50 or older every 1 to 2 years, but stated that there was not enough scientific evidence to support mammography for women between the ages of 40 and 49.

However, the NCI's conclusions are opposed by over 21 national medical organizations, including the American Cancer Society and the American College of Radiology. They recommend that women have mammograms every 2 years beginning at age 40, and every year beginning at age 50.

And, they are right. In 1992, 40,000 cases of breast cancer were diagnosed in women under the age of 50. Of those cases, 28,900 were diagnosed in women between the ages of 40 and 49.

So you can imagine the panic and the distress women feel when they are told that scientists are unsure about the effectiveness of mammograms. Who should they believe—the scientists or their own doctors? I am not a scientist, but I know that we cannot throw out the only hope women have.

That is why health care reform legislation is so important. The President

should be praised for including coverage of mammography in the guaranteed benefits package. But we must add coverage for women under the age of 50.

The women Senators have spoken out clearly on this issue. I am proud that Senator KENNEDY's bill, the only health care reform bill to pass out of committee in the Senate, covers mammography for women between the ages of 40 and 49, in consultation with their physician. It must be retained in the final version.

Mr. President, women with breast cancer face so many uncertainties, and it should be our mission to help find answers for the questions which we have about this horrible disease. Research is our best hope for saving lives in the future and we must invest more in it. We can start by passing the National Breast Cancer Strategy Act, which I introduced last year.

My bill authorizes an additional \$300 million for research on breast cancer funded by the National Cancer Institute, including funding for research on new imaging techniques that could replace mammography. This would double the amount of funding now allocated to breast cancer research. And, in order to attract some of our brightest talent to the cause, the bill establishes a scholarship program to encourage scientists to enter the field of breast cancer research in exchange for repayment of educational loans.

I also call on my colleagues to support the Harkin-Hatfield initiative to create a fund for supporting health research at the NIH, which includes the National Cancer Institute. The fund would be financed by a 1 percent tax on health insurance premiums and a voluntary Federal income tax checkoff in order to increase the NIH research budget by 50 percent.

Research can provide so many answers, but new treatments, drugs or devices should meet the highest safety standards. And, women need to be protected from those which don't work.

We cannot forget the 10 million American mothers and their children who were exposed to DES between 1947 and 1971—Americans who because of this horrible drug are at greater risk for infertility, breast cancer, and other diseases. Nor can we forget the victims of silicone gel breast implants—many of whom received the implants as a result of surgery for breast cancer.

Product liability legislation now pending before Congress would insulate manufacturers from the legal consequences of their mistakes, misrepresentations, or broken promises. Women must be able to fight back against these horrible outcomes or any others which could arise in the future.

Mr. President, I am here today because the health care needs of American women can no longer be swept under the rug and left out in the politi-

cal cold. In health care reform, we must encourage women to have mammograms, the only lifesaving tool we have to detect breast cancer early. At the same time we must look for ways to improve it, so that even younger women can benefit. We must invest in breast cancer research, our best hope for saving lives in the future. Finally, we must defeat product liability legislation which could prevent women from fighting back against unsafe treatments for breast cancer and other diseases.

RETIREMENT OF JIMMIE GAUNCE

Mr. SASSER. Mr. President, I rise today to recognize and pay tribute to my good friend, Jimmie Gaunce, who is retiring after 25 years with the International Association of Machinists and Aerospace Workers.

In his long list of accomplishments, I believe Jimmie's greatest attribute is that he is always there for others. When his country needed him, he answered the call by serving in the U.S. Air Force from 1952 to 1956. Upon being initiated into the International Association of Machinists and Aerospace Workers, Queen City Lodge No. 1501, Jimmie served his brothers by becoming active in his local lodge. Eventually, he was elected chief steward in 1963 and local lodge recording secretary in 1967.

In 1964, lodge No. 1501 affiliated with the newly chartered district lodge 169. Through his exhibition of leadership and tireless work on behalf of his fellow workers, Jimmie rose to the leadership of the district lodge, serving as both president and directing business representative. When two additional district lodges were merged into No. 169, Jimmie was elected to these same offices, which he continues to hold today.

Jimmie Gaunce's service has not just benefited those from his local lodge or his district but also has been very important to the entire State of Tennessee. Since 1969, he has served continuously as an officer of the Tennessee Council of Machinists, initially as area vice president, then as the first vice president, and finally as president, the position he currently holds. Jimmie is also an officer of the Tennessee AFL-CIO, elected as vice president in 1973 and then executive vice president in 1991.

In recognition of his experience and commitment to the needs of Tennessee's workers, Jimmie Gaunce was appointed by the Tennessee Supreme Court to be a member of the Tennessee Lawyers Client Protection Committee. The Supreme Court then reappointed him in 1991 and 1993. Additionally, in 1994 the Tennessee Commissioner of Employment Security appointed Jimmie to the Commissioner's Advisory Committee.

I, as well as the members of local lodge 1501 and district lodge No. 169, will miss Jimmie Gaunce and the leadership he has exemplified over the years. He serves as an example of excellence for which we should each aspire.

ARIZONA STATE UNIVERSITY BASEBALL COACH JIM BROCK

Mr. McCAIN. Mr. President, on Sunday, June 12, 1994, Arizona State University's baseball coach, Jim Brock, passed away. During the past year, Coach Brock was engaged in a fierce battle against cancer. His illness took a heavy toll and extracted a great price. But through it all Jim Brock displayed the tenacity, courage, and the heart he required of his teams. Coach Brock proved to all of us that even if you don't always win you can still be a winner.

Over his 23-year baseball coaching career at Arizona State, Jim Brock won 1,100 games, 2 NCAA Division 1 championships, appeared in 13 World Series, and finished second 4 times. Four of his teams won over 60 games during the season and Jim Brock received Coach of the Year honors in 1977 and 1981. Continuing the tradition established by Bobby Winkles, Coach Brock developed one of the premier college baseball programs in the country. A perennial powerhouse built on talent, determination and intense competitive fire, ASU's baseball dynasty flourished under the stewardship of Jim Brock.

Perhaps his greatest legacy is the youth he served so well. Jim Brock's impact on his players is legendary, and these remarkable individuals have gone on to distinguish themselves in all facets of life. A source of tremendous pride to their families and Arizona State University, these men and women lead by example.

Jim Brock's lasting impression on professional baseball is noteworthy. It is reported that approximately 64 current and former major leaguers are Jim Brock proteges. The list includes some great players, among those are Barry Bonds, Mike Devereaux, Hubie Brooks, Bump Wills, Floyd and Alan Bannister, Oddibe McDowell, Ken Landreaux, and Pat Listach. There are many common threads among these ballplayers. One that is indisputable is that they learned how to win under the auspices and tutelage of Jim Brock. But there are other valuable lessons Jim Brock taught his players and those who follow ASU baseball. Jim Brock showed all Americans that life like baseball, poses many challenges. He proved that no matter how formidable the challenge may be, one must never give up hope. One must forever strive to prevail. Like former North Carolina basketball coach Jim Valvano, Jim Brock showed all of us, that winning isn't everything. How one conducts their life and how they confront the challenges

they face is a greater testament of the individual. In fact, it is a far more lasting legacy than one's won-loss record.

The State of Arizona and Arizona State University have lost a good friend, mentor, and leader. We will never forget Jim Brock the coach and his exceptional accomplishments. But I shall also remember Jim Brock the man. His indomitable spirit, strength of character, and enduring courage was a source of inspiration to us all. Our thoughts and prayers are with his wife and family.

STAYING AHEAD OF THE PAIN

Mr. LIEBERMAN. Mr. President, I rise today to call to the attention of my colleagues a book review in the Washington Post that is more than mere review. It is, in itself, a work of creative writing that conveys to the reader a powerful message about the humanity of people living with cancer.

In her review of "You Don't Have To Suffer: A Complete Guide To Relieving Cancer Pain For Patients And Their Families", by Susan S. Lang and Richard B. Patt, MD, Oxford University Press, New York, Natalie Davis Spingarn, herself a cancer survivor, gives us new insight into the lives of people who must confront the pain of an illness, and offers hope about life under very difficult circumstances. As she writes,

By far the majority of us (who have been diagnosed with cancer) try to live each day with our boots on. When we must deal repeatedly with pain, we have to realize that relief must be carefully balanced with our desire to live to the fullest—whether we want to run an office, drive a car, write a book, look after children or grandchildren, or simply take a marvelous walk around the block.

I have had the pleasure of knowing Natalie Davis Spingarn since I was an intern in the office of Senator Abraham Ribicoff, for whom she worked for many years. She was among those who inspired me to pursue a life in public service. My wife Hadassah and I had the pleasure of joining Natalie and her husband, Jerry, on June 11, for a wonderful celebration of their 50th wedding anniversary. By the example of her career, her writing, her marriage, her struggle with cancer, Natalie Davis Spingarn remains an inspiration for all who know her, and it is in that light that I wish to share her most recent article with my colleagues. Mr. President, I ask unanimous consent that the text of "Staying Ahead of the Pain," by Natalie Davis Spingarn, be printed in the RECORD following my remarks.

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

[From the Washington Post, May 31, 1994]

STAYING AHEAD OF THE PAIN

(By Natalie Davis Spingarn)

Opinion swings sharply in our nation of extremes: action and reaction, Yin and Yang.

In most of the 20 years I have lived with cancer, the belief that I should grin and bear it has been paramount. Although I was lucky enough to be referred to a pioneer pain control team (at Memorial Sloan-Kettering Cancer Center) in the late 1970s, I still felt deep down inside me that pain—even aching, exhausting, depressing, debilitating pain—was to be expected. If I took too many painkillers—even, God help me, an opiate—I was a weakling who could become accustomed to the taste, liable to spoil my chances for comfort at some "later" date. I might even, my late internist warned, become an addict.

Now—and it's about time—the pendulum has begun to swing in the other direction. The word is out and this book by an experienced science writer and the deputy chief of the Pain Service at Houston's M.D. Anderson Cancer Center, carries the message: "You Don't Have To Suffer."

Cancer pain, too frequently undermedicated, can (and should) be relieved for 90 to 99 percent of those who suffer it. Pain endurance does not equal strength; its relief should be part of any treatment plan. Addiction, extraordinarily rare among cancer patients, is to be feared far less than the inability, at best, to return to a normal, comfortable life or, at worst, to die with dignity.

In the last decade, the movement to bring about change in pain management has burgeoned. As cancer centers have set up more pain control clinics and states (led by Wisconsin) have developed pain initiatives medical educators—traditionally intent on "curing" disease rather than relief of its symptoms—have begun to focus on pain. In March, the Public Health Service released to the medical community voluminous guidelines for the treatment of cancer pain, and followed with a smaller, consumer-friendly guide (available by calling the National Cancer Institute at 1-800-4-CANCER).

The good news about "You Don't Have To Suffer" is that it is a thorough and authoritative manual. Broad in scope, it covers the pain front and explains many puzzling questions. What, for instance, is the difference between addiction ("a psychological craving for a drug") and two "totally unrelated" conditions—physical dependence and tolerance? What triggers pain and why are some people more sensitive to it than others?

The authors present a strong case against needless suffering, which they say might even impact negatively on well-being and life span. They outline the strategies being used to achieve pain relief, whether by attacking its source (removing or shrinking the tumor); distorting the message to alter its perception in the brain (most commonly through the use of painkillers); or, less often, interrupting the signal somewhere between the tumor and the central nervous system (by actually cutting or numbing nerves).

Compelling too is their advocacy of "around-the-clock" prescriptions, which permit doctors and nurses to stay slightly ahead of the pain, as opposed to "As Needed" or PRN medication. PRN (pro re nata) dosing, they explain, leads to clock watching by patient and nurse and may even make matters worse by allowing pain to return, with subsequent higher dosing and side effects. And they include an intelligent, balanced discussion of mind-body approaches to easing pain such as hypnosis, acupuncture and biofeedback, as well as newer, high-tech methods like nerve blocks and electrical stimulation.

Numerous charts and instructions make it easier to keep track of pain and describe it accurately. Moreover, there is an abundance

of information about pain relievers—mild (e.g., aspirin or ibuprofen), weak (e.g., codeine or Darvon) and strong (e.g., morphine or heroin)—listing for each drug the brand name, dose range, time needed to reach peak effect and precautions.

I have two problems with this encyclopedic work. First, "You Don't Have to Suffer" itself suffers from a confusing case of multiple voices. In an understandable attempt to reach the widest possible number of readers, this guide "for patients and their families" often ends up uncertain of its audience. At times, it speaks directly to the patient/survivor ("you"); more often it speaks to care givers about "the patient"—someone standing in the wings, while "families" are urged not to forget the bliss of a warm bath, or the necessity to "keep track of the patient's treatments."

This would be a minor matter, an occasion for slapping editorial wrists, if it were not so central to one of the book's main themes: It is essential that patient/survivors themselves participate in pain control if doctors are to know what kind of pain they are feeling, and work with them, trying first one medicine and then the other, to meet changing needs.

The authors only belittle and discourage such participation when they wag their fingers at us patients, lecturing to us about following the doctor's orders and not missing, canceling or being late for appointments. They even urge us and our families to try not to be frustrated, but to "help" those "busier than ever" doctors who "just seem not to understand" what we are suffering (though "most are very caring people"). Come now! On the often long and rocky two-way street of patient/doctor communications, patients can only be asked to go their half of the way.

On a final, more philosophical note, I must confess to a worry that kept rearing its small but persistent head as I read a book, which may, despite its faults, become an important resource in the battle for effective pain management. I have found from experience that there is seldom a free lunch when it comes to control of pain. When we cancer survivors are sick abed, or come to die as we all must, this is not an issue. As passive patients we can endure and even welcome a little dulling of our senses.

But we lucky half of the 8 million Americans who have been diagnosed with cancer, yet granted years of survivorship, find ourselves in a different situation. By far the majority of us try to live each day with our boots on. When we must deal repeatedly with pain—which in itself can be the result of powerful treatment—we have to realize that relief must be carefully balanced with our desire to live to the fullest—whether we want to run an office, drive a car, write a book, look after children or grandchildren, or simply take a marvelous walk around the block.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

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 \$4,607,232,272,433.64 as of the close of business yesterday, Wednesday, June 15. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$17,671.80.

RESOLUTION ADDRESSING CANADIAN LICENSE FEE—S. RES. 226

Mr. STEVENS. Mr. President, my colleagues and I strongly object to Canada's announcement of a \$1,500 license fee for United States fishermen to transit through the Inside Passage off British Columbia.

We are introducing a resolution that expresses our objections and that will help protect our fishermen.

The Canadian license fee is an attempt to get the United States to accept Pacific Salmon Treaty fishing arrangements sought by Canada.

While we face tough issues under the Pacific Salmon Treaty, we simply cannot allow Canada to negotiate by putting United States lives in danger.

The State Department now agrees with me that the Canadian fee is illegal under international law.

Customary international law, and the Law of the Sea—which Canada has signed—guarantee the right of passage of vessels through waters such as the Inside Passage.

Our resolution calls for the reimbursement of U.S. fishermen who are stopped and forced to pay the Canadian fee.

Congress passed the "Fishermen's Protective Act" to protect U.S. fishermen against unfair and illegal actions such as this fee, and we must now utilize that law.

Further, we should amend that law to ensure that U.S. fishermen are able to be reimbursed without having their vessels seized first.

Our resolution also calls for an end to the courtesy we have extended to Canadian fishing vessels off Alaska.

In the past, we have allowed Canadian fishermen to anchor off Alaska without proper customs clearance.

If Canada insists on treating United States fishermen unfairly and illegally, we should no longer extend this courtesy.

We are also asking the President to take immediate action to convey to Canada that the fee is not in its long term interest.

The President must let Canada know that the United States will not tolerate restrictions on the right of passage of United States vessels in violation of international law.

Finally, we are asking the President to direct the Coast Guard to provide for the safety of United States citizens exercising their right of passage in Canadian waters.

Again, we view the license fee as a separate matter from the Pacific Salmon Treaty.

Our resolution does, however, call for the United States to continue to seek agreement with Canada under the Pacific Salmon Treaty.

We hope that Canada will abandon the license fee and return to negotiate salmon arrangements in good faith.

I would like to thank Senator GORTON for leading the effort to put this important resolution together.

TRIBUTE TO THE HONORABLE HUGH N. CLAYTON CITIZEN EXTRAORDINAIRE

Mr. COCHRAN. Mr. President, the State of Mississippi lost one of its finest citizens when Hugh N. Clayton died on April 9.

Because he was my father-in-law, I have been reluctant to put any remarks in the RECORD calling attention to his life and his contributions to the people of Mississippi and to the national organizations in which he took such an active part, but he was one of the most successful and involved citizen leaders of his generation in our State, and he has earned whatever recognition this tribute may bring to his good name.

Although his family members were first in his order of priority and affection, he had a very successful career as a lawyer, and he gave tremendous amounts of his time to charitable, church and civic activities.

His unusual abilities and exemplary service were recognized by several organizations on whose national governing bodies he was invited to serve. He was on the American Red Cross Board and was national convention chairman in 1959. He was on the National Council of Boy Scouts of America. He was a member of the Board of Governors of the American Bar Association.

He earned special recognition from the legal profession by his selection as a fellow of the American College of Trial Lawyers, and he was a district governor of Rotary International.

The Methodist Church was one of his most time consuming interests. He was not only a Sunday school teacher for 40 years, he was probably one of the most devoted and hardest working teachers one could find anywhere. He served also as chairman of the Board of Trustees of the North Mississippi Methodist Conference for many years.

The obituary written by Betty Jo Stewart for the New Albany Gazette was the best in my opinion of the many articles in the newspapers of the mid-south that carried the news of Hugh Clayton's death.

Together with the sermon of the Reverend Lavelle Woodrick that was delivered at the funeral at the First United Methodist Church of New Albany, MS, on April 11, an accurate and heart warming account is given of the life and influence of a citizen extraordinaire, Hugh N. Clayton.

His family misses him very much, and all who know him mourn his passing.

I ask unanimous consent that the obituary and the sermon be printed in the RECORD.

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

ATTORNEY, CHURCH AND CIVIC LEADER HUGH N. CLAYTON, 86, DIES

(By Betty J. Stewart)

Hugh N. Clayton, 86, of New Albany, an esteemed attorney, church and civic leader who achieved national prominence, died Saturday, April 9, 1994 at the Baptist Memorial Hospital Union County after an extended illness.

Family, friends and professional acquaintances filled First United Methodist Church at 3 p.m. Monday in services that honored his belief in God and his love for his church rather than a personal love.

The Revs. James McCafferty and Lavelle Woodrick officiated. McCafferty commended Clayton as his choice among Methodist laymen. Woodrick told of Clayton's unselfish service and dedication to his church, giving of himself as the men's Sunday School class teacher, as a legal adviser and as a man who loved to sing.

The congregation sang two hymns requested by Clayton in a letter written to Woodrick three years ago. "Blessed Assurance," and "Amazing Grace."

Woodrick said the words that Jesus spoke when he raised Lazarus from the dead, "Loose him, and let him go," were chosen by Clayton for the inscription on his tombstone.

There were no graveside services. Burial was in the New Albany Cemetery. The family greeted those who came to express their condolences in the fellowship hall.

United Funeral Home was in charge of the arrangements.

Clayton was born Aug. 22, 1907 in Ripley, the son of Ira L. and Nancy McCord Clayton. He was class valedictorian of Ripley High School in 1925, where he had edited the school newspaper his senior year.

He received a bachelor of arts degree in 1929 and a law degree in 1931, both from the University of Mississippi where he was first editor-in-chief of the Mississippi Law Journal, president of Phi Delta Theta, Phi Alpha Delta and Tau Kappa Alpha and a member of the 1931 Hall of Fame.

It was love at first sight when Clayton saw Cathryn Rose Carter of Bolivar, Tenn., a Blue Mountain College student on the Doodlebug, a small two-car train which ran from Louisville, Miss. to Jackson, Tenn. He had Leslie Darden arrange a blind date. After her graduation in June 1939, they were married.

They had two children, Rose Clayton who is the wife of U.S. Senator Thad Cochran, and Hugh Carter "Buzzy" Clayton. Both graduated from Ole Miss. Buzzy, who also graduated from the Ole Miss Law School, died of leukemia at the age of 27 after he had practiced law for about two years and was the Union County prosecuting attorney.

Hugh Clayton was a lieutenant commander in the Navy during World War II. He was the

New Albany city attorney for 44 years and city school board attorney for 48 years. He was a director of the Bank of New Albany.

He was a member of First United Methodist Church and was a Sunday School teacher for 40 years and had served as chairman of the board of the North Mississippi Conference of the United Methodist Church.

Clayton was national chairman of the American Red Cross Board in 1959 and the only volunteer chosen for that honor who did not live in a city of 500,000 or more. New Albany then had a population of 3,680.

He was a regional and national promoter of Boy Scouts, serving on the Yocona Area Council Executive Board from 1955-1976 and on the National Council from 1959-76. Clayton was the recipient of the Silver Beaver and the Silver Antelope awards.

He was president of the Mississippi State Bar and a member of the Board of Governors of the American Bar Association. He was the first president of the Ole Miss Law Alumni Association. He was a fellow of the American College of Trial Lawyers.

He was district governor of Rotary International and was made a Paul Harris Fellow in 1976. He served as a member of the executive committee of the New Albany Centennial Celebration in 1940 and was named honorary chairman of New Albany's Sesqui-centennial in 1990.

Clayton had been active in the local and state Democratic party and served on the National Democratic committee from 1956-60. He was a Mason and had been presented a life membership after serving 50 years in the Ripley lodge.

Music was always a part of his life. He studied violin for 11 years and played in churches and weddings. He played the saxophone five years at Ole Miss and the bass horn three years in an Ole Miss dance band. He hired a young aspiring writer, William Faulkner to refurbish that horn, which is now in the William Faulkner Birthplace Museum in New Albany. Clayton always started his Sunday School class with a 20 minute song session. Clayton had been president of the Union County and Tippah County Singing Conventions.

In the past year, he and his wife have made available office space for the Union County Literacy Council Learning Center.

Baxter Knox, who served as a New Albany mayor for three terms while Clayton was city attorney, said, "We go way back. We tried many cases together and against each other. It was a cordial relationship. He was a real friend and a good attorney. Hugh had a knack for getting along with people."

In addition to his wife and daughter, Clayton is survived by one grandson and two granddaughters.

Pallbearers were Joe Robbins, Tom Shands, Joe Parks, Tommy Barkely, Vance Witt and Dwight Williams.

Honorary pallbearers were members of the Hugh N. Clayton Sunday School Class at First United Methodist Church, the Union County Bar Association and the Board of Directors of the Bank of New Albany.

REV. LAVELLE WOODRICK EULOGY FOR HUGH N. CLAYTON

(By Lavelle Woodrick)

A minister named Ray Stedman wrote about meeting a young man who had recently become a Christian. In the course of the conversation the minister remarked that now the young man could be free of the fear of death. He replied, "I've never much been afraid of death. But I'll tell you what I am afraid of—I'm afraid I'll waste my life."

Hugh Clayton didn't waste his life. Far from it! He was a man whose influence for good touched countless persons. He served in numerous ways for the betterment of others. In fact, the number and diversity of the avenues of service to which he gave his time, talents and energies are remarkable. In recognition of such services many honors and distinctions were bestowed upon him.

Signs of leadership abilities and commitments were evident when he was a student at the University of Mississippi. He was elected to the Hall of Fame, and he was the first editor of the Mississippi Law Journal, published by the University's Law School. Hugh played tuba in the Ole Miss band and dance band. Once when his tuba needed refurbishing, he gave the job to a young writer named William Faulkner, who painted the bell of the tuba gold. Hugh's famous tuba is now in our local museum.

His honors as a student forecast a long and distinguished career. He served as president of the Mississippi Bar Association. He was a member of the Board of Governors of the American Bar Association, and he was a member of the Executive Committee of the Democratic National Committee.

For his service to the Boy Scouts organization, he was given the prestigious Silver Beaver Award. He served on the National Council of Boy Scouts of America.

He was also a member of the National Board of the American Red Cross.

He served a term as District Governor of Rotary International, and was a past president of the Rotary Club of New Albany.

He responded to the call of patriotic duty in World War II and was a Lieutenant Commander in the Navy.

Some several years ago, his beloved Alma Mater, Ole Miss, conferred on him the Distinguished Alumnus Award.

Hugh Clayton served his local community in many ways. His law practice enabled him to be both counsellor and friend to countless clients over the years. He was city attorney and city school board attorney for nearly 50 years. He was a director of the Bank of New Albany.

Hugh loved to write letters. I have a thick file of the letters he wrote to me. I cherish each of them because they were always loving, affirming and supportive. In one letter, he said that my sermons were too short, and gave his opinion that a good sermon couldn't be preached in 15 minutes, a position which I feel sure would not represent the majority. However, in a letter of three years ago, exactly, he gave instructions for his funeral service and asked that no laudatory remarks about him be said. So in this service when he wanted me to be brief, I am speaking longer than usual at these services; and I shall not be too stunned if I receive a letter from the other side soon taking me to task for not following orders.

But a life of such far-reaching good must be celebrated for our good. We need the inspiration of a life well lived.

While we have recounted some of Hugh's accomplishments and honors, the one he loved most, beyond his family, was the Church.

For a number of years he was the North Mississippi editor of a Methodist periodical which was called *The New Orleans Christian Advocate*. He was also treasurer of the North Mississippi Methodist fund that assisted pastors serving small churches in the rural areas of our Conference, and Hugh's files contain all the correspondence of that era. For many years he was the chairman of the Board of Trustees of the North Mississippi

Methodist Conference. As such he gave an enormous amount of legal service to the Conference, especially in the area of Church property.

He was a faithful member of this Church and held many positions of leadership.

He will be remembered in this church primarily as the teacher of the Sunday School class that was named for him a few years ago. More than 40 years ago, he became that class's teacher and he remained its teacher until about a year ago.

It was more than a class. It was, and is, like a family. Hugh referred to the class members as his "boys." He guided them, counselled them, challenged them, laughed with them, and cried with them when one of their number died or when some other sorrow touched them.

Hugh was both teacher and song leader. The class session always began with a number of old, familiar hymns. With hymn book in his right hand, Hugh would direct with his left hand, using broad horizontal sweeps of his arm to give the beat. He would also lead the singing for the entire congregation on special occasions, using his familiar song-leading techniques. He loved music, especially the old favorites and the singing convention type songs. He once wrote to me, "you may not believe it, but I am true country. I have been president of the Tippah County Singing Convention and the Union County Singing Convention."

Not only True Country, but True Churchman, True Citizen, True Husband, Father, Grandfather, Friend.

When he reached the immortal realm on Saturday, we are sure that he and his beloved Buzzy were reunited. But after that, don't you suppose that all of his Sunday School class boys who preceded him there came to greet him. And I can hear him say, "Boys, let's sing our medley." And from that sublime place burst forth the strains of "Heavenly Sunshine." And they would want us to hear them sing also, "It Is No Secret What God Can Do," "So Let the Sunshine In."

And that's what we want to do. Let the Sunshine of God's grace in Jesus Christ into our lives.

On his grave stone, Hugh had a verse from John 11:44 carved into the marble. It comes from the story of the raising of Lazarus. Jesus called forth the dead Lazarus out of the tomb. He came forth bound by all the wrappings with which the dead were covered. Then Jesus said to those around him, "Loose him and let him go." Those are the words on Hugh's grave stone.

We release him to his heavenly home, but we shall not let the memories depart, and for them and for him we will always be grateful to God.

LAVELLE WOODRICK,

His Pastor.

THE NATIONAL RACE FOR THE CURE

Mrs. FEINSTEIN, Mr. President, this Saturday, thousands of men, women, and children will together log thousands of miles around our Nation's Capitol with a single unifying goal—to benefit breast cancer research, detection, and education.

With strength and determination in their hearts, the Race for the Cure participants will walk, jog, wheel, and run, not for themselves, but for the

countless number of women who have either succumbed to, or survived the battle against breast cancer. My heartfelt appreciation extends to each of these racers.

My own commitment to finding a cure for breast cancer remains steadfast. As co-chair of the Senate Cancer Coalition with my distinguished colleague, Senator MACK, I have had the opportunity to gain a better understanding of all aspects of this serious disease—from the latest research findings to advanced screening methods to the safety of clinical drug trials. The testimony of those who have experienced or witnessed the trauma of breast cancer—survivors, researchers, physicians, educators, and advocates—overwhelmingly affirms the need for us to make breast cancer a priority.

There is much to be done to fight this disease that has affected so many of us in various ways. Thus far, mammograms are our most effective weapon in early detection. In addressing the enormous task of national health care reform, we must take steps to ensure that every woman, regardless of her income or age, has access to affordable, regular mammograms. Researchers are closing in on the gene that causes most of the inherited forms of breast cancer. With this knowledge, women will be able to learn their true odds of developing breast cancer by taking a simple blood test.

But what good is knowing these odds when women are powerless to prevent the cancer from forming? According to the National Breast Cancer Coalition, 1.8 million women have been diagnosed with breast cancer, and 1 million more do not know yet that they have it. Forty-six thousand women will die from the disease this year. The fact is we do not know what causes breast cancer or how to cure it. And although treatments are improving, a woman diagnosed with breast cancer will ultimately face choices that are physically and emotionally taxing.

So the race is on for a cure. We all know the staggering statistics and we all need to do something about it. I call upon my colleagues in the Senate to do our part toward reaching the goal of breast cancer eradication. Give breast cancer initiatives adequate funding and support legislation which expands women's access to prevention and detection services.

The winners of this race will be the women of America and their daughters. For when a cure is found, the race is won.

THE TRANSCAUCASUS WOMEN'S DIALOG: HISTORIC MEETING TAKES PLACE IN WASHINGTON

Mrs. KASSEBAUM. Mr. President, for the first time since war came to the Caucasus Region—after the Republics of Armenia, Azerbaijan, and Georgia

secured their independence from the former Soviet Union—six leading professional women from each country, some with political experience, came together under the aegis of the National Peace Foundation to begin the Transcaucasus Women's Dialogue in Washington and at Airlie, VA, June 7 to June 14.

Supported by the National Endowment for Democracy, the Eurasia Foundation, a private philanthropic group, and members of the National Peace Foundation, the dialog builds upon the Peace Foundation's earlier work in the three republics over a 4-year period beginning in 1990.

As this nongovernmental discussion took place, official representatives of Armenia, Azerbaijan, the disputed Karabagh region, Russia, and Turkey, under the aegis of the Commission on Security and Cooperation of Europe [CSCE] continued to search for a formal political and diplomatic solution to the armed conflict that still goes on. Meanwhile, the 18 participants of the dialog achieved a fundamental breakthrough; they overcame difficult psychological barriers, including those that prevent genuine communication.

The ravages of conflict in the region, including that in the Georgian republic, have left the scars on the lives of most families in the three countries. Yet the participants in the dialog determined that they would begin working now, in practical ways, to prepare for a peaceful future and a progressively democratic region, with strong civic institutions in each country that would cooperate with each other across national lines.

The fact that the women agreed to meet and begin an ongoing dialog was in itself impressive. Even more impressive, within several days, they had adopted a set of principles and goals, and constructed three projects which they are committed to work on together in the coming years. One deals with children who are victims of war, one with conflict resolution training, and the third is to expand the dialog network.

For the National Peace Foundation, Board members Deborah Welsh, who pioneered the Foundation's work in Armenia, and Sarah Harder, who has led the Foundation's work in Russia, were discussion leaders and facilitators. Their skill and understanding won them the admiration of all of the participants, who credited them with making possible their own progress towards a new cooperative stage among civic organizations of the three countries.

The National Peace Foundation has pledged to continue its assistance as the dialog goes forward. It may be that, with continuing support from those organizations and individuals that have already invested in the Transcaucasus Women's Dialogue, and

from others, the new initiative will come to be known as one of the major building blocks for peace, democracy, and development in the Transcaucasus.

FISHING FOR ANSWERS: THE DEBATE OVER THE LAW OF THE SEA

Mr. PRESSLER. Mr. President, for almost five decades both industrialized and developing nations have debated over how best to govern the vast resources at the bottom of the sea. At the close of World War II, nations around the globe raised jurisdictional questions regarding ownership of the ocean's assets. As a result, in 1958, the United Nations held the first of three conferences on the law of the sea—UNCLOS. The second conference—UNCLOS II—was held in 1960, while the third conference—UNCLOS III—met in 1973. During these meetings, the United Nations formulated what is now known as the Law of the Sea Treaty [LOST].

The LOST consists of more than 400 articles which cover 6 areas, including seabed mining, fishing, navigation, marine research, ocean pollution, and economic zones. In 1982, after much debate over controversial, anticompetitive deep seabed mining provisions, the United States rejected the treaty. Although the United States failed to sign the LOST in the early 1980s, the United Nations now has enough signatories to ratify the treaty. The LOST will be effective in November, 1994.

While the Bush administration did not question President Reagan's reluctance to endorse the treaty, the Clinton administration has renewed the debate over the U.S. position on the LOST. The current administration is considering adding the United States to the treaty's list of supporters.

Many questions exist regarding U.S. support for the treaty. In fact, William Safire of the New York Times recently wrote an article criticizing the Clinton administration's renewed interest in the LOST, in his article, Mr. Safire raises several important issues, including the potentially anticompetitive nature of the treaty and the notion that the seabed is the common heritage of mankind. Part XI of the treaty, which covers regulations pertaining to deep seabed mining, is the prime section of contention in the LOST. Although, Part XI has been modified, making it less controversial, many issues remain unresolved.

I believe that Congress should hold hearings regarding the LOST to discuss further any issues which could adversely affect the United States and other market economies. The State Department needs to provide more answers before the United States approves this treaty. I stand ready to work with the administration in efforts to resolve questions regarding the treaty's legitimacy.

Mr. President, I ask unanimous consent to place William Safire's article, "LOST at Sea," in the RECORD at the conclusion of my remarks.

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

[From the New York Times, Mar. 31, 1994]

LOST AT SEA

(By William Safire)

LONDON.—LOST is a loser, but the U.S. is getting ready to sign on.

The Law of the Sea Treaty—its apt acronym LOST—has been ratified by 60 nations and will come into force on Nov. 16 of this year. The big question—one that will affect global business on and under the sea for generations—is whether the U.S. will subscribe to what third-world leaders and international bureaucrats hail as "the constitution of the oceans."

I have long argued we should not. Although many of the treaty's navigational and fishing provisions are unobjectionable, the core of the new international law is a collectivism cartel that conflicts with our national interests and betrays the spirit of capitalism.

Back in the 70's, as the have-not nations were touting a "new world economic order" to redistribute the world's wealth, Carterites and some liberal Republicans enlisted in the cause to declare the resources of the sea bottom "the common heritage of mankind." (That was before we became "humankind.")

Their essential idea was that entrepreneurs of the industrial nations would mine the seas for mineral wealth, just as explorers and discoverers did for centuries, but with this difference: Most of the product of free enterprise would be turned over to a Socialist "Enterprise," a vast new U.N. bureaucracy that would both regulate and compete with the miners of the sea.

The philosophy was wrong, John Locke, on whose writings Thomas Jefferson drew, held that when a person mixed his labor with a material resource, the person acquired a property right in that resource. That provided a profit motive, the incentive to explore and develop that created fortunes and built industrial democracies.

But under the Marxian collectivist philosophy expressed in the Law of the Sea, the ocean resources belonged not to the ones who found it, but to the United Nations. An OPEC-style cartel would graciously allow the developers to keep a part of their stake, but would demand they share their technology and would determine production and prices.

To its eternal credit, the Reagan Administration saw this basic conflict of ideology and said to LOST negotiators: Nothing doing.

Reagan's principled rejection, as Doug Bandow's recent Cato Institute study points out, caused great gnashing of teeth among diplomats at the U.N. and politicians in scores of third-world countries who had been counting on lifetime sinecures with perks in the LOST "Enterprise," to be based in sunny Jamaica.

Despite the drop in mineral prices that discouraged expensive seabed exploration, and blind to worldwide loss of interest in Socialist economics, bureaucrats pressed ahead.

Enter the Clinton Administration with its multinationalism and multiculturalism and multimultism. Thanks to the U.N. representative, Madeleine Albright, and gnomes in the State Department who never met a global treaty they didn't like, LOST was

found. Their technique was to dress up the pact with market rhetoric, drop the requirement to share technology with the third world, and slightly modify other egregious offenses to free enterprise.

Something happens to diplomats who get involved in a diplomatic "process": The deal becomes the goal. Their measure of success is a flock of signatures on a document at a televised ceremony with souvenir pens handed out all around.

When the Clinton State Department is asked about the status of LOST, the answer is: "Hasn't made it up to the seventh floor yet." Secretary Warren Christopher has his hands full with a threat from a bellicose North Korea, and cannot focus on convoluted philosophical disputes.

What will happen? When LOST gets up to foggy bottom's seventh floor, Christopher will lawyer it a little, make sure the U.S. has a veto, get some Pentagon admiral to praise its unnecessary legitimization of Straits of Gibraltar passage, and have President Clinton sign it as a symbol of the brave new multinational world.

Then the Senate will decline to ratify LOST because its central provision is anti-free-enterprise. Is such a display of disunion in the President's interest? Or in America's?

No. The time to drop the vast boondoggle of LOST is now.

TRIBUTE TO MERLE REEVES LUCAS (LOOKING EAGLE)

Mr. BAUCUS. Mr. President, it is with great sadness that I note the death of a friend and crusader for Indian causes, Merle Reeves Lucas or "Looking Eagle."

Merle died on June 9 in Arlington VA while he was at an American Indian business conference. He was striving after his lifelong goal of bringing greater economic well being to the Indians of his reservation and his country.

A graduate of Wolf Point High School, Merle worked for many years as the Montana Coordinator for Indian Affairs. In this position he worked tirelessly to promote State and Federal legislation beneficial to American Indians.

After leaving this position, Merle then worked as the Executive Director of the Montana Inter-Tribal Policy Board and then as Chairman of the Fort Peck Tribal Finance Committee. Here he was a key leader in improving the economic conditions on Indian reservations.

One of Merle's greatest goals was in educating others about the economic opportunities that exist on Indian reservations. He sought to show the world the quality of Indian workers and to attract businesses to Indian communities.

An illustration of this was Merle's work as Chairman of the Montana Indian Manufacturers Network. This network was established to help Indian owned businesses both individually and collectively. Drawing on their collective strength and experience, Montana's Indian Manufacturing firms are

helping each other become stronger and more competitive.

Another example of Merle's love for his fellow Indians and America was his outstanding service during the Vietnam war. During his 18 months in Southeast Asia he was wounded five times and was decorated with the Bronze Star, Purple Heart, and the Army Commendation Medal. As his brother simply stated, "he really dedicated his whole life to helping his people."

In 1977 Merle was honored at the Kennedy Center by the organization, "No Greater Love." Perhaps this says it all. Merle had no greater love, than for his family, his tribe, his State and his country. He demonstrated this with a life of service. May he rest in peace; we will miss him.

RACE FOR THE CURE 1994

Mr. LEAHY. Mr. President, the race for the cure for breast cancer is on. Two days from now, Washington, DC will host a race that will be taking place in cities all across this Nation. In Washington, over 12,000 people will gather together on Saturday morning, June 18, 1994, to run against time and fear and send a message of unity in the battle against breast cancer. Marcelle, my wife, and I will join with the many grassroots breast cancer advocates in the fifth annual Race for the Cure to benefit breast cancer research, detection, and education.

Unfortunately, every one of us knows someone whose life has been touched by this devastating disease. In 1994 alone, 182,000 women will be diagnosed with breast cancer and 46,000 women will die of the disease. The epidemic proportions of breast cancer will cost the Nation over \$6 billion in medical costs and an additional \$6 billion in lost productivity. But this does not begin to describe the tragedy and pain faced by the women, their families and friends. While we can never bring back those we have lost to the disease, we can renew our commitment to ending the terrible toll breast cancer has taken.

This weekend's race, along with races in many other cities, is a result of the hard work and dedication of breast cancer advocates around the country. Supporters from my home State will hold their race on July 31 in Manchester, VT. I join these advocates in taking their message to the American people and to Congress, and I am fighting for continued support and increased funding for breast cancer research. Congress has taken important steps in this effort, and I want to mention one program in particular.

The Department of Defense breast cancer program, which we started in 1992, has been a tremendous success. The Army received an overwhelming

number of innovative breast cancer research proposals, many from researchers new to this field. The \$210 million appropriated for the program only covers a quarter of these projects, leaving many worthwhile ideas still to pursue. That is why I am fighting to keep the DOD breast cancer program alive. Earlier this year, I wrote a letter to Secretary of Defense William Perry urging him to increase funding and maintain this important program. I applaud the Army's work and support their right to continue this project. I encourage other Senators to support this program and join me in doing as much as we can to beat this disease.

The eradication of breast cancer has become a national priority, but the fight is far from over. It is through the continued efforts of breast cancer advocates from Manchester, VT to San Francisco to Washington, DC that we can hope to end the epidemic of breast cancer for us and for our children.

NOMINATION OF ADM. CHARLES R. LARSON, USN

Mr. NUNN. Mr. President, the Senate Armed Services Committee today reported the nomination of Adm. Charles R. Larson, U.S. Navy, to retire in grade as a four-star admiral. Admiral Larson is presently serving as the Commander in Chief, United States Pacific Command.

Admiral Larson's nomination to retire in grade has been pending before the Armed Services Committee since early May. Some questions arose in connection with Admiral Larson's activities in connection with attaining the fullest possible accounting of POW/MIA's who did not return from Southeast Asia. The committee submitted a series of questions to Admiral Larson in May and earlier this month Admiral Larson provided extensive written responses to both series of questions.

The Armed Services Committee met in executive session on May 24 and June 15 to discuss these matters. Pursuant to the committee's invitation, Senator JOHN KERRY, chairman of the POW/MIA Committee, participated in the June 15th discussion. At the close of the June 15th session, the Committee voted 18 to 1 to favorably report to the Senate the nomination of Admiral Larson to be retired in grade.

THE 1994 NATIONAL RACE FOR THE CURE

Mr. D'AMATO. Mr. President, I rise today to commend the Susan G. Komen Breast Cancer Foundation for sponsoring the fifth annual National Race for the Cure, which will take place this coming Saturday, June 18, here in our Nation's Capital.

This annual event raises critically needed funds to combat breast cancer—a horrible disease that, unthinkably,

has become the most common form of cancer in women, and the leading cause of cancer death for all women aged 35 to 54. It is a disease that—with no known cure and no known cause—can only be understood, and eventually conquered, through increased research.

In addition to raising funds for research, this race brings needed public attention to the importance of early detection and mammography screening, and their potential to increase the survival rate for breast cancer victims. We know that mammography can reduce breast cancer mortality by up to 40 percent for women over 50; yet only one fourth of women in this age group report getting mammograms on a regular basis. This race will help ensure that more women are made aware—and take advantage—of mammography's potential life-saving benefits.

I am heartened by the tremendous public response the Race for the Cure has received over its short history. In just 5 years, the National Race for the Cure has grown to become the largest 5K race in the country, with over 15,000 participants expected in 1994. True to its name, those who enter run not to win the race to the finish line, but to help our Nation win the race against the clock to discover a cure for this devastating disease.

Mr. President, I want to commend all those involved in planning, organizing, supporting, and, not least of all, running in this important event. I hope that it will exceed all expectations, and that it will bring us closer to the day when the horrible ravages of breast cancer are a thing of the past.

THE NOMINATION OF LAURI FITZ-PEGADO

Mr. MOYNIHAN. Mr. President, many arguments have been made, both in favor and opposed, to the nomination of Lauri Fitz-Pegado today. During the debate, none have outlined the concerns raised about the nominee more succinctly than Lars-Erik Nelson's superb piece in *Newsday*, "Reward for Spreading a Lie." I regret the Senate did not give closer consideration to her conduct during the Gulf war before approving her nomination today. I ask unanimous consent that Mr. Nelson's article be placed in the RECORD.

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

[From the New York *Newsday*, May 17, 1994]

REWARD FOR SPREADING A LIE

(By Lars-Erik Nelson)

WASHINGTON.—You can buy a war from America. It's one of our better exports. Lauri Fitz-Pegado can tell you how to do it.

Fitz-Pegado is a former executive of Hill & Knowlton Inc., the public relations firm, and has been nominated by President Bill Clinton to head the Commerce Department's U.S. and Foreign Commercial Service.

Among her qualifications as an export promoter: In 1990, she helped export 500,000 U.S. troops to the Persian Gulf.

Kuwait paid Hill & Knowlton \$11 million to stir up American outrage against Saddam Hussein's invasion. At the time, Kuwait was not exactly a sympathetic victim. It was a feudal sheikdom notorious for knee-jerk anti-Americanism—until it was threatened. Now its ruler, His Highness, the Homeless Emir, wanted American troops to give him his country back.

What America needed was a good atrocity story—and Fitz-Pegado, as head of Hill & Knowlton's Kuwait project, produced it. At a congressional hearing in October, 1990, she stage-managed the appearance of a 16-year-old, supposedly a hospital volunteer, who claimed to have seen invading Iraqi troops pull 15 babies out of incubators in Kuwaiti hospitals, leaving them to die on the floor.

The story was and is false. The girl proved to be the daughter of the Kuwaiti ambassador to the United States. She was not a volunteer at the hospital. She has seen no dead bodies being removed from the hospital.

Fitz-Pegado could not have cared less. When she was challenged about the veracity of the 15 dead babies by John R. MacArthur, an author and publisher of *Harper's Magazine*, she replied, according to a transcript:

"Who gives a ——— whether there are fifteen or two . . . Whether it was one baby, two babies, five babies or fifteen babies, the event happened."

Nope. The State Department and subsequent investigations by human-rights groups have been unable to produce evidence that babies were taken from incubators and left to die on hospital floors.

A Hill & Knowlton executive says dryly, "I don't know whether the event happened or didn't happen. I do know that at the time we said it was true, we had no way of knowing whether it was true or not."

Anyway, Hill & Knowlton earned its \$11 million. President George Bush repeatedly cited the incubator story as an example of "shocking new horrors that reveal the true nature of the reign of terror in Kuwait." In the Senate debate on whether or not to authorize a war, six senators cited the incubators story as an important reason to punish Saddam Hussein—and the war resolution passed by five votes.

Middle East Watch, a nonpartisan human-rights monitoring organization, concluded "the incubators story served the interest of those attempting to tip the balance toward war."

Except for two things, this would all be ancient history:

First, Fitz-Pegado needs Senate confirmation for her new job, and this will be a test as to how the U.S. Congress feels about being lied to. Chances are it doesn't care—though Sens. Fritz Hollings (D-S.C.) and Byron Dorgan (D-N.D.) have fretted publicly about whether Fitz-Pegado sold America a "hoax."

"She'll go through the Commerce Committee a lot more easily than she deserves," said a Senate source. "The Republicans don't want to hear anything that hurts their favorite war."

Secondly, Fitz-Pegado illustrates once again how vulnerable we are, even in this sophisticated age, to atrocity stories.

Following the example of Kuwait and Hill & Knowlton, Bosnia's Muslims and the Republic of Croatia both employed Ruder Finn, a U.S. public-relations firm, to mobilize opinion against Serbian war crimes—the much-publicized and truly horrendous mass expulsions, rapes and murders.

The Serbian behavior was atrocious enough without exaggeration, but it was insufficient to outrage Americans into going to war to rescue Bosnia. James Harff of Ruder Finn said "desperate people will exaggerate," but he denies that his company invented any atrocity stories; but he does claim credit for helping Croatian President Franjo Tudjman, a former Nazi sympathizer, clean up his image with the American Jewish community.

Partly thanks to Ruder Finn, the Jewish community has been among the foremost defenders of Bosnia's Muslim community. "It's part of the American Jewish Committee's strong 'Never again' feeling," says a Senate staffer.

David Keane, a Washington public-relations consultant who tried to help Serbian-Americans soften the evil image of the Bosnian Serbs, gives Ruder Finn his professional admiration for focusing attention on Serbian crimes: "However much Ruder Finn charged Croatia, they earned it. The imagery [of the Serbian crimes] was wonderful. It was really well done. You could do that for almost any side in any war."

BREAST CANCER—RACE FOR THE CURE

Mrs. MURRAY. Mr. President, I would like to join my colleagues in expressing support for research on breast cancer. This frightening disease has taken the lives of far too many women. The long list of those who have died includes many of my own friends.

Breast cancer is a growing public health problem in this Nation, and a great threat to women's health. It is estimated that during the 1990's, nearly 2 million women in the United States will be diagnosed with breast cancer, and 460,000 women will die from this deadly disease.

Many women are confused by the mixed messages being sent to us today about breast cancer and other diseases affecting women. One year, we are told to have annual mammograms beginning at the age of 40, and we faithfully comply. Next, we are told to have a mammogram every other year. Then, we are told not to have mammograms until the age of 50 because mammograms are not as reliable as we thought in younger women. We remain worried and confused, and meanwhile women continue to die.

What is the message here?

Clearly, more research must be done. More must be done to educate all of us about the risks, prevention and treatment of breast cancer. These mixed messages create confusion, and raise our fear about this disease.

My own fear has intensified because I have lost a number of personal friends to breast and cervical cancer in the last 6 months. I will be walking in their memory in the Race for the Cure this weekend.

The race will be held in cities across the Nation at different times this summer. In Seattle, many many women will be walking together to join voices in sending a strong and united mes-

sage. Here in Washington, DC, I will be joining members of my staff to walk in the Race for the Cure this Saturday. We are proud to join millions of Americans in raising the level of awareness about breast cancer and the need for research and answers to this frightening epidemic.

Mr. President, it also is appropriations time. We in Congress need to allocate more funding for research on breast cancer as well as research on other diseases which affect women.

Eighty percent of those affected by osteoporosis are women. Women are the fastest growing demographic group that is HIV positive. There is no method to detect ovarian cancer in its early stages. False negatives for pap smears for cervical cancer run as high as 40 percent. Women suffer from clinical depression at rates twice that of men. These are just a few of the health problems women face that need increased attention by the medical and scientific communities.

Ovarian cancer, cervical cancer, endometriosis, the longlasting effects of DES, lupus, and alcoholism in women—all these areas of research have been overlooked in the past.

Mr. President, I urge my colleagues and everyone else to participate in the Race for the Cure either here in Washington, DC or in their hometowns. I challenge them to walk the walk, and not just talk the talk on this issue. And, I urge the U.S. Congress to allocate more funding for research on breast cancer and other diseases affecting women.

SIGNING OF CENTRAL BERING SEA AGREEMENT

Mr. STEVENS. Mr. President, I am pleased to announce that an international fishing treaty was signed today to protect fishery resources in the Central Bering Sea area known as the Doughnut Hole.

This treaty, called the "Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea," was signed by the United States, Russia, China, and Korea.

The State Department informs me that Japan and Poland also intend to sign the treaty, but they were not able to be at the ceremony this morning.

The treaty creates a long-term agreement to protect one of the world's greatest fish resources, the Aleutian Basin pollock.

It will also stop foreign fishermen from using the Doughnut as a staging area for illegal raids into the U.S. 200-mile zone.

The treaty is a tremendous precedent-setting agreement.

It allows the United States and Russia, as the coastal states to the Central Bering Sea, to set the harvest levels for an area of international waters and to board vessels suspected of violating the agreement in these waters.

My colleagues helped get this process started in 1988 by unanimously supporting my resolution calling for a moratorium on fishing in the Doughnut Hole.

My resolution led to the beginning of the negotiations by the nations who have now agreed to the treaty.

In 1992 these six countries agreed to 2-year voluntary moratorium after the President signed into law my Central Bering Sea Enforcement Act.

This act provided for automatic sanctions against fishing vessels from nations that continued to fish in the Doughnut Hole in the absence of an international agreement.

In 1993, Congress unanimously passed Congressman YOUNG's legislation reaffirming our determination to conclude an agreement in the Central Bering Sea.

The State Department will soon submit the signed treaty to the Senate for final approval.

I hope that the Senate will act quickly to approve this treaty, and that my colleagues will support me in passing any necessary implementing legislation.

FACING THE THREATS TO THE ARCTIC ENVIRONMENT

Mr. MURKOWSKI. Mr. President, more than 2 years ago I joined with several others in sounding the alarm over environmental practices in the former Soviet Union that threatened areas beyond the borders of that crumbling empire.

The end of the Soviet Union and the fall of the iron curtain had brought a looming environmental disaster into focus. Visitors to Russia returned with videotapes of uninhabitable areas poisoned by chemical dumping, radioactivity and ground-water contamination.

The disastrous environmental legacy of the Soviet Union was also mirrored in the declining health of many of its people. Infant mortality was up sharply. Life expectancy was declining rapidly. In some areas, birth defects seemed almost commonplace.

Meanwhile, we heard tales of leaking nuclear reactors dumped in shallow Arctic seas—scuttled nuclear subs—secret nuclear accidents that rivaled Chernobyl.

Eventually, the Russians confirmed that many of these things had indeed happened—including some which occurred in the Arctic.

The Arctic, aside from being a harsh and beautiful place, is the very "incubator of life" responsible for the food and subsistence of the indigenous Inupiat Eskimo, Yupik, Aleut and other Alaskans who depend on the living resources of the land and sea.

As we learned what had occurred in Russia, a number of questions arose: Would the environmental disaster in

the former Soviet Union be confined within its borders? Or would it affect Americans who live in Alaska and subsist from the living resources of the Arctic? Might it even affect the fisheries of the North Pacific or beyond?

Today, I am pleased to report to the Senate that we have some answers. There is some good news, some bad news, and some areas where more work is clearly needed. On the whole, I believe that Alaskans can breathe a bit easier—for the moment.

Thanks to the use of a small portion of Nunn-Lugar funds in support of scientific research to examine the extent of Russian radioactive waste in the oceans of the Arctic and Northern Pacific, we have a better, but still incomplete picture of the dangers to Americans and the Arctic ecosystem posed by the radioactive wastes carelessly disposed in Russian and international waters by the Soviets.

I will summarize some of the preliminary findings:

While it is clear that liquid nuclear wastes and fueled nuclear reactors have been dumped in the Arctic, there is no imminent danger to the Western Arctic and Alaska from the radioactive sources we currently know about.

Radionuclide concentrations and emission rates from samples near Alaska are low and consistent with expected background levels from natural sources and past atmospheric nuclear testing.

Current models of ocean circulation and other factors indicate that the known dumped materials, even if they become totally uncontained and soluble in seawater, would not significantly increase radiation levels in Alaska above background.

That, Mr. President, is the good news. But those findings came with other sobering news:

Many of the potential radioactive sources the Russians admitted were dumped have not been found. We still don't know if the Russian descriptions of the dumped materials are accurate, and we haven't had the benefit of direct measurements at many of the dump sites.

The Arctic Ocean is still perhaps the least understood area of our planet—so the ocean circulation and chemistry models are not as accurate as we would wish them to be. The predictions that can be made about the spread of contamination in the Arctic are only as good as the models.

Elevated levels of radioactivity were found in the Ob and Yenisey River sediments, suggesting that the inland weapons plants—not the materials dumped in the oceans—may be the cause for long term concern. We are told there are a billion and a half curies of waste being stored at the Mayak plutonium plant; a billion at Tomsk and an unknown amount at Krasnoyarsk. All of these are in watersheds that flow to the Arctic.

The scientific research performed thus far focused on radioactivity—while perhaps an even greater danger to Alaskan subsistence resources are persistent organics, such as DDT and PCB, and trace metals, such as mercury and cadmium. Indeed, last summer's research uncovered elevated levels of these nonradioactive contaminants.

My purpose in taking the floor today was not only to report some of these findings, but to suggest a few of the things that we ought to be doing to better understand the environmental threats to the Arctic from activities in the former Soviet Union.

This is not a matter of sole concern to Alaskans. It is an issue of international importance.

I must confess that I often disagree with many of the pronouncements of the Clinton administration as they relate to environmental matters. But I took some comfort when President Clinton made the following statement last September, and I quote:

The United States is committed to protecting the Arctic environment. . . . The difficult task of protecting the pollution-sensitive Arctic relies on careful scientific monitoring and international cooperation.

Unfortunately, I was somewhat disappointed when the President's budget came to Congress without proposals to fund the scientific monitoring and international cooperation the President had said we were committed to doing.

It's important to remember that the scientific work performed thus far has been funded at Congress' initiative, in large part through the efforts of my friend and colleague from Alaska, Senator STEVENS. Thus far, we have not seen any initiatives addressing this matter emerging from the administration.

Nearly a year and a half ago, the Clinton administration began a comprehensive review of U.S. international environmental policies. This review, known as Presidential Review Directive/NSC-12, was designed to update United States policy in the Arctic and provide a framework for dealing with the problems posed by radioactive and other contaminants in the Arctic resulting from activities in the former Soviet Union.

This review was expected to result in a new Presidential Decision Directive—a guiding policy document on U.S. policy in the Arctic—by the summer of 1993.

Over a year has passed, and there is still no guiding policy document. I'm told that the review is complete, but that a decision document has still not been agreed upon.

Fortunately, a group of dedicated scientists and program managers within a number of Federal agencies have been working on a comprehensive Arctic Contamination Research and Assess-

ment Program for consideration in the next budget submission. If it survives review at the White House, the program will help us to answer remaining questions about the threat to the Arctic environment from Soviet and other activities. Such a program would also help us to meet our international obligations under the Arctic Environmental Protection Strategy.

So I challenge the administration to back up its promises with the sustained scientific assessments, risk analyses, and long-term monitoring that we have committed to.

We must begin to work with the Russians as partners in protecting the Arctic environment and promoting environmentally sound, sustainable development in that region of the world. But we don't have to wait for the appropriations cycle or the next budget submission. There are some things we can do now.

For example, the Murmansk Shipping Co. operates Russia's only facility for cleaning up low-level liquid nuclear waste. The plant currently lacks sufficient capacity to handle all of the low-level waste produced from the Northern Fleet and the Russian nuclear ice-breaker fleet. When capacity isn't available, the Russians simply dump the liquid waste at sea, notwithstanding the provisions of the London Convention which prohibit that practice.

We recently sent a technical team to Murmansk which concluded that the plant could be upgraded to accommodate all of the Northern Fleet's liquid waste for \$1.7 million. I'm not suggesting that we pay the total bill, but we ought to join with the Russians and the Norwegians to assist with a share of it provided we receive a commitment from the Russians that they will fully abide by the provisions of the London Convention.

There are arguments against assisting the Russians in this effort. It is argued, for instance, that as long as Russians continue to build new subs without coming to grips with their long-term nuclear waste problem, they are demonstrating a lack of good faith. Others argue that since the costs of dealing with nuclear waste are part of the total costs of maintaining a nuclear fleet, we would in effect, be subsidizing the Russian Navy if we assisted them with their nuclear waste disposal problems. I know this is the current position of the U.S. State Department and the Department of Defense, and I certainly understand that point of view.

But let's be realistic. It doesn't look as if the Russians are going to stop building nuclear subs to satisfy our sense of priorities. We must recognize the value of assisting Russia and employing Russians in the business of preventing the environmental insults that have been the rule rather than the exception in Russia.

As for the argument that this kind of assistance would represent a subsidy to the Russian Navy, let us remember that the Russian Navy pays the privatized Murmansk Shipping Co. to process their waste, so this is not a subsidy to the navy. It costs the Russian Navy nothing to dump their liquid nuclear waste over the side. What we are doing is removing their excuse for dumping at sea, and thus forcing them to come to grips with the costs of proper waste disposal.

While the liquid nuclear waste problem is not the biggest threat to the Arctic, it is an area where we can achieve tangible results without great expense. It's a start.

I know that the Japanese are working with the Russians on the liquid waste disposal problem in the Russian far east, where a new plant will have to be built from the ground up. The costs there will be much higher, but the Japanese apparently view it to be in their interests to consider building such a plant.

The Russian Chairman of the Government, Viktor Chernomyrdin, will be in Washington to meet with Vice President GORE later this month. I challenge Vice President GORE to use this opportunity to offer assistance to the Russians in this area. If the administration will provide discretionary funding this year to get the project started, then I will be happy to work with the administration in attempting to secure funding in Congress to finish the job.

I would further challenge the administration to support the program proposals being discussed by the community of Arctic and environmental scientists and program managers inside Government. This is an international problem. The United States—an Arctic nation—has a leading role to play.

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

IN RECOGNITION OF THE NEW YORK RANGERS' STANLEY CUP CHAMPIONSHIP

Mr. MOYNIHAN. Mr. President, I rise today to recognize the New York Rangers on winning professional hockey's coveted Stanley Cup championship, named for Lord Stanley of Preston, the 16th Earl of Derby, and the Governor General of Canada.

The return to New York of Lord Stanley's Cup after a 54-year struggle was marked by near misses and a most curious curse. After the 1940 championship, Madison Square Garden's recently paid-off \$3 million mortgage note was burned over the Cup. As hockey folklore has it, this demonstration of disrespect unintentionally cursed the Rangers. It was said that the Cup would never again enter the Garden. But alas, the curse is over.

Led masterfully by Assistant Captain Brian Leetch, the first American-born

Con Smythe Trophy winner, the Stanley Cup Playoffs' Most Valuable Player Award, the Rangers fought off a spirited challenge by the Vancouver Canucks, besting them in the seventh game of the championship series by a score of 3 to 2.

The last time the Rangers accomplished this feat in 1940, we had yet to fight a second World War, fellow New Yorker Franklin D. Roosevelt was President, and a subway ride cost a nickel. Fifty-four years, indeed!

I salute the courage and fortitude of the New York Ranger organization, its coaches and of course all the players. And let us not forget the loyal fans who have waited so long. Perhaps a cheering fan's placard said it best: "Now I can die in peace." Peace at last.

And now they can celebrate. On Friday, June 17, New Yorkers will honor their champions with an old-fashioned ticker-tape parade worthy of heroes. A most fitting conclusion to a most spectacular season.

RACE FOR THE CURE

Mr. BIDEN. Mr. President, this Saturday thousands of Americans will participate in the annual Race for the Cure here in Washington. While this is the event that receives the most national attention, it is just one of over 30 such races held each year throughout the country.

The object of any race is to finish in as little time as possible. And, yet, in the time it will take the fastest person in Saturday's race to complete the course, three more women will be diagnosed with breast cancer and another woman will have died.

I knew one of those women. A few years ago, my wife Jill and I had a close friend who succumbed to the disease. She was another one of the statistics—one of the 46,000 American women who die of the disease each year. Yet, like the thousands upon thousands of women before and after her, she had a face and a name; she had a family and friends.

As a son, a husband, and a father of a teenage girl, I do not want to see another close friend or a family member become yet another victim of this emotionally cruel and devastating disease. And so, I cannot help feeling obliged to do what I can as a U.S. Senator to combat breast cancer.

But despite my interest, my efforts, and my position, there is only so much I can do. And, frankly, what I can do is limited compared to what can be accomplished by the hard work of thousands of Americans who deal with breast cancer on a daily basis—men and women alike, including breast cancer survivors and the family members of its victims.

I am talking about people like my wife Jill, who in 1993 founded the Biden breast health initiative—a volunteer

organization of community leaders, health care professionals, and breast cancer survivors. The initiative educates young women throughout Delaware on proper breast health and the importance of early detection in the fight against breast cancer. The hard work of dozens of Delawareans involved with this initiative and other initiatives—too many people to mention now—is making a difference.

As for me, my efforts in the Senate to combat breast cancer will continue. Efforts to ensure adequate funding for breast cancer research. Efforts to ensure that all women have access to mammograms and that those diagnosed with the disease have access to treatment. And, yes, efforts to find a successful cure.

But, my efforts will ultimately fail without the diligence of individual Americans. That is what the Race for the Cure is all about: Americans of all walks of life pledging together to fight breast cancer for the sake of all the women in America. Or as the slogan of the race goes: "A sporting event with a mission: the cure and control of breast cancer."

I commend those Americans who will run this Saturday as well as those Americans who have raced in dozens of cities across the country. Together, we can end the scourge of breast cancer in America.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE GENOCIDE IN RWANDA

Mr. PELL. Mr. President, I welcome the administration's acknowledgment that the slaughter of innocent civilians in Rwanda is genocide. This recognition has been long in coming. I and members of the Foreign Relations Committee have urged the Clinton administration to acknowledge the genocide in Rwanda for what it is and I am pleased that they are now doing so.

In my view, the attacks against Rwandan civilians easily fit the provisions of the Genocide Convention. That convention defines genocide as killing members of an ethnic group, or causing serious bodily or mental harm to members of a group with the intent of destroying that group in whole or in part. In Rwanda, approximately 300,000 people have died in the last 9 weeks. Most were civilians killed by government-trained Hutu militias. While it is true that the Rwandan Army and the predominantly Tutsi Rwandan Patriotic Front or RPF, are at war, Tutsi civilians and Tutsi sympathizers are overwhelmingly the victims of Hutu killings. Not only Tutsi men have been targets; Tutsi women and children also have been butchered in what can only be seen as a systematic effort to eradicate the Tutsi population.

As such, the United States and other contracting parties to the Genocide

Convention should undertake to prevent and punish the persons who have committed these acts. Let me make it clear, that by urging the United States to live up to the provisions of the Genocide Convention, I do not imply in any way that this impels us to send United States troops into Rwanda. Rather, it obliges us to respond in a constructive way; in my view, preferably through a multilateral mechanism. At this stage, I believe the United Nations is the most appropriate body to enforce the provisions of this convention in Rwanda. Therefore, I strongly support the action taken by the U.N. Security Council last week to authorize the deployment of a 5,500 troop peacekeeping force to protect civilians. Five African nations (Ghana, Senegal, Zimbabwe, Nigeria and Ethiopia) have pledged to send the troops needed for this mission and the United States will be helping to equip them. I urge the Clinton administration to do all it can to speed the deployment of these troops, including expediting the release of equipment we have promised to the United Nations for the Rwanda mission.

Under the provisions of the convention, and as I and members of the Foreign Relations Committee have urged President Clinton, we and the world community must establish a mechanism for punishing the perpetrators of all the killings. Current ruling officials, Rwandan Army troops and individuals in the murderous militias must all be held accountable for their acts of genocide.

Also, while I commend the United States and our global partners for all they have been doing to aid refugees outside of Rwanda, I am concerned by reports that humanitarian aid efforts are underway in areas that have been secured by the RPF inside Rwanda. I would urge that the United States expand the wonderful work that USAID's Office of Foreign Disaster Assistance is doing into these internal areas.

I was pleased to hear the announcement of a possible cease-fire between the Rwandan Army and the Rwandan Patriotic Front. I remain hopeful that combatants will heed the commitments of the negotiators in Tunis and hold their fire. In this regard, I praise UNAMIR Military Commander General Dallaire for his ongoing attempts to secure a cease-fire which would allow more peacekeeping troops to move in and would permit aid agencies to supply relief to millions of Rwandans who are isolated by the fighting.

Nevertheless, we have enough brutality in Rwanda in the last 9 weeks to know that more steps will need to be taken before the health and safety of the Rwandan people are assured. We must help accelerate the arrival of peacekeeping forces in Rwanda. Also, we should support the creation of temporary safe zones for civilians inside

Rwanda and the establishment of protected corridors for the delivery of humanitarian relief. Lastly, I am calling upon the United States to bring its weight to bear to secure the truce agreed to Tuesday. I believe that these are the most effective means to help stem the genocide occurring in Rwanda.

Mr. President, I yield the floor.

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

At 11:11 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4581. An act to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3676. An act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 4205. An act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes.

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

H.R. 4581. An act to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2814. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report on intermarket coordination for calendar year 1993; to the Committee on Banking, Housing, and Affairs.

EC-2815. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend section 2192 of title 10, United States Code, to authorize the Secretary of Defense to limit Department of Defense science, mathematics, and engineering education; to the Committee on Armed Services.

EC-2816. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend the National Defense Authorization Act for fiscal year 1991 to create a \$10 million threshold for Office of Management and Budget review of residual value settlement agreements; to the Committee on Armed Services.

EC-2817. A communication from the Director (Contracts), Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, notice of a determination and finding to award a contract to the University of California at Berkeley; to the Committee on Armed Services.

EC-2818. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on proposed obligations for facilitating weapons destruction and nonproliferation in the Former Soviet Union for fiscal year 1994; to the Committee on Armed Services.

EC-2819. A communication from the Chair of the Strategic Environmental Research and Development Program, Department of Energy, transmitting, pursuant to law, the annual report of the Scientific Advisory Board for fiscal year 1993; to the Committee on Armed Services.

EC-2820. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the report of defense manpower requirements for fiscal year 1995; to the Committee on Armed Services.

EC-2821. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, the report of the force readiness assessment for calendar year 1994; to the Committee on Armed Services.

EC-2822. A communication from the Chairman of the board of the National Credit Union Administration, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2823. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on intermarket coordination for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2824. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Securities Investor Protection Corporation for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2825. A communication from the Federal Housing Finance Board, transmitting, pursuant to law, the annual report on enforcement for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2826. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on retail fees and services of depository institutions for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2827. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on savings associations for the period January 1, 1994 through March 31, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-2828. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the request for authorization of appropriations for fiscal years 1995, 1996, and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2829. A communication from the Secretary of Energy, transmitting, pursuant to law, notice relative to the report on barriers to increase utilization of coal combustion byproducts; to the Committee on Energy and Natural Resources.

EC-2830. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "Four Rivers Energy Modernization Project"; to the Committee on Energy and Natural Resources.

EC-2831. A communication from the Secretary of Energy, transmitting, pursuant to law, the report for the Strategic Petroleum Reserve for the period January 1, 1994 through March 31, 1994; to the Committee on Energy and Natural Resources.

EC-2832. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2833. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, the annual report on royalty management and delinquent account collection activities for Federal and Indian mineral leases for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-2834. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to designate a segment of the North Fork Mokelumne River in the State of California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-2835. A communication from the Assistant Secretary of Energy (Environmental

Management), transmitting, pursuant to law, the report of the Environmental Assessment of Urgent-Relief Acceptance of Foreign Research Reactor Spent Nuclear Fuel; to the Committee on Environment and Public Works.

EC-2836. A communication from the Administrator of the Federal Highway Administration, transmitting, pursuant to law, the report on progress made in implementing sections 6016 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Environment and Public Works.

EC-2837. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation entitled "Water Resources Development Act of 1994"; to the Committee on Environment and Public Works.

EC-2838. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of informational copies of lease prospectuses; to the Committee on Environment and Public Works.

EC-2839. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the period January 1, 1994 through March 31, 1994; to the Committee on Environment and Public Works.

EC-2840. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences at licensed nuclear facilities for the period October 1, 1993 through December 31, 1993; to the Committee on Environment and Public Works.

EC-2841. A communication from the Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation to amend the Clean Water Act to authorize funding for wastewater infrastructure projects for hardship cities; to the Committee on Environment and Public Works.

EC-2842. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a study of State and Federal regulations governing the movement of water well drilling rigs on public highways; to the Committee on Environment and Public Works.

EC-2843. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Private Sector Involvement Program; to the Committee on Environment and Public Works.

EC-2844. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to waive the collection of charges or tolls by the Saint Lawrence Seaway Development Corporation; to the Committee on Environment and Public Works.

EC-2845. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on the deposition of air pollutants to the Great Waters; to the Committee on Environment and Public Works.

EC-2846. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the interim report on the utility hazardous air pollutant emissions study; to the Committee on Environment and Public Works.

EC-2847. A communication from the Administrator of the Environmental Protection Agency, transmitting, drafts of proposed legislation entitled "U.S.-Mexico Border Water Pollution Control Act" and "U.S. Colonias Water Pollution Control Act"; to the Committee on Environment and Public Works.

EC-2848. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, the report entitled "Medicare and the American Health Care System"; to the Committee on Finance.

EC-2849. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the report of comments on recommendations affecting physician payment under the Medicare program; to the Committee on Finance.

EC-2850. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the report entitled "Fee Update and Medicare Volume Performance Standards for 1995"; to the Committee on Finance.

EC-2851. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled "Environmental Insurance Resolution Reform Act of 1994"; to the Committee on Finance.

EC-2852. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, the report on recent developments regarding implementation of section 301 of the Trade Act of 1974; to the Committee on Finance.

EC-2853. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting, pursuant to law, the report on six investigations initiated under the statute commonly known as "Super 301"; to the Committee on Finance.

EC-2854. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the Medicare prospective payment system; to the Committee on Finance.

EC-2855. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Geographic Variation in Hospital Nonlabor Input Price and Expenditures"; to the Committee on Finance.

EC-2856. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the calendar year 1995 physician fee schedule update and fiscal year 1995 Medicare volume performance standard recommendations; to the Committee on Finance.

EC-2857. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Medicare and Medicaid Data Collection Amendments of 1994"; to the Committee on Finance.

EC-2858. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, a draft of proposed legislation entitled "Chemical Weapons Convention Implementation Act of 1994"; to the Committee on Foreign Relations.

EC-2859. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Development Assistance Program allocations for fiscal year 1994; to the Committee on Foreign Relations.

EC-2860. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize a United States contribution to the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

EC-2861. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on special nuclear materials in the Commonwealth of Independent States; to the Committee on Foreign Relations.

EC-2862. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination relative to the Former Yugoslavia; to the Committee on Foreign Relations.

EC-2863. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice relative to the U.S. Emergency Refugee and Migration Assistance Fund; to the Committee on Foreign Relations.

EC-2864. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2865. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2866. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2867. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-2868. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report on the implementation of the Indian Self-Determination and Education Assistant Act; to the Committee on Indian Affairs.

EC-2869. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on implementation of authority and use of fees for calendar year 1993; to the Committee on Labor and Human Resources.

EC-2870. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on progress in achieving performance goals; to the Committee on Labor and Human Resources.

EC-2871. A communication from the Secretary of Education, transmitting, pursuant to law, the report of final regulations on the Direct Grant Programs; to the Committee on Labor and Human Resources.

EC-2872. A communication from the Assistant Secretary of Education (Office of Special Education and Rehabilitative Services), transmitting, pursuant to law, notice of final funding priorities for the Knowledge Dissemination and Utilization Program; to the Committee on Labor and Human Resources.

EC-2873. A communication from the Secretary of Education, transmitting, pursuant to law, the report of final regulations on the student assistance general provisions, subpart E (verification of student aid application information); to the Committee on Labor and Human Resources.

EC-2874. A communication from the Commissioner of the National Center For Educational Statistics, Office of Educational Research Improvement, Department of Education, transmitting, pursuant to law, a report entitled "The Condition of Education"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with an amendment:

H.R. 877: A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution (Rept. No. 103-284).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 2200: An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1995 (Rept. No. 103-285).

By Mr. DECONCINI, from the Committee on Appropriations, with amendments:

H.R. 4539: A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103-286).

By Mr. LEAHY, from the Committee on Appropriations, with amendments and an amendment to the title:

H.R. 4426: A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995 (Rept. No. 103-287).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2203: An original bill to improve the administration of export controls, and for other purposes (Rept. No. 103-288).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 227: An original resolution to improve the operations of the Senate.

S. Res. 228: An original resolution to improve Senate floor procedures.

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. HOLLINGS:

S. 2198. A bill to authorize a certificate of documentation for the vessel *Serenity*; to the Committee on Commerce, Science, and Transportation.

S. 2199. A bill to authorize a certificate of documentation for the vessel *Emerald Ayes*; to the Committee on Commerce, Science, and Transportation.

By Mr. FORD:

S. 2200. An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1995; from the Committee on Rules and Administration; placed on the calendar.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2201. A bill to require the Administrator of the Environmental Protection Agency to make grants for the construction of certain treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM:

S. 2202. A bill to provide for increased economic growth, job creation and opportunity by reducing the federal deficit; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions

that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. RIEGLE:

S. 2203. A bill to improve the administration of export controls, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DURENBERGER:

S. 2204. A bill to provide authority for the NRC to recover costs of regulating Agreement State programs; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2205. A bill to amend the Social Security and the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to obtain cost savings through provider incentives and removal of regulatory and legislative barriers, to encourage greater private sector participation and personal responsibility in financing such services, and for other purposes; read the first time.

By Mr. SARBANES:

S.J. Res. 200. A joint resolution designating the week of June 20, 1994, through June 27, 1994, "National Housing Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 227. An original resolution to improve the operations of the Senate; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 228. An original resolution to improve Senate floor procedures; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MITCHELL:

S. Res. 229. A resolution authorizing oversight hearings by the Committee on Banking, Housing and Urban Affairs; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 2198. A bill to authorize a certificate of documentation for the vessel *Serenity*; to the Committee on Commerce, Science, and Transportation.

THE VESSEL "SERENITY" DOCUMENTATION ACT

Mr. HOLLINGS. Mr. President, today I am introducing a bill to direct that the vessel *Serenity*, United States official No. 1021393, be accorded coastwise trading privileges and be issued a coastwise endorsement under section 12106 of title 46, U.S. Code.

The *Serenity* was constructed in Taiwan in 1981 as a recreational vessel. It is 34 feet in length, 10.3 feet in width, and 6.3 feet in depth, and is self-propelled.

The vessel was purchased in 1994 by John M. McGlynn of Mount Pleasant, SC, with the intention of chartering it for short sailing tours in Charleston harbor. When Mr. McGlynn acquired the boat, he was unaware of the specific coastwise trade and fisheries restrictions of the Jones Act. Due to the

fact that the vessel was foreign built, it does not meet the requirements for a coastwise license endorsement in the United States. Such documentation is mandatory to enable the owner to use the vessel for its intended purpose.

The owner of the *Serenity* is thus seeking a waiver of the existing law because he wishes to use the vessel in his chartering business. If he is granted this waiver, he intends to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Serenity* to engage in the coastwise trade and fisheries of the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel *Serenity*, United States official number 1021393.

By Mr. HOLLINGS:

S. 2199. A bill to authorize a certificate of documentation for the vessel *Emerald Ayes*; to the Committee on Commerce, Science, and Transportation.

THE VESSEL "EMERALD AYES" DOCUMENTATION ACT

Mr. HOLLINGS. Mr. President, today I am introducing a bill to direct that the vessel *Emerald Ayes*, U.S. official No. 986099, be accorded coastwise trading privileges and be issued a coastwise endorsement under section 12106 of title 46, United States Code.

The *Emerald Ayes* was constructed in Canada in 1992 as a recreational vessel. It is 36.4 feet in length, 18.2 feet in width, and 9.4 feet in depth, and is self-propelled.

The vessel was purchased in 1992 by Dr. Stephen D. Michel of Mount Pleasant, SC, with the intention of chartering it for short sailing tours. However, because the vessel was built in Canada, it does not meet the requirements for a coastwise license endorsement in the United States. Such documentation is mandatory to enable the owner to use the vessel for its intended purpose. Dr. Michel first sought to purchase a U.S.-built vessel, but this type of sailboat is not built by any U.S. shipbuilders. He has invested a considerable amount of money in this vessel, and without a Jones Act waiver, he will be forced to sell the boat.

The owner of the *Emerald Ayes* is thus seeking a waiver of the existing law because he wishes to use the vessel in his

chartering business. If he is granted this waiver, he intends to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Emerald Ayes* to engage in the coastwise trade and fisheries of the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel *Emerald Ayes*, United States official number 986099.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2201. A bill to require the Administrator of the Environmental Protection Agency to make grants for the construction of certain treatment works, and for other purposes; to the Committee on Environment and Public Works.

TREATMENT WORKS ACT OF 1994

Mr. BINGAMAN. Mr. President, today I am introducing, along with my colleague from New Mexico, legislation which would provide desperately needed wastewater treatment to the South Valley in Bernalillo County, New Mexico, a small unincorporated community outside of Albuquerque, alongside the Rio Grande.

The South Valley is an unincorporated community which for over 30 years has suffered the health hazard of inadequate sewer and water facilities. The South Valley is more than 50 percent Hispanic and qualifies as one of the poorest communities in our country.

Because of the South Valley's close proximity to Albuquerque, this community does not qualify for many of the existing programs designed to help rural communities. The South Valley is too large to qualify for rural water grants, but is too small to shoulder the high per household hook-up fees or monthly water and sewer service fees that would be necessary if they were to finance wastewater treatment construction through revenue bonds or other financing mechanisms.

Most of the South Valley's 12,000 residents rely on septic tanks. Their drinking water comes from wells on their property. Heavily concentrated septic tanks, a shallow water table, and tight soils resulting in poorly drained septic tanks are contaminating the ground water in this area of our State. This problem continues to escalate as the population increases. Be-

cause the residents are low income, they cannot afford to have their aging septic tanks pumped as regularly as needed. Pumping costs at least \$65 and some residents need to do it every 2 weeks which they simply cannot afford. For this reason, residents resort to pumping the liquid into their yards or into alleys or the septic tanks continue to release wastes into the ground. While residents have been fined, the problem persists. The result is contaminated drinking water which residents continue to drink because they have no other choice.

There is no doubt that this area suffers from one of the most severe cases ever found in New Mexico of health-threatening pollution from septic tanks. Two years ago, fecal coliform was found in a local elementary school which shut down until bottled water could be provided to the students. Other schools continue to have to pump their septic tanks daily in order to avoid sewage rising to the ground surface. These residents are in desperate need of being connected to city water and sewer lines. It is imperative that we improve their quality of life—the health of every resident in the South Valley depends on it.

State and local governments have already contributed significant funds to address the problem, but additional funding is needed. If this funding were to come through revenue bonds, residents in the area would have to pay four to six times as much as other New Mexico residents for monthly water and sewer service. These citizens cannot afford such rates. For this reason, legislation authorizing Federal aid for this project is imperative.

Mr. President, specifically the legislation we are introducing today will authorize the Administrator of the Environmental Protection Agency to make one or more grants for the construction of a publicly owned treatment works in the South Valley.

This authorization is critical in assuring that the South Valley have access to clean and safe water.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

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

S. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR CONSTRUCTION OF CERTAIN TREATMENT WORKS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall make 1 or more grants in accordance with title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) for the construction of publicly owned treatment works in the South Valley of Bernalillo County, New Mexico.

(b) FUNDING.—The Administrator is authorized to use \$25,000,000 of funds made

available to the Environmental Protection Agency under the matter under the heading "water infrastructure/state revolving funds" under the heading "Environmental Protection Agency" in title III of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Public Law 103-124; 107 Stat. 1294), to carry out this section, to remain available until expended.

Mr. DOMENICI, Mr. President, the bill that we are introducing today would authorize funding for the South Valley of Bernalillo County, NM. They need a wastewater system and an improved drinking water system. This area has been settled since the 1700's and includes the three historic villages of Atrisco established in 1692, Los Padillas established in 1703, and Pajarito established in 1699. The South Valley is home to 12,000 people. The vast majority are Hispanic and many are poor. More than half of the children attending the area's two main elementary schools were eligible for free lunches through the Federal school lunch program, indicating household incomes under 130 percent of the poverty level.

For almost 30 years the South Valley community has suffered the health hazard of inadequate sewer and water facilities. Drinking water wells and septic tank leach fields are practically on top of each other. I am sure you can appreciate the tremendous health hazard this represents.

The septic tanks in the South Valley are contributing to the ground water pollution. This could become a more serious problem in the future because the aquifer is the water supply for the entire Albuquerque area. Ground water contamination from septic tanks is usually caused by excessive nitrate concentrations in areas of dense residential development and can result in microbiological contamination of nearby drinking water wells. The South Valley has the characteristics usually associated with ground water contamination. It is just a matter of time and question of degree. These facts support the conclusion that the problem is getting worse and so is the general quality of life in the South Valley.

I am aware that it would take more than \$10 billion dollars to help every small community in need of a sanitary wastewater treatment system. Having served on the Senate Environment and Public Works Committee for years I appreciate the difficulty the committee faces. If there is one thing harder than getting water out of a stone, it is getting enough money to help all of the communities with legitimate wastewater needs.

The Appropriations Committee had made \$500 million available for wastewater treatment for communities with special needs. That money is scheduled to become available this fall for projects that have been authorized.

Taking \$10 billion dollars worth of need and prioritizing the top \$500 million is a thankless job.

If the test is: Congress should help those who help themselves, the South Valley residents should be helped.

If the test is: First come first served, the South Valley should be at the head of the line because it was the first project to get an authorization passed in the Senate in response to the Appropriations Committee's making the money available—subject to authorization. S. 1685 passed the Senate in November of last year. In fact, a \$25 million authorization for the South Valley passed the Senate twice on two different bills.

If the test is taking a lemon and making lemonade, the South Valley should be at the head of the line because the community used its wastewater problem as a science project for the school children.

If the test is: emergency, the South Valley should be funded.

The situation is so bad there is almost a daily story in the New Mexico newspapers. "South Valley Residents Blame Water for Girl's Illness"; "Residents Learn to Live in Sewage"; "Living in a Cesspool"; "Girl's Illness May Remain Mystery," "Pools of 'Gray Water' surround Girl's Mobile Home"; and "State seeks more extensive tests on the water from ill girl's house."

For almost 30 years this community has suffered deteriorating housing stock, and the health hazard of inadequate sewer and water facilities.

The situation is so critical that there is a moratorium on building desperately needed multifamily housing units. These are units that could greatly improve the housing stock of the area.

The wastewater needs of the South Valley are diverse and will require several different approaches. While these are the starkest examples, the valley's problems are diverse. Some parts of the valley are semi-urban and could be hooked up to the Albuquerque city system. Other sections of the South Valley would be best served by community-cluster style constructed wetlands system. In the least densely populated areas of the South Valley it makes sense to continue on-site water wells and wastewater disposal systems.

Making lemonade out of a lemon. Two elementary schools and a community center in the South Valley were having to pump their septic tanks daily in order to avoid sewage rising to the ground surface. Bacteria were found in the well of one of the schools about 2 years ago. One of the schools, Los Padillas School had been using bottled water to drink and to prepare school lunches. The teachers used this dire situation to get the students interested in science. All of the kids learned about the dangers of unsafe drinking water and they learned about the con-

structed wetlands vacuum technology to treat their waste and to provide them with clean healthy drinking water.

Helping those who help themselves. In these tight fiscal times, it can be said that Congress helps those who help themselves. If this is the test, South Valley should be helped. This community has been untiring in its efforts to help itself. So many times its efforts have been ignored or rejected.

Nevertheless, its leaders should be commended. They never gave up.

The leaders of South Valley and I have been meeting on a regular basis for 9½ years to develop an action plan to address this problem.

There have been successes at the local level which include the following: In 1991, the Bernalillo County Commission adopted a one-eighth cent tax on gross receipts in and for the unincorporated area of the South Valley to finance solid waste, water and sewer. In the 2 years that this levy has been on the books, \$1.5 million has been raised in annual revenue and \$900,000 has been designated to assist residents in hooking up to water and sewer systems already in place. Some of this \$900,000 has been used to upgrade standard onsite wells or septic systems.

A partnership in the making. The city of Albuquerque, in partnership with Bernalillo County, has contributed its resources in the areas of research planning and education. The University of New Mexico, Institute of Public Law, provided a joint study for the New Mexico Legislature which led to an appropriation of funds for this project.

I want to particularly recognize the hard work in New Mexico at the State legislature and in local government. Speaker of the House, Ray Sanchez; Senate President pro tem, Manny Aragon; State Representative Kiki Saavedra, State Representative Lelano Garcia, former county commissioner Orlando Vigil, county commissioner Al Valdez, and county manager Juan Vigil have all worked tirelessly. As a result of their efforts the New Mexico Legislature appropriated \$4 million in 1992; \$5 million in 1993; and \$8 million in 1994 demonstrating the seriousness of the problem and the State's commitment to a solution.

Users of a new system will also bear a portion of the burden for the improvements. If the city is the provider, total user fees may total almost \$3,500 for hookup to both water and sewer service. These costs do not include the cost to extend lines from the house to the water meter and sewer stubout. While average incomes range from \$18,000 to over \$40,000 per household it would be difficult for most homeowners to pay these substantial costs out-of-pocket to ensure a sanitary liquid wastewater disposal system and safe drinking water supply.

Given the magnitude of the costs, grants and direct appropriations are needed in order to keep rates from being prohibitively high; the revolving loan fund has not been used because there is no way the residents could pay back the loan; the rates would be so high that the people who need the wastewater system could not afford it. The South Valley is not part of Albuquerque city and city officials believe that the city is already subsidizing the South Valley residents.

In addition, the revolving loan program cannot make a long-term commitment for future funding of a phased project; and funds for both water and sewer problems are needed.

Clearly the legislature is doing its part in this worthy partnership which would use both State resources and Federal resources. Even with the State appropriations the South Valley still needs \$35 to \$40 million to meet its water and sewer treatment needs—\$25 million for the wastewater portion.

Dozens of programs on the books but none of them can help the South Valley. Over the years, the South Valley community has investigated using the State revolving loan fund, Economic Development Administration programs, rural development programs under the Department of Agriculture, all of the EPA programs, HUD programs, and the Community Development Block Grant program. The South Valley is ineligible for all of them because it is either too close to Albuquerque and therefore not rural enough, or too close to Albuquerque and therefore, when viewed as a region, is too well off and not poor enough. Or the needs of the South Valley are too big and would swallow up entire programs' nationwide budgets. Frankly, the existing programs, with their restrictions about being too urban or too well off aren't too important. It has simply been too long since the Federal Government joined the State and local partnership.

The Senate has passed a South Valley authorization. Last year, the Senate passed S. 1685 which authorized this project. This authorization, if it is enacted into law, will end 30 years of frustration, denial, and avoidable health problems in this community.

The bill we are now introducing would accomplish the same thing—authorize \$25 million for the wastewater needs of the South Valley. I hope the Senate will be considering the Clean Water Act legislation some time in the near future. At that time we intend to offer this bill as an amendment to the clean water reauthorization.

By Mr. DURENBERGER:

S. 2204. A bill to provide authority for the NRC to recover costs of regulating agreement State programs; to the Committee on Environment and Public Works.

THE NUCLEAR REGULATORY COMMISSION FEE EQUITY ACT

Mr. DURENBERGER. Mr. President, I introduce legislation, S. 2204, to rectify a grave inequity facing nuclear material users in the State of Minnesota, and many other States.

As you know, the Nuclear Regulatory Commission is required by law to collect 100 percent of its budget authority from its users. This means that nuclear reactors, industries, and physicians in nuclear medicine must pay an annual fee to the NRC to cover the cost of their own daily regulation.

In addition, these fees are used to regulate fee-exempt agencies such as educational institutions and federal facilities, to develop and manage low level waste disposal facilities, and to fund international efforts to promote U.S. nuclear nonproliferation goals.

Finally, these fees are used to fund oversight monitoring of 29 States which are currently exempt from all fees. These States are getting a free ride on the 21 other States which pay for NRC regulation. This, Mr. President, is a great injustice.

The 29 exempt States have entered into an agreement with the NRC to manage their own nuclear waste users on the State level, thus eliminating the need for NRC regulation. These States are exempt from NRC fees. However, these 29 States also benefit from the fees paid by the nonagreement States. The NRC must provide the administration and oversight of the agreement program. This means reviewing and approving new agreements, providing training and inspection services, and performing periodic reviews of the programs.

That means that non-agreement States, such as Minnesota, pay three times more than the benefits they receive. Last year, a total of \$18.8 million paid by users in nonagreement States actually funded NRC activities directly benefiting users in agreement states.

Currently, more than 7 million clinical procedures using radioactive material are performed each year. And with a 1,400 percent increase in nuclear medicine fees over the last 4 years, 2,700 NRC licensed users have dropped their license since 1991—directly affecting the health and well-being of those dependent on the medical licensees.

Both former President and Mrs. Bush were treated with nuclear medicine when they received treatment for Graves disease. But when nuclear physicians are forced to pass along the astronomical cost of NRC user fees to their patients, these services cease being available to those who are unable to pay for them.

Even the NRC itself, in a report to Congress dated February 1994, acknowledged the unfair burden being placed on licensees in nonagreement States. I quote from that report:

To address the fairness and equity concerns related to licensees paying fees for ac-

tivities not benefitting them, laws and NRC fee policy must be changed to assess all beneficiaries of NRC activities fees that are commensurate with the cost of those NRC activities.

Mr. President, the bill I propose today would do just that. It would rectify this injustice by charging all States fees commensurate with the benefits they receive from the NRC. This will not place a great burden on the agreement States, but will ensure that they pay for services rendered. Their fees will continue to be far less than nonagreement States.

This legislation should be non-controversial. My intention is to offer it as an amendment to the NRC reauthorization bill to be marked up next week.

By Mr. HATCH:

S. 2205. A bill to amend the Social Security and the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to obtain cost savings through provider incentives and removal of regulatory and legislative barriers, to encourage greater private sector participation and personal responsibility in financing such services, and for other purposes.

QUALITY CARE FOR LIFE ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation that deals with an important and necessary aspect of health care reform—long-term care.

Long-term care has been a difficult piece of the health care reform puzzle. Policymakers have been reluctant to address it for a number of reasons. Since long-term care does not fit neatly into theories of "managed competition" or into "health alliances," a number of health care reform proposals leave it out altogether. Because a new all-encompassing government entitlement to long-term care would cost tens of billions of dollars a year, even those who favor such an entitlement despair of enacting new long-term care benefits as part of health care reform.

I do not believe, Mr. President, that since we cannot do it all for everyone—that we must settle for doing nothing for anyone.

The legislation I am introducing today, the "Quality Care for Life Act," is a measured and balanced attempt to marry a widened and strengthened long-term care safety net with measures to marshal private sector resources for long-term care. It is only through laying the foundations for such a public/private partnership for long-term care now that our society will be prepared 10, 20, and 30 years hence to meet the long-term care needs of a growing elderly population.

Last week, the Labor and Human Resources Committee concluded consideration of the Health Security Act. Included in the Chairman's bill is language to create a new federal long-

term care program. One part is a capped grant program "State Programs for Home and Community Based Services for Individuals with Disabilities." This would be accomplished through a federal-state matching system. The second part is for "Children with Special Needs," a new program for children who do not meet the requirements of the overall plan and who do not qualify for Medicaid. The third part, "Life Care," is a new fully federalized program of long-term care for individuals over 35.

While I agree with the intent of these programs, I do not believe they present the best approach to address our nation's long-term care needs.

First, they are far too expensive. It is clear that we are going to have to invest greater resources in long-term care. However, in making that investment, we must make sure that we invest wisely, and offer solutions that address the need in a constructive manner.

Second, the Labor Committee bill does not embody true reform: all this proposal does is create yet more government programs modeled after previous and ineffective government programs.

I am proposing something different. The legislation I am introducing today meets the same goals as the Health Security Act approved by the majority of the Labor Committee, yet it accomplishes them through a more targeted and cost-efficient approach.

THE NEED FOR CHANGE IN LONG-TERM CARE FINANCING

Our society, individually and collectively, has not made adequate provision for financing the costs of long-term care. Individuals and families are not saving for, or insuring themselves against, the costs of long-term care. The federal/state Medicaid program is stretched to the breaking point. Families and governments are going broke.

Without action to address these problems, our growing elderly population will come to rely much more heavily on Medicaid to pay for long-term care. Medicaid is currently the primary source of funding for approximately one half of all nursing home residents, and that will increase to 60 percent by 2002, with Medicaid paying for at least some portion of the costs for nearly 75 percent of all nursing home residents.

If current trends continue unchecked, Medicaid will be burdened with an ever-increasing share of the nation's long-term care costs as the baby boomers reach retirement. But these current trends cannot continue. Federal and state budgets—already strained badly by current Medicaid long-term care obligations—cannot bear such costs. Nor would the elderly be well served by an overwhelmed publicly financed program.

A February 1993 Gallup Organization survey indicated that 76 percent of

Americans agree that "government should pay the cost of nursing home care only for those who cannot afford it." In order to meet the nation's growing long-term care needs without both emptying the public purse and sacrificing quality of care, our society cannot afford to rely solely on government.

Instead, we must encourage and enforce an expectation of personal responsibility on the part of those with the means to plan for and pay for potential long-term care costs. Government can—and must—help in this effort by working to see that individuals have the information and resources to accept responsibility for meeting their own long-term care needs.

LONG-TERM CARE COSTS ARE IMPOVERISHING SENIOR CITIZENS

Most elderly Americans are unaware of the magnitude of long-term care costs and of the limits of government assistance. Most Americans do not foresee needing long-term care. Most probably do not realize how costly months or years of long-term care can be. Many Americans wrongly assume that government programs or their general health insurance will cover the costs of any long-term care services they might need.

For all these reasons, individuals and families face long-term care costs for which they have not planned and which they cannot afford.

The cost of long-term care can quickly wipe out the assets of those who have worked and saved for a lifetime. The cost of one year of nursing home care is more than triple the average annual income for an elderly American. But the nation's current long-term care policy does not promote personal planning, saving, or the purchase of insurance against the financial risk of long-term care costs.

Nor does our nation provide comprehensive social insurance against the financial catastrophe of long-term care costs. Only after a long-term care recipient has been impoverished does government assistance become available through Medicaid—a "welfare" program.

MEDICAID IS IMPOVERISHING THE FEDERAL AND STATE GOVERNMENTS

According to the Health Care Financing Administration [HCFA], total Medicaid spending (state and federal) has doubled over recent years—from \$48.2 billion in fiscal year 1987 to \$96.4 billion in fiscal year 1991. Medicaid cost almost \$150 billion last year. If current trends hold, HCFA projects that total Medicaid spending could rise to \$230 billion in fiscal year 1997.

The strain of the unaffordable growth in Medicaid spending jeopardizes the accessibility and quality of both acute and long-term care for those who must depend on Medicaid. Clearly, if current long-term care needs have stretched federal and state budgets to their limits, future needs will overwhelm our

current arrangements for long-term care financing. Therefore, the nation must look to other sources than government for additional resources to meet the future long-term care needs of an aging population.

I believe that long-term care reform should have the following goals: providing appropriate access to the full continuum of long-term care services; ensuring that all Americans have the means to meet the cost of long-term care; moving individuals and families away from dependence on government welfare programs for long-term care financing; and addressing the nation's long-term care needs in a fiscally responsible way.

THE ROLE OF PRIVATE LONG-TERM CARE INSURANCE

Results from a March 1993 Gallup Organization survey indicated that 79 percent of Americans agree that "to keep government costs as low as possible, private insurance should play a more active role in paying for nursing home bills for most Americans."

Private insurance, so useful in protecting individuals and families from such costly misfortunes as accidents and illness, has great potential for marshalling private sector resources to meet long-term care costs. Insurance offers a very good means to preserve an individual's choice from among various long-term care arrangements and competing providers. Its expanded use would make an appropriate private/public long-term care partnership viable. It has great potential for lessening the long-term care cost burden that the graying of America will otherwise put on the American taxpayer.

To date, private insurance accounts for less than 2 percent of all payments for long-term care services. I am confident, however, that with appropriate changes in federal policies private long-term care insurance can and will take on a larger role in meeting long-term care costs. In order to expand the role of private insurance, a number of things must change. Chiefly, long-term care insurance policies must have value to consumers.

In order to enhance the value of long-term care insurance to consumers, the "Quality Care for Life Act" would: establish federal standards and consumer protections; clarify the federal tax treatment of long-term care insurance; and educate Americans about the risk of, cost of, and means of financing long-term care.

In addition, this legislation would make the laws tighter on asset transfers so that people cannot avoid their personal responsibilities by protecting unreasonable amounts of their personal funds from legitimate nursing home expenses, thus shifting the burden to taxpayers.

FEDERAL LONG-TERM CARE STANDARDS AND CONSUMER PROTECTIONS

Appropriate federal standards and consumer protections for long-term

care insurance would inspire consumer confidence, foster the growth of the private long-term care insurance market, and ensure that elderly consumers are spared the problems that once plagued the "Medigap" insurance business. Accordingly, my bill would establish federal standards to ensure appropriate policy design and sales practices.

CLARIFICATION OF THE TAX STATUS OF LONG-TERM CARE INSURANCE

The "Quality Care for Life Act" would make the following clarifications to the tax treatment of long-term care insurance:

Treatment of long-term care insurance premiums paid by individuals in the same manner as accident and health insurance premiums;

Treatment of benefits received under long-term care insurance contracts for long-term care services in the same manner as benefits received under accident and health insurance;

Treatment of employer plans providing long-term care services in the same manner as accident or health plans;

Treatment of life insurance benefits paid to a terminally ill individual in the same manner as death benefits;

Inclusion of long-term care options as preferred employee benefits in employer programs, including cafeteria plans; and

Clarification of the allowance of tax deductions for additions to an insurer's long-term care insurance reserves.

The private long-term care insurance market is growing and improving. Products have evolved and improved. Insurance companies have gained experience and expertise in designing and pricing policies. Sales have been rising by 30-35 percent a year over recent years. There have been some two million long-term care policies purchased.

I believe that the private long-term care insurance market is on the way to realizing its potential. With the right kind of federal standards, consumer protections, tax clarifications, and public education, consumers will come to understand the value of long-term care insurance. Private insurance can then become a full partner in a private/public long-term care partnership.

EXPANSION OF HOME- AND COMMUNITY-BASED LONG-TERM CARE

Today, about 6 million older Americans living at home need assistance in everyday activities as a result of their disabilities. As we in Congress debate health care reform legislation, we must also prepare a health care system that addresses our current inequities in access and costs, while laying the foundation for addressing our long-term care demands of today and tomorrow.

The "Quality Care for Life Act" also establishes a home and community based service program for disabled persons who either need assistance with three activities of daily living or who suffer from Alzheimer's disease or related cognitive disorder.

The bill also revises the reimbursement system to create a payment level for subacute care in nursing homes, thus increasing access for those patients who need that level of care but are unable to get that care in community nursing facilities because the costs for providing the service are much higher than the current skilled nursing home daily rate. Currently, these services are provided by hospitals at a much higher cost. Finally, the bill provides for a prospective payment system for nursing facilities.

By the year 2030, there will be more elderly than young people, and the population age 85 and over is expected to more than triple in size between 1980 and 2030. My home state of Utah has the fastest growing population over 80 in the country.

We simply do not have the necessary federal resources to provide all Americans with every benefit they need. An aging population will significantly increase demand for long-term care services. Planning today will save us from bankruptcy and a lack of services tomorrow.

I believe the greatest barrier to enacting long-term care legislation has been its substantial cost. Although any proposal will entail new costs, I have constructed the "Quality Care for Life Act" to place maximum reliance upon the private sector wherever possible, in order to leverage our resources since we will be providing new services. It is true that my bill will entail new spending in the short-run, but these funds are an investment which will achieve greater savings over the long-run.

Some of the costs will be incurred because we are establishing a floor for home health services, so that the most frail and sick of our elderly population are guaranteed home care now. Currently, many fall through the cracks of our care system. They lack adequate home care and are denied access to adequate nursing home services.

We all know that the amount and duration of home care services varies from state to state and also varies within state areas between urban and rural areas. But this is not fair to our frail elderly, and we have a responsibility to see that all Americans, regardless of where they live, can receive the home care services they need and deserve.

If we help them now, and provide the kinds of home care services they need, they may never need to be in a nursing home and may never be a long-term drain on scarce federal financial resources. We can do the right thing, and do it now. If we do not act soon, we will be mortgaging our children's future to pay for our own long-term care needs.

I intend to work with the other members of this body so that we can provide our nation's elderly the care they so badly need and deserve. I think that the "Quality Care for Life" proposal

would meet that goal, and I hope my colleagues will give it serious consideration.

I ask unanimous consent that a section-by-section explanation of the bill be inserted in the RECORD.

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

THE QUALITY CARE FOR LIFE ACT OF 1994

GENERAL OVERVIEW

The Quality Care for Life Act of 1994 creates a public/private partnership designed to ensure appropriate long term care for all Americans without forced impoverishment. Among other goals, the proposal calls for:

(1) An increased emphasis on private long term care insurance by instituting consumer protections and tax incentives designed to spur the purchase of such insurance;

(2) Maintaining and strengthening the existing long term care financing safety net by maintaining the current Medicare benefit with some modifications, incorporating managed care concepts into the delivery of long term care, designing a payment system based on patient needs, and proposing modifications to the Medicaid system designed to prevent family impoverishment while strengthening Medicaid asset transfer and lien provisions which protect the system from abuse; and

(3) Acknowledging the realities of shifting patient populations by encouraging the development of subacute care programs in less costly nursing facility environments while simultaneously promoting the development of home and community-based services for a certain segment of the long term care population.

SECTION-BY-SECTION SUMMARY

The Quality Care for Life Act of 1994 proposes amendments to the Social Security Act and the Internal Revenue Code of 1986, as summarized below:

Section 1. This section designates the act as "The Quality Care for Life Act of 1994."

Section 2. This section defines the purposes of the bill as establishing a prospective payment system for nursing facilities under all federal health programs; encouraging the use of cost-effective subacute care in nursing facilities; clarifying the federal tax treatment of long term care insurance and developing standards for such insurance; modifying eligibility under the Medicaid program to account more accurately for individual assets; establishing home and community-based services for Medicaid beneficiaries; and revising Medicaid asset transfer prohibitions to close certain loopholes existing under current law.

Title I. Prospective Payment System for Nursing Facilities

Section 100. Establishes this section's short title as the "Prospective Payment System for Nursing Facilities Amendments of 1994" (amending Titles XVIII and XIX of the Social Security Act).

Section 101. Establishes definitions applicable to this title which relate to development of a prospective payment system.

Section 102. Establishes payment objectives for the prospective payment system, including an equitable balance between cost containment and quality of care; admission of residents without regard to income; admission of patients with greater acuity; administrative simplicity in the payment system; and encouraging facilities to invest in buildings and improvements to maintain quality and access.

Section 103. Authorizes the Secretary of HHS to promulgate all rules and regulations necessary to implement a prospective payment system ("PPS"), requires that payment rates reflect the objectives of the proposal, and allows the Secretary to require submission of data, statistics and similar information by nursing facilities needed to implement a PPS.

Section 104. Clarifies that no portion of this title affects or replaces the existing Medicare skilled nursing facility benefit and that HCFA rules governing allowable costs continue to apply except to the extent they conflict with provisions of this title.

Section 105. Requires the Secretary to establish a resident classification system for reimbursement purposes which reflects the costs required to care for nursing facility residents based upon their individual care needs. The system must assign relative weights to classes of residents based on the relative value of resources needed to care for that class and must take into account geographic variations in cost.

Section 106. Establishes five cost centers which the Secretary must consider in determining payment rates—nursing service costs, administrative and general costs, fee-for-service ancillary services costs, selected ancillary services and other costs, and property costs. Requires that nursing facilities be paid:

(1) A prospective, facility-specific, per diem rate based on the sum of the cost centers for nursing services, administrative and general costs, and property costs;

(2) A facility-specific prospective rate for each unit of fee-for-service ancillary services; and

(3) On a retrospective basis for selected ancillary services and other costs.

Section 107. Requires the facility to perform a resident assessment, as defined under the Omnibus Reconciliation Act of 1987, within 14 days of admission and at other intervals as required by that law. This assessment shall be used to ascertain the resident class of each resident in the facility for purposes of determining the per diem rate for the nursing service cost center.

Section 108. Establishes a methodology for determining the per diem rate for the nursing service cost center under the prospective payment system based on the facility's case mix and nursing service costs for a specified time period. Includes an acuity payment for certain heavy care residents, allows the Secretary of HHS to establish geographic ceilings on rates, and requires the Secretary to establish procedures allowing for exceptions to the geographic ceilings based on certain designated factors.

Section 109. Establishes a methodology for determining the per diem rate for administrative and general costs. Requires establishment of a prospective, facility-specific, per diem rate based upon a comparison of administrative and general costs of facilities in a designated geographic region to costs incurred by the facility in question (i.e. a comparison of facility-specific costs to a percentage of costs in a designated region). The rate must include an efficiency incentive for facilities with indexed costs meeting certain criteria.

Section 110. Requires the Secretary to pay prospective, fee-for-service rates for certain ancillary services (physical therapy, occupational therapy, speech therapy, respiratory therapy, hyperalimentation, and complex medical equipment) based on a facility's actual costs indexed forward using a designated tool for predicting inflation.

Section 111. Requires the Secretary to reimburse the cost of selected ancillary services and other costs (e.g. drugs, medical supplies, etc.) on a retrospective basis as pass-through costs. The Secretary must establish charge-based interim rates subject to year-end reconciliation based upon the facility's Medicare cost report.

Section 112. Requires the payment of rates for the property cost center on a prospective, facility-specific, per resident rate based on the fair asset value of the property. Establishes rules for determining the fair asset value of the property. Provides for annual reappraisal of the value of land, buildings and fixed equipment and removes sales transactions, refinancing or other changes in financing as considerations in establishment of the rate. Requires the Secretary to establish a per bed limit on the fair asset value of a nursing facility for each geographic region. Establishes the per resident day rental as the per diem rate for this cost center and creates a formula for determining the per resident day rental. Establishes a modified rate for newly-constructed facilities during their first year of operation and clarifies the treatment of facilities in operation prior to the effective date of this title.

Section 113. Requires the Secretary to establish, by regulation, a procedure for granting mid-year rate adjustments for the nursing service, administrative and general, and fee-for-service ancillary cost centers. The procedure must require the Secretary to make adjustments on an industry-wide basis where there are statutory or regulatory changes affecting nursing facilities, changes in the federal minimum wage, or general labor shortages with significant regional impact. The procedure must allow the Secretary to grant adjustments, upon request, by individual facilities or groups of facilities based upon local labor shortages, regulatory changes affecting only a subset of the industry, natural disasters or other events beyond the control of the facility with economic consequences, or other cost-producing factors (excluding changes in the facility's case-mix) which the Secretary specifies in regulation. This section also requires a facility seeking a discretionary adjustment to make certain minimum showings of financial impact to qualify for the adjustment.

Section 114. Establishes special reimbursement rules for low volume and new nursing facilities. Allows low volume facilities (those with less than 2500 Medicare Part A days per year) to elect either a retrospective reimbursement system based on cost reports submitted or a per diem based on the medium in that geographic region of each of the five cost centers. New facilities (those newly constructed, licensed and certified, or those having less than three years participation as a Part A Medicare provider) may elect to be reimbursed under the same systems as low volume providers or on a retrospective pass-through basis for all five cost centers.

Section 115. Allows any person or entity aggrieved by a decision of the Secretary under this title, where the amount in controversy equals or exceeds \$10,000, to appeal to the Provider Reimbursement Review Board under procedures set forth at Section 1878 of title XVIII of the Social Security Act and related regulations.

Section 116. Makes the title effective as of October 1, 1995.

Title II. Subacute Care Continuum Amendments of 1994

Section 200. Defines the purpose of the act which is to remove statutory and regulatory barriers to the provision of quality, cost-effective

subacute care in skilled nursing facilities (SNFs), and to establish appropriate payment for such care under Medicare.

Section 201. Establishes definitions applicable to this title which relate to subacute care.

Section 202. Prohibits the Secretary or the States from limiting SNFs from providing subacute care services under Medicare and Medicaid. Requires a "level playing field" to encourage the development of cost-saving, quality subacute care.

Section 203. Requires the Secretary to establish an expedited atypical exceptions process for SNFs by January 1, 1996 whereby SNFs would be granted interim exceptions within 90 days of submission of an exceptions request accompanied by data and documentation determined by regulation. Provides for reimbursement of any overpayments or underpayments during the exception period and is automatically implemented if the Secretary fails to act.

Section 204. Provides that payments to physicians for visits to patients of similar acuity shall be the same for hospitals and SNFs regardless of site of service.

Section 205. Provides that respiratory therapists shall be reimbursed under Medicare for services provided in SNFs.

Section 206. Requires the Secretary to review the provision of subacute care in SNFs and determine which hospital DRGs are appropriate for SNFs to provide such care with appropriate copayments by October 1, 1995. By October 1, 1996, the Secretary shall publish a list of applicable DRGs with appropriate hospitalization periods and copayments and rebase Medicare payments for such groups to reflect the lower cost of such care provided in SNFs.

Section 207. Provides for eligibility under Medicaid and encourages states to develop methodologies under Medicaid to provide subacute care in furtherance of the findings in Section 100.

Section 208. Provides that all provisions in this act shall supersede any other provisions in Medicare or Medicaid which are inconsistent with this act.

Section 209. Establishes an effective date of January 1, 1996.

Title III. Long Term Care Tax Clarification

The goal of this title is to clarify the tax treatment of long term care insurance in order to foster the development and growth of the private insurance market. In addition, the legislation clarifies the tax treatment of long term care riders to life insurance policies. This title clarifies that all long-term care services (medical care and personal care) are treated as medical expenses under the tax law. This means that:

1. Long-term care expenses and insurance premiums would be tax deductible (above 7.5 percent of AGI);

2. Payments under long-term care insurance policies would not be taxable when received; and

3. Employer-paid long-term care insurance would be a tax-free employee fringe benefit.

The bill also clarifies that insurance companies can deduct reserves which have been set aside to pay benefits under long-term care policies.

Section 301. Establishes the short title as the "Private Long Term Care Insurance Incentive Act of 1994."

Section 302. Creates a new section (section 7702B) defining long term care insurance contracts. It provides that employer contributions are deductible and that per diem payments and payments for services qualify. Specifies that the only insurance provided is

for long term care services and that contracts must be renewable and have no cash surrender value. Life insurance policies may offer long term care insurance riders which qualify under this title.

Defines qualified long term care services as diagnostic, preventive, therapeutic, rehabilitative and personal care services required by ill individuals provided pursuant to a plan of care prescribed by a licensed health care practitioner. A chronically ill person is one who cannot perform two or more activities of daily living (bathing, dressing, toileting, transfer, eating and continence).

Specifies that employer plans are not deferred compensation. Contracts may cover parents and grandparents as if they were dependents.

Section 303. Specifies that qualified long term care services are treated as medical care and policy benefits are excludable from the taxable income of individuals.

Section 304. Specifies that qualified long term care insurance contracts may be offered through a cafeteria plan as long as the premiums are level annual premiums and the employee may elect to continue coverage after leaving the employer.

Section 305. Benefits paid in excess of \$250 per day, indexed for inflation, are included in the income of the beneficiary and subject to normal income tax.

Section 306. Requires that qualified long term care insurance tax reserves shall be in the amount the National Association of Insurance Commissioners ("NAIC") specifies or, if the NAIC does not specify a method or amount, one year full preliminary term method shall apply.

Section 307. Provides that the amendments made by this title shall apply to all taxable years after enactment and that policies that met the NAIC standards when issued would be considered qualified long term care policies.

Title IV. Long Term Care Insurance Standards

Section 401. Requires Congress to appoint an advisory board known as the National Long-Term Care Insurance Advisory Council. Establishes the size of the board and general requirements for members. Establishes the responsibilities of the board which include advising Congress on matters relating to long term care insurance; collecting and disseminating information on long term care insurance to providers, consumers and regulatory bodies; developing proposed models, standards and requirements for consideration by Congress; and monitoring the development of the long term care insurance market.

Also provides specific list of activities in which the board is authorized to engage and authorizes annual appropriation of \$1.5 million.

Section 402. Provides that in order to receive favorable tax treatment, long-term care insurance policies would have to meet certain consumer protection standards. These standards include the following provisions of the NAIC Model Act and Regulation (as of January, 1993) regarding:

1. Guaranteed renewability/protection from cancellation;
2. Limitations/exclusions;
3. Extension of benefits;
4. Continuation/conversion of coverage;
5. Discontinuance/replacement of policies;
6. Unintentional lapse;
7. Disclosure;
8. Post-claims underwriting;
9. Minimum standards;
10. Mandatory offer of inflation protections;

11. Pre-existing conditions/probationary periods; and
12. Prior hospitalization.

In addition to the NAIC standards, policies must also provide for:

1. Disclosure of whether the policy meets the requirements for tax treatment;
2. Mandatory offer of a non-forfeiture benefit (non-cash only);
3. Rate stabilization; and
4. No sale to Title XXI beneficiaries.

Section 403. Requires that policies also meet provisions of the model act dealing with the following requirements:

1. Application forms/replacement coverage;
2. Reporting requirements;
3. Filing requirements for marketing;
4. Standards for marketing;
5. Appropriations of recommended purchase;
6. Standard format outline of coverage;
7. Delivery of a "shopper's guide;"
8. Right to return;
9. Certificates under group plans;
10. Policy summary;
11. Monthly reports on accelerated death benefits; and
12. Incontestability period; and
13. Information on claim denials.

Establishes a system of penalties for persons who fail to meet the requirements of this title in issuing long term care insurance policies.

Defines long term care insurance policy as any policy or rider advertised, marketed, offered or designed to provide for designated services in a setting other than an acute care setting on an expense incurred indemnity, prepaid or other basis.

Section 404. Allows policies deemed to be consistent with this title by the insurance commissioner of one state to be sold in any other state.

Section 405. Directs the National Advisory Council to develop recommendations for the use of uniform language and definitions in long term care insurance policies, except to the extent nonuniform language is needed to account for the differences among states in licensing providers of long term care.

Section 406. Makes the amendments contained in section 401 applicable to policies issued after December 31, 1994, and the amendments of section 402 applicable to actions taken after December 31, 1994.

Title V. Financial Eligibility Standards

Section 501. This section modifies the existing Medicaid financial eligibility standards for nursing facility care under title XIX of the Social Security Act by:

- (1) Making an individual ineligible for Medicaid if his resources, or those owned jointly with a spouse, exceed the median price of a home in the geographic region where the individual lives (the Secretary must establish a valuation system for single family home in appropriate geographic regions);

- (2) Counting the assets of an individual which are owned jointly with a spouse in determining eligibility;

- (3) Including in countable assets all real property owned by the person including a primary residence; all personal property owned by the person including automobiles; and all liquid assets held by the person including the asset value of any trusts established by him.

This section also requires the Secretary to provide grants to states for demonstration projects which investigate the coordination of private long term care insurance with Medicaid eligibility requirements.

Section 502. Makes this title effective on January 1, 1995.

Title VI. Establishment of Program for Home and Community-Based Services for Certain Individuals With Disabilities

Section 600. Establishes short title of "Home and Community-Based Services for Individuals with Disabilities Program Amendments of 1994."

Section 601. Requires all states participating in the Medicaid program to establish a program of home and community-based services for eligible disabled beneficiaries in which a specified list of services is available to all qualifying persons, except to the extent the person receives identical services under any other government program.

Defines eligible persons as those who (1) require some assistance with three or more activities of daily living (eating, toileting, dressing & bathing, transferring and walking) and will likely require such assistance for at least 100 days; or (2) have moderate cognitive or mental impairment as determined by either standard mental status protocols or symptoms of behavioral problems as specified by the Secretary and will likely have such condition for at least 100 days; or (3) both.

Requires an initial screening of all persons who appear reasonably likely to meet the above conditions using a uniform protocol specified by the Secretary. Also requires periodic reassessment after a significant change in condition or within six months of the last assessment. Also requires assignment of a qualified case manager to each beneficiary receiving these services and development of an individualized written care plan meeting criteria minimum components of the required care plan.

Requires the case manager, in consultation with the patient, and patient's family and primary medical provider, to arrange for or provide the necessary services in a cost-effective manner, consistent with quality, and to assist in making arrangements for delivery of care and implementation of the care plan. The case manager may also be required by the State to assist the patient in obtaining noncovered services, either through private funds or other available public programs.

Clarifies that coverage under this title is an option available to the individual, is not mandatory, and refusal to accept it does not disqualify the individual from care in a nursing facility, skilled nursing facility, or intermediate care facility for the mentally retarded. Requires the case manager to honor the choices of the individual where possible.

Requires that the State's plan for home and community-based services specify how these benefits will be coordinated with benefits under Titles V and XX of the Social Security Act, and applicable portions of the Housing and Urban Development Act, the Older Americans Act of 1965, and other programs which provide services to the elderly and disabled.

Requires the case manager to monitor services delivered to the individual, the quality of care and the individual's status. Requires periodic reassessment of individuals, no less than every 6 months, and revisions to the care plan as needed. Allows for discharge of the case by the case manager, in consultation with the primary physician, when the individual no longer qualifies for benefits under this title.

Establishes the criteria and requirements for "qualified case managers" eligible to provide or arrange for services under this program.

Requires the State plan to specify the types of providers eligible for participation

in the program and any requirements for participation applicable to each type of provider. Also defines a minimum mandatory list of services which must be covered under the State plan. Defines a qualified provider as one licensed under State law and meeting any other criteria established by the Secretary or the State.

Establishes a list of services which must be excluded under the State's plan, including services already being received by the individual under a provision of the Health Security Act or other insurance plan or program which is not a state program. Also excludes services which would otherwise be provided in a nursing facility or ICF/MR unless the state or case manager reasonably estimates the cost of the covered services would be lower than in the nursing facility or ICF/MR.

Requires the state to ensure that a person already receiving home and commodity-based care at the time this act becomes effective continues to receive an appropriate level of such services.

Requires the state to develop a system of monitoring and ensuring the quality of home and community-based services which includes minimum standards for care managers and providers; minimum competency standards for provider employees providing direct care; opportunities for consumer participation in evaluating the quality of care; and involvement of the long term care ombudsman and development disabilities agencies in assuring quality of care. Also requires the State to provide safeguards against the physical, emotional, or financial abuse or exploitation of individuals served under the program.

Requires the state to specify a method of payment to providers and case managers which may include fee-for-service arrangements, prepayment on a capitation basis, or a combination of the two. The state may allow the case manager authority to negotiate rates with providers. The state must expressly specify its rate-setting methodology and ensure that it complies with section 1902(a) (30)(A). The state must restrict participation to those providers which agree to accept payment established under the plan for covered services (except to the extent program beneficiaries elect to purchase additional services not covered under the plan).

Section 602. Amends 42 U.S.C. 1396a(a)(1) by providing that in determining [Medicaid] eligibility for an individual who is an inpatient in a nursing facility or an ICF/MR, the first \$12,000 or resources shall be disregarded for unmarried persons.

Title VII. Asset Transfers

Section 701. Amends section 1917(c)(1) of the Social Security Act by extending the "look-back" period for asset transfers from 36 months to 60 months.

Section 702. Modifies current law by requiring that the income and assets of income cap trusts, nonprofit asset trusts, or other trust arrangements must be considered as assets, and are not exempt from existing trust rules section 1917 of the Social Security Act unless the trust is irrevocable and all months remaining in the trust upon the beneficiary's death are payable to the state.

Further provides that any conversion of personal or real property (including cash) into an annuity, including a personal service annuity by a family member, within the previous 60-month period will be deemed an unlawful transfer, even if made for fair market value.

Further directs the Secretary to issue regulations prohibiting 1) the use of family limited partnerships to convert assets to an ex-

empt status; 2) purchases of interests in third-party assets for the purpose of rendering assets unavailable; and 3) purchase of care service agreements for past services by family members.

Section 702. Makes this title effective January 1, 1995.

ADDITIONAL COSPONSORS

S. 1727

At the request of Mr. COHEN, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1727, a bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

S. 1936

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1936, a bill to provide for the integrated management of Indian resources, and for other purposes.

S. 1941

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1941, a bill to terminate the Milstar II Communications Satellite Program.

S. 1976

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 2111

At the request of Mr. BREAUX, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2111, a bill to foster further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania [Mr. WOFFORD] 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 178

At the request of Mr. DOMENICI, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Kentucky [Mr. FORD], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week."

SENATE JOINT RESOLUTION 193

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia [Mr. WARNER], the Senator from California [Mrs. BOXER], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 193, a joint resolution to designate May 1995 "Multiple Sclerosis Association of America Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. MATHEWS], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], the Senator from Nevada [Mr. REID], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

SENATE RESOLUTION 227—ORIGINAL RESOLUTION REPORTED TO IMPROVE THE OPERATIONS OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 227

Resolved,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This resolution may be cited as the "Senate Procedures Reform Resolution of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Senate committee structure.
- Sec. 3. Senate committee scheduling.
- Sec. 4. Senate committee attendance.
- Sec. 5. Report of unexpended funds.
- Sec. 6. Effective date.

SEC. 2. SENATE COMMITTEE STRUCTURE.

Paragraphs 2, 3, and 4 of rule XXV of the Standing Rules of the Senate are amended to read as follows:

"2. Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

	Members
"Committee:	
"Agriculture, Nutrition, and Forestry	17
"Appropriations	28
"Armed Services	16
"Banking, Housing, and Urban Affairs	14
"Commerce, Science, and Transportation	16
"Energy and Natural Resources	17
"Environment and Public Works	13
"Finance	19
"Foreign Relations	14
"Governmental Affairs	16
"Judiciary	16
"Labor and Human Resources	14

"3. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following committees shall consist of the number

of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

Committee:		Members
"Aging	14	
"Budget	21	
"Joint Economic	10	
"Rules and Administration	11	
"Small Business	19	
"Veterans' Affairs	11	

"(b) The following committees shall consist of the number of Senators set forth in the following table:

Committee:		Members
"Ethics	6	
"Indian Affairs	14	
"Intelligence	13	

"4. (a)(1) Except as otherwise provided by this paragraph—

"(A) each Senator may serve on only two committees listed in paragraph 2; and

"(B) each Senator may serve on only one committee listed in paragraph 3(a).

"(2) No Senator may serve on—

"(A) both the Committee on Appropriations and the Committee on Finance; or

"(B) both the Committee on Armed Services and the Committee on Foreign Relations.

"(b)(1) Each Senator may serve on not more than two subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

"(2) Each Senator may serve on not more than one subcommittee of a committee listed in paragraph 3(a) of which he is a member.

"(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

"(4) No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefore. For purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefore has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

"(d) A Senator may serve as a member of any joint committee of the Congress the Senate members of which are required by law to be appointed from a standing committee of the Senate of which the Senator is a

member, and service as a member of any such joint committee shall not be taken into account for purposes of subparagraph (a)(1).

"(e)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress, except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a standing committee of which he is chairman.

"(2) A Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3(a) of which he is a member. A Senator who is serving as the chairman of a committee listed in paragraph 3(a) may not serve as the chairman of any subcommittee of that committee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2 or 3(a) of which he is a member.

"(f) The provisions of this paragraph may only be waived by the Senate by a resolution designating the Senator or Senators receiving the waiver and adopted by an affirmative yea-and-nay vote of the Senators duly chosen and sworn. The resolution shall be offered by the majority leader with the approval of the minority leader. The resolution shall be privileged and no amendment thereto shall be in order. Debate on the resolution shall be limited to one hour, equally divided."

SEC. 3. SENATE COMMITTEE SCHEDULING.

Paragraph 3 of rule XXVI of the Standing Rules of the Senate is amended to read as follows:

"3. (a) Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as the chairman may deem necessary.

"(b)(1) The provisions of this subparagraph apply to the committees' meetings (including meetings to conduct hearings) of committees listed in paragraphs 2 and 3(a) of rule XXV held on Tuesday, Wednesday, or Thursday.

"(2) On Tuesdays and Wednesdays, only those committees listed in paragraph 2 of rule XXV (except the Committee on Appropriations) shall meet for the transaction of business before the committee.

"(3) On Thursdays, only those committees listed in paragraph 3(a) of rule XXV (except the Committee on the Budget) shall meet for the transaction of business before the committee.

"(4) Subcommittees of a full committee referred to in division (2) or (3) may only meet on a day that the full committee may meet. Subcommittees may not meet when the full committee is meeting.

"(5) No committee referred to in division (2) or (3) or any subcommittee thereof may meet, without special leave, on a day on which such committee or subcommittee is not authorized to meet unless consent therefore has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leader,

from the designee of the leaders). The majority leader or the designee of the majority leader shall announce to the Senate whenever consent has been given under this division and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

"(c) If at least three members of any standing committee (except the Committee on Appropriations) desire that a special meeting of the committee be called by the chairman and subject to the provisions of subparagraph (b), those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting."

SEC. 4. SENATE COMMITTEE ATTENDANCE.

Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(14) The chairman of each committee of the Senate shall maintain a record of committee attendance and voting records that shall be available to the public."

SEC. 5. REPORT OF UNEXPENDED FUNDS.

Not later than January 31, 1995, and by that date each year thereafter, the Secretary of the Senate shall certify and publish in the Congressional Record a list identifying each member of the Senate who has used less than the amount allocated to the personal office of the member during the preceding fiscal year and the amount of such unused allocation.

SEC. 6. EFFECTIVE DATE.

This resolution and the amendments made by this resolution shall take effect on January 3, 1995.

SENATE RESOLUTION 228—ORIGINAL RESOLUTION REPORTED TO IMPROVE SENATE FLOOR PROCEDURES

Mr. FORD, from the Committee on Rules and Administration reported the following original resolution; which was placed on the calendar:

S. RES. 228

Resolved,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This resolution may be cited as the "Senate Floor Procedures Reform Resolution of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

- Sec. 2. Sense of the Senate amendments.
- Sec. 3. Dispensing with the reading of conference reports.
- Sec. 4. Nondebatable motion to proceed.
- Sec. 5. Requirement of a three-fifths vote to overturn the chair post-cloture.
- Sec. 6. Restriction on amendments to appropriation bills.

SEC. 2. SENSE OF THE SENATE AMENDMENTS.

Rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. On a point of order made by any Senator, no amendment expressing the sense of the Senate or the sense of the Congress, or an amendment to such amendment, shall be received unless the amendment is signed by at least 10 Senators."

SEC. 3. DISPENSING WITH THE READING OF CONFERENCE REPORTS.

Paragraph 1 of rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." and inserting the following: "notwithstanding a request for the reading of the conference report (if such report is printed and available one day prior to the motion to consider), and shall be determined without debate."

SEC. 4. NONDEBATABLE MOTION TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking the period at the end thereof and inserting the following: "; except those motions to proceed made by the majority leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees. Any such motion to proceed, by the majority leader, or any other Senator, to any motion, resolution, or amendment to change any of the Standing Rules of the Senate shall be debatable."

SEC. 5. REQUIREMENT OF A THREE-FIFTHS VOTE TO OVERTURN THE CHAIR POST-CLOTURE.

The third undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by adding at the end thereof the following: "Appeals from the decision of the Presiding Officer shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting."

SEC. 6. RESTRICTION ON AMENDMENTS TO APPROPRIATION BILLS.

Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended by—

- (1) inserting "as passed by the House or as reported to the Senate," after "contained in the bill";
- (2) striking "relevancy of amendments under this rule" and inserting "relevancy or germaneness of amendments under this paragraph";
- (3) striking "submitted to the Senate and be decided without debate" and inserting "ruled on by the chair";
- (4) inserting "(a)" after "4."; and
- (5) adding at the end thereof the following:
 - "(b)(1) An affirmative vote of three-fifths of the Senators, duly chosen and sworn, shall be required to overturn a ruling of the Chair regarding questions of germaneness, relevancy, or legislation under this paragraph.
 - "(2) This paragraph may be waived with respect to an amendment by the affirmative vote of three-fifths of the Senators, duly chosen and sworn."

SENATE RESOLUTION 229—AUTHORIZING OVERSIGHT HEARINGS BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL submitted the following resolution; which was read and ordered placed on the calendar:

S. RES. 229

Resolved,

SECTION 1. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct hearings into whether improper conduct occurred regarding—

(A) communications between officials of the White House and the Department of the Treasury or the Resolution Trust Corporation relating to the Whitewater Development Corporation and the Madison Guaranty Savings and Loan Association;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster; and

(C) the way in which White House officials handled documents in the office of White House Deputy Counsel Vincent Foster at the time of his death; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this resolution shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 29, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

SEC. 2. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the hearings authorized by this resolution, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the hearings authorized in paragraph (1) of section 1 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance; and

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate,

service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the hearings authorized by this resolution.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

SEC. 3. ADDITIONAL STAFF FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section 2(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) In addition to staff provided pursuant to subsection (a) and to assist the committee in its hearings, the chairman may appoint and fix the compensation of additional staff.

SEC. 4. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the hearings as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section 1.

SEC. 5. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to conduct the hearings specified in section 1.

(b) The committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of

the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) Except that the committee shall have no authority to exercise the powers of a committee under section 6005 of title 18, United States Code for immunizing witnesses.

(3) To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(4) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned, the services of personnel of such department or agency.

(5) To report violations of any law to the appropriate Federal, State, or local authorities.

(6) To expend, to the extent the committee determines necessary and appropriate, any money made available to such committee by the Senate to conduct the hearings and to make the reports authorized by this resolution.

(7) To require by subpoena or order the attendance, as witnesses, before the committee or at depositions, any person who may have knowledge or information concerning matters specified in section 1(1).

(8) To take depositions under oath anywhere within the United States, to issue orders by the chairman or his designee which require witnesses to answer written interrogatories under oath, and to make application for issuance of letters rogatory.

(9) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by law to administer oaths. The committee, acting through the chairman, may delegate to designated staff members the power to authorize and issue commissions and deposition notices.

(c)(1) Subject to the provisions of paragraph (2), the committee shall be governed by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the hearings conducted under this resolution. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this resolution.

SEC. 6. RELATION TO OTHER INVESTIGATIONS.

In order to—

(1) expedite the thorough conduct of the hearings authorized by this resolution;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee; and

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel.

SEC. 7. SALARIES AND EXPENSES.

Senate Resolution 71 (103d Congress) is amended—

(1) in section 2(a) by striking "\$56,428,119" and inserting "\$56,828,119"; and

(2) in section 6(c) by striking "\$3,220,767" and inserting "\$3,620,767".

SEC. 8. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by sec-

tion 4(b) not later than the end of the 103d Congress.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this resolution shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

SEC. 9. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. 10. COMMITTEE FUNDING AND RULE XXVI.

The supplemental authorization for the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 9 of rule XXVI of the Standing Rules of the Senate.

SEC. 11. ADDITIONAL HEARINGS.

"(1) In the fulfillment of the Senate's constitutional oversight role, additional hearings on the matters identified in the resolution passed by the Senate by a vote of 98-0 on March 17, 1994 should be authorized as appropriate under, and in accordance with, the provisions of that resolution.

"(2) Any additional hearings should be structured and sequenced in such a manner that in the judgment of the two Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr."

AMENDMENTS SUBMITTED

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

METZENBAUM AMENDMENT NO. 1796

Mr. METZENBAUM proposed an amendment to the bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes; as follows:

At the end of the subtitle, as modified, add the following:

SEC. . SANITARY FACILITIES ABOARD DOMESTIC AIRCRAFT FLIGHTS.

(a) REQUIREMENT OF FACILITIES.—(1) Except as provided in paragraph (2), an air carrier may not provide scheduled passenger service in the United States in an aircraft that carries 10 or more passengers unless there is aboard the aircraft a toilet and other appropriate sanitary facilities (as determined by the Secretary of Transportation) for the use of such passengers.

(2) Paragraph (1) shall not apply to an aircraft for which a type certificate was issued by the Administrator of the Federal Aviation Administration before the effective date of this subsection.

(3) This provisions of this subsection shall take effect on the date that is 1 year after the date of the enactment of this Act.

(b) REQUIREMENT OF PASSENGER NOTIFICATION OF FACILITIES.—(1) An air carrier may not provide scheduled passenger service in the United States in an aircraft having no toilet or other sanitary facilities (as determined by the Secretary) unless the air carrier (or the agent of the air carrier)—

(A) notifies each passenger at the time the passenger reserves a seat or purchases a ticket for the service that the aircraft will have no toilet or other sanitary facilities; and

(B) identifies upon the request of the passenger the type of aircraft providing the service.

(2)(A) To the maximum extent practicable, an air carrier shall take actions to notify passengers of a change in the type of aircraft providing scheduled passenger service in the United States if as a result of that change a toilet and sanitary facilities will not be provided on the aircraft providing the service.

(B) An air carrier shall not have to take the actions referred to in subparagraph (A) if the change in type of aircraft occurs less than 24 hours before the commencement of the service referred to in that subparagraph.

(3) The provisions of paragraphs (1) and (2) shall apply to scheduled passenger service referred to in such paragraphs that commences on or after the date that is 90 days after the date of the enactment of this Act.

MCCAIN AMENDMENT NO. 1797

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1491, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE—

It is the Sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(a) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(b) act to prevent and detect fraud and abuse in such programs and operations; and

(c) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

MCCAIN (AND DOLE) AMENDMENT NO. 1798

Mr. MCCAIN (for himself and Mr. DOLE) proposed an amendment to the bill S. 1491, supra; as follows:

At the end of the amendment add the following:

Whereas, (1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to develop a nuclear bomb.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to

abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and appropriate action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(7) Neither the United States nor the Republic of Korea have yet acted prudently to bring our forces to the optimum level of preparedness to deter aggression from North Korea or, in the event deterrence should fail, to repel any such attack with the least loss of life and property possible. Now, therefore, be it

Resolved, that the United States should immediately take all necessary and appropriate actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel an attack from North Korea.

MCCAIN (AND OTHERS) AMENDMENT NO. 1799

Mr. MCCAIN (for himself, Mr. DOLE, Mr. GORTON, Mr. PRESSLER, Mr. ROTH, Mr. GRAMM, Mr. WALLOP, Mr. NICKLES, Mr. HELMS, Mrs. KASSEBAUM, Mr. ROBB, Mr. THURMOND, Mr. D'AMATO, Mr. WARNER, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. MURKOWSKI, and Mr. SIMPSON) proposed an amendment to the bill S. 1491, supra; as follows:

FINDINGS

(1) President Clinton stated in November of 1993, it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to compel North Korea, through the imposition of sanctions or other means, to act in accordance with its freely undertaken obligations under the Nuclear Non-Proliferation Treaty and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Nuclear Non-Proliferation Treaty, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as a declaration of war and has threatened retaliatory action.

(4) The North Korean government has constructed and has operated a reprocessing fa-

cility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threatens security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States and Republic of Korea forces to deter and, if necessary, repel and attack from North Korea.

LEVIN (AND WARNER) AMENDMENT NO. 1800

Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to amendment No. 1799 proposed by Mr. DOLE to the bill S. 1491, supra; as follows:

On page 2, line 5 after word "action", insert the following: "to act together with the Republic of Korea".

On page 2, line 12, after the word "States", insert the word "forces".

Amend page 2, line 13 to read as follows: "and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an".

LEVIN AMENDMENT NO. 1801

Mr. FORD (for Mr. LEVIN) proposed an amendment to the bill S. 1491, supra; as follows:

On page 37, below line 3, add the following:
SEC. 27. REQUIREMENT FOR CONTINUATION OF RADAR APPROACH CONTROL ACTIVITIES.

(a) FINDING.—Congress finds that the President's Five-Point Plan for Revitalizing Base Closure Communities dated July 2, 1993, encourages all Federal agencies to marshal the resources of such agencies in order to provide coordinated assistance to communities that experience adverse economic circumstance as the result of the closure of a military installation under a base closure law.

(a) REQUIREMENT.—The Administrator of the Federal Aviation Administration shall carry out on-going radar approach control activities at K.I. Sawyer Air Force Base, Michigan. The Administrator shall carry out such activities in the most cost-effective manner using any funds available to the Administrator.

FORD (AND LUGAR) AMENDMENT NO. 1802

Mr. FORD (for himself and Mr. LUGAR) proposed an amendment to the bill S. 1491, supra; as follows:

On page 21 of the committee modification, line 6, strike "carrier or foreign air carrier"

and insert "carrier, or foreign air carrier, for foreign air transportation".

On page 29, line 10, strike "and".

On page 29, line 11, strike the period and insert a semicolon and the word "and".

On page 29, between lines 11 and 12, insert the following:

"(iii) does not apply to the regulation of vehicle size and weight.

On page 29, line 14, strike "except" and insert "and".

On page 29, line 16, after "routing" insert "shall not be affected".

MCCAIN AMENDMENT NO. 1803

Mr. FORD (for Mr. MCCAIN) proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . SENSE OF THE SENATE—

It is the Sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Dulles International Airport, and that the Inspector General shall—

(a) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations; and

(b) act to prevent and detect fraud and abuse in such programs and operations; and

(c) inform the Secretary of the Department of Transportation and the Congress about problems and deficiencies relating to the administration of such programs and operations.

BROWN (AND OTHERS) AMENDMENT NO. 1804

Mr. BROWN (for himself, Mr. HEFLIN, Mr. GRASSLEY, Mr. DECONCINI, Mr. BURNS, Mr. MATHEWS, Mr. GORTON, Mr. COCHRAN, Mr. BAUCUS, Mrs. HUTCHISON, Mr. PRESSLER, Ms. MOSELEY-BRAUN, Mr. SMITH, Mr. NICKLES, Mr. GRAMM, Mr. GREGG, Mr. MURKOWSKI, Mr. LOTT, Mr. DURENBERGER, Ms. MIKULSKI, Mr. THURMOND, Mr. DOLE, Mr. COATS, Mr. HELMS, and Mr. DOMENICI) proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, insert the following new section:

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 in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment, and thus warrants separate treatment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, 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)—

(1) the category of religion should be withdrawn from the proposed guidelines and receive separate treatment from the other categories of harassment;

(2) any new guidelines for the determination of religious harassment should 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 should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

LEAHY AMENDMENT NO. 1805

Mr. FORD (for Mr. LEAHY) proposed an amendment to the bill S. 1491, supra; as follows:

At the end of the committee substitute insert the following:

SEC. 26. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) AVAILABILITY OF INFORMATION.—In the interest of protecting the health of air travelers, the Secretary of Transportation shall publish a list of the countries (as determined by the Secretary) that require disinsection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) REVISION.—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) PUBLICATION.—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).

PRESSLER (AND DECONCINI) AMENDMENT NO. 1806

Mr. PRESSLER (for himself and Mr. DECONCINI) proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CONTRACT TOWER ASSISTANCE

The Secretary of Transportation shall take appropriate action to assist Chandler, Arizona, Aberdeen, South Dakota, and other communities where the Secretary deems such assistance appropriate, in obtaining the installation of a Level I Contract Tower for those communities.

METZENBAUM AMENDMENT NO. 1807

Mr. METZENBAUM proposed an amendment to the bill S. 1491, supra; as follows:

At the appropriate place, add the following:

SEC. —. REEMPLOYMENT AND RECERTIFICATION AS AIR TRAFFIC CONTROLLERS OF CERTAIN DISCHARGED AIR TRAFFIC CONTROLLERS.

(a) REEMPLOYMENT.—Notwithstanding any other provision of law and to the maximum extent practicable, the Secretary of Transportation shall—

(1) notify persons referred to in subsection (b) of openings in positions of employment with the Federal Aviation Administration as air traffic controllers; and

(2) if such persons express an interest in employment in such positions, employ the persons in the positions on a basis which is numerically equal to that of any person other than a person referred to in subsection (b) in the positions.

(b) COVERED PERSONS.—Subsection (a) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action, and who is presently physically and mentally capable of qualifying for a position as an air traffic controller.

(c) PROGRAM.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall carry out a program to provide training to persons referred to in subsection (b). The purpose of the program shall be to facilitate the employment of the persons provided the training by the Federal Aviation Administration as air traffic controllers.

(d) COVERED PERSONS.—Subsection (c) applies to any person—

(1) who was employed by the Federal Aviation Administration in a position as an air traffic controller; and

(2) whose employment in the position was terminated under a 1981 job action; and

(3) who is re-employed by the Federal Aviation Administration as an air traffic controller.

(e) FUNDING.—The Administrator shall carry out the program only if funds are appropriated to the Department of Transpor-

tation specifically for purposes of carrying out the program.

NICKLES AMENDMENT NO. 1808

Mr. PRESSLER (for Mr. NICKLES) proposed an amendment to the bill S. 1491, supra; as follows:

SEC. 408. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) STUDY.—The Administrator shall conduct a study on the availability, effectiveness, cost, and usefulness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) STUDY CRITERIA.—Among other issues, the study shall examine the impact of the following:

1. The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of seats containing infant restraining systems; such estimate to cover a ten-year period;

2. The impact on air carrier aircraft passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles; such estimate to cover a ten-year period;

3. The impact on fatality rates of infants using other modes of transportation, including automobiles, subject to the findings in subsection (b) 2, above; such estimate to cover a ten-year period; and

4. The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) REPORT.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study required in subsection (a). The report shall be submitted within 6 months after the date of enactment of this Act.

LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 1995

JEFFORDS (AND METZENBAUM) AMENDMENT NO. 1809

Mr. JEFFORDS (for himself and Mr. METZENBAUM) proposed an amendment to the bill (H.R. 4454) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. A. No funds appropriated under this Act may be used to carry out the provisions of section 8335(d) or 8425(b) of title 5, United States Code, relating to the mandatory separation of a member of the Capitol Police.

SEC. B. Officers mandatorily separated under P.L. 101-428 shall be entitled to preferential rehiring to the extent qualified for any available positions.

REID AMENDMENTS NOS. 1810-1811

Mr. REID proposed two amendments to the bill H.R. 4454, supra; as follows:

AMENDMENT NO. 1810

On page 5, line 25, before the period insert the following: ", of which \$21,347,000 shall remain available until expended".

AMENDMENT NO. 1811

On page 36, beginning with "That" on line 4, strike all through "Provided further," on line 8.

BURNS AMENDMENT NO. 1812

Mr. MACK (for Mr. BURNS) proposed an amendment to the bill H.R. 4454, supra; as follows:

At the appropriate place, insert the following:

SEC. . Section 207(a) of the Legislative Appropriations Act, 1993 (Public Law 102-392) is amended—

(1) in paragraph (1) by inserting "or made available from any source" after "appropriated";

(2) in paragraph (2)(A) by inserting after "as certified by the Public Printer," the following: "if the work is included in a class of work which";

(3) by redesignating paragraph (3) as paragraph (4);

(4) by adding after paragraph (2) the following:

"(3) Any Federal officer or employee who publishes a Government publication or orders or contracts for an individual printing order under paragraph (2) shall comply with all applicable provisions of chapter 19, title 44, United States Code, regarding distribution of Government publications by the Government Printing Office to Federal depository libraries."; and

(5) by amending paragraph (4), as redesignated to read as follows:

"(4) As used in this section, the term 'printing' includes the processes of composition, platemaking, presswork, duplicating, silk screen processes, production of an image on paper or other substrate by any process, binding, microform, and the end items of such processes."

REID AMENDMENTS NOS. 1813-1815

Mr. Reid proposed three amendments to the bill H.R. 4454, supra; as follows:

AMENDMENT NO. 1813

At the end of the bill, add the following:

SEC. . The following amounts appropriated under the following headings shall be withheld from obligation and shall only become available to the extent necessary to cover the costs of increases in pay and allowances authorized pursuant to the enactment of H.R. 4539, of the 103d Congress, or pursuant to the pay order of the President or other administrative action pursuant to law:

Capitol Police Board:	
Capitol Police:	
Salaries	\$167,000
Office of Technology Assessment:	
Salaries and Expenses	39,000
Congressional Budget Office:	
Salaries and Expenses	55,000
Architect of the Capitol:	
Office of the Architect of the Capitol:	
Salaries	176,000
Capitol Buildings and Grounds:	
Capitol buildings	161,000
Capitol grounds	69,000
Senate office buildings	280,000
Capitol power plant	95,000
Library of Congress:	
Congressional Research Service:	
Salaries and expenses	671,000
Government Printing Office:	
Congressional Printing and Binding	2,007,000

Office of Superintendent of Documents:	
Salaries and expenses	107,000
Botanic Garden:	
Salaries and Expenses	48,000
Library of Congress:	
Salaries and Expenses	2,307,000
Copyright Office:	
Salaries and expenses	270,000
Books for the Blind and Physically Handicapped:	
Salaries and expenses	79,000
Architect of the Capitol:	
Library Building and Grounds:	
Structural and mechanical care	123,000
General Accounting Office:	
Salaries and Expenses	3,835,000

AMENDMENT NO. 1814

On page 26, line 14, after "expended", insert:

Provided, That of the amount appropriated under this heading such sums as are necessary shall be used, at the direction of the Sergeant at Arms and Doorkeeper of the Senate, to complete improvements to the property acquired pursuant to section 1202 of P.L. 103-50.

AMENDMENT NO. 1815

On page 6, line 19, strike "\$15,000,000" and insert "\$11,000,000, to remain available until September 30, 1996".

On page 10, line 18, strike "\$20,000" and insert "\$50,000: Provided, That, in any fiscal year beginning with fiscal year 1995, a Senator may use funds provided for official office expenses, but not to exceed \$50,000, for mass mailing, as defined in section 6(b)(1) and all such mass mailings shall be under the frank".

On page 10, line 20, strike ", Senators-elect, and offices of the Senate".

On page 11, line 2, insert "more than" before "500" and strike "or more".

On page 11, beginning with "(to the extent" on line 10, strike all through "Congress" on line 17.

On page 11, line 23, strike "or mobile office".

On page 11, line 24, after "notice" insert ", but no such mailing may be made fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any Federal, State, or local office in which a Member of the Senate is a candidate for election".

On page 12, line 6, strike "A" and insert "Except as provided in section 5, a".

On page 12, line 6, strike ", Senator-elect, or office of the Senate".

On page 12, line 11, strike "and Senators-elect".

On page 12, between lines 16 and 17, insert the following:

SEC. 8. None of the funds appropriated under the heading "SENATE" under the subheading "OFFICIAL MAIL COSTS" may be used in any fiscal year beginning on or after October 1, 1994, for mass mailings as defined in section 6(b)(1).

REID AMENDMENT NO. 1816

Mr. REID proposed an amendment to the bill H.R. 4454, supra; as follows:

On page 6, line 6, strike "\$203,542,000" and insert "\$206,542,000".

REID AMENDMENT NO. 1817

Mr. REID proposed an amendment to the bill H.R. 4454, supra; as follows:

At the end of the bill, add the following:

SEC. . Architect of the Capitol Human Resources Program.

(a) SHORT TITLE.—This section may be cited as the "Architect of the Capitol Human Resources Act".

(b) FINDING AND PURPOSE.—

(1) FINDING.—The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) PURPOSE.—It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) PERSONNEL MANAGEMENT SYSTEM.—

(1) ESTABLISHMENT.—The Architect of the Capitol shall establish and maintain a personnel management system.

(2) REQUIREMENTS.—The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) IMPLEMENTATION OF PERSONNEL MANAGEMENT SYSTEM.—

(1) DEVELOPMENT OF PLAN.—The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c);

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and

the Joint Committee on the Library not later than 12 months after the date of enactment of this Act; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library, as specified in paragraph (2).

(2) **EVALUATION AND REPORTING.**—The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) **APPLICATION OF LAWS.**—Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(e) **DISCRIMINATION COMPLAINT PROCESSING.**—

(1) **DEFINITIONS.**—For purposes of this subsection:

(A) The term "employee of the Architect of the Capitol" or "employee" means—

(i) any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;

(ii) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(iii) within 180 days after the termination of employment with the Architect of the Capitol, any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment with the Architect of the Capitol.

(B) The term "violation" means a practice that violates subsection (b) of this section.

(2) **DISCRIMINATORY PRACTICES PROHIBITED.**—

(A) **IN GENERAL.**—All personnel actions affecting employees of the Architect of the Capitol shall be made free from any discrimination based on—

(i) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(ii) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(iii) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

(B) **INTIMIDATION PROHIBITED.**—Any intimidation of, or reprisal against, any employee by the Architect of the Capitol, or by any employee of the Architect of the Capitol, because of the exercise of a right under this section constitutes an unlawful employment practice, which may be remedied in the same manner as are other violations described in paragraph (1).

(3) **PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.**—

(A) **GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD.**—(i) Any employee of the Architect of the Capitol alleging a violation of paragraph (2) may file a charge with the General Accounting Office Personnel Ap-

peals Board in accordance with the General Accounting Office Personnel Act of 1980 (31 U.S.C. 751-55) and regulations of the Board. Such a charge may be filed only after the employee has filed a complaint with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol and has exhausted all remedies pursuant to such requirements.

(ii) The Architect of the Capitol shall carry out any action within its authority that the Board orders under section 4 of the General Accounting Office Personnel Act of 1980 (31 U.S.C. 753).

(iii) The Architect of the Capitol shall reimburse the General Accounting Office for costs incurred by the Board in considering charges filed under this subsection.

(B) **GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD OR OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.**—An employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings alleging a violation of subsection (b) may file a charge pursuant to paragraph (1), or may elect to follow the procedures outlined in the Government Employee Rights Act of 1991 (2 U.S.C. 1201 et seq.).

(4) **AMENDMENTS TO THE GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.**—

(A) Section 751(a)(1) of title 31, United States Code, amended by inserting "or Architect of the Capitol" after "Office".

(B) Section 753(a) of title 31, United States Code, is amended—

(i) in paragraph (7) by striking "and" at the end of the paragraph;

(ii) in paragraph (8) by striking the period and inserting "; and"; and

(iii) by inserting at the end thereof the following:

"(9) an action involving discrimination prohibited under subsection (d)(2) of the Architect of the Capitol Human Resources Act."

(C) Section 755 of title 31, United States Code, is amended—

(i) in subsection (a) by striking the "or (7)" and inserting ", (7), or (9)"; and

(ii) in subsection (b) by striking "or applicant for employment" and inserting "applicant for employment, or employee of the Architect of the Capitol".

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS OVERSIGHT HEARINGS AUTHORIZATION RESOLUTION

DOLE (AND D'AMATO) AMENDMENT NO. 1818

(Ordered to lie on the table.)

Mr. DOLE (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the resolution (S. Res. 229) authorizing oversight hearings by the Committee on Banking, Housing, and Urban Affairs; as follows:

At the appropriate place, add the following:

In lieu of the matter proposed to be inserted, insert the following:

TITLE X—COMMITTEE OVERSIGHT HEARINGS

SEC. 1. SCOPE OF THE HEARINGS.

The Committee on Banking, Housing, and Urban Affairs (referred to as the "committee") shall—

(1) conduct an investigation into, and study of, all matters that have a tendency to reveal the full facts about—

(A) allegations of improper contacts or communications between and among officials of the White House, the Department of the Treasury, Resolution Trust Corporation, and Office of Thrift Supervision;

(B) the Park Service Police investigation into the death of White House Deputy Counsel Vincent Foster;

(C) the handling and disposition of documents in the office of White House Deputy Counsel Vincent Foster at and after the time of his death; and

(D) any other activity, circumstance, material or transaction having a tendency to prove or disprove that any official of the United States Government or any other person acting either individually or in concert with others engaged in any activity that was illegal, improper, unauthorized or unethical in connection with any activity related to Whitewater Development Corporation, Madison Guaranty Savings and Loan Association, and Capital Management Services, Inc. occurring on or after January 20, 1993; and

(2)(A) make such findings of fact as are warranted and appropriate;

(B) make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the committee may determine to be necessary or desirable; and

(C) fulfill the Constitutional oversight and informing function of the Congress with respect to the matters described in this section.

The hearings authorized by this resolution shall begin on a date determined by the Majority Leader, in consultation with the Minority Leader, but no later than the earlier of July 22, 1994, or within 30 days after the conclusion of the first phase of the independent counsel's investigation.

SEC. 2. MEMBERSHIP, ORGANIZATION, AND JURISDICTION OF THE COMMITTEE FOR PURPOSES OF THE HEARINGS.

(a)(1) For the sole purpose of conducting the investigation and study authorized by this resolution, the committee shall consist of—

(A) the members of the Committee on Banking, Housing, and Urban Affairs, who shall, in serving as members of the committee, reflect the legislative and oversight interests of other committees of the Senate with a jurisdictional interest (if any) in the investigation and study authorized in paragraph (1) of section 1 as provided in subparagraph (B);

(B)(i) Senator Kerry and Senator Bond from the Committee on Small Business;

(ii) Senator Riegle and Senator Roth from the Committee on Finance;

(iii) Senator Shelby and Senator Domenici from the Subcommittee on Public Lands, Parks, and Forests of the Committee on Energy and Natural Resources;

(iv) Senator Moseley-Braun from the Committee on the Judiciary; and

(v) Senator Sasser and Senator Roth from the Permanent Subcommittee on Investigations; and

(C) the ranking member of the Committee on the Judiciary, or his designee, who shall serve for purposes of considering matters within the jurisdiction of the Committee on the Judiciary, but shall not serve as a voting member of the committee.

(2) For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate,

service of the ranking member of the Committee on the Judiciary as a member of the committee shall not be taken into account.

(b) The jurisdiction of the committee shall encompass the jurisdiction of the committees and subcommittees listed in subsection (a)(1)(B), to the extent, if any, pertinent to the investigation and study authorized by this resolution.

(c) A majority of the members of the committee shall constitute a quorum for reporting a matter or recommendation to the Senate, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony before the committee or for conducting the other business of the committee as provided in paragraph 7 of rule XXV of the Standing Rules of the Senate.

SEC. 3. ADDITIONAL STAFF AND ASSISTANCE FOR THE COMMITTEE.

(a) The committee, through the chairman, may request and use, with the prior consent of the chairman of any committee or subcommittee listed in section 2(a)(1)(B), the services of members of the staff of such committee or subcommittee.

(b) To assist the committee in its investigation and study, the chairman, after consultation with the ranking member and the approval of the committee, shall appoint additional committee staff. The level of compensation payable to any such additional employee shall not be subject to any limitation on compensation otherwise applicable to an employee of the Senate.

(c) To assist the committee in its investigation and study, the Senate Legal Counsel and Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the committee.

(d) The Majority and Minority Leaders of the Senate may each designate one staff person to serve on the staff of the committee to serve as their liaison to the committee.

(e) The Comptroller General of the United States is requested to provide from the General Accounting Office whatever personnel, investigatory, material, or other appropriate assistance may be required by the committee.

SEC. 4. PUBLIC ACTIVITIES OF THE COMMITTEE.

(a) Consistent with the rights of persons subject to investigation and inquiry, the committee shall make every effort to fulfill the right of the public and the Congress to know the essential facts and implications of the activities of officials of the United States Government with respect to the matters covered by the investigation and study as described in section 1.

(b) In furtherance of the public's and Congress' right to know, the committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, open hearings subject to consultation and coordination with the independent counsel appointed pursuant to title 28, parts 600 and 603, of the Code of Federal Regulations (referred to as the "independent counsel");

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall, in order to accomplish the purposes set forth in subsection (a), make a final comprehensive public report to the Senate of the findings of fact and any recommendations specified in paragraph (2) of section 1.

SEC. 5. POWERS OF THE COMMITTEE.

(a) The committee shall do everything necessary and appropriate under the laws and Constitution of the United States to make

the investigation and study specified in section 1.

(b) Except as provided in subsection (c), the committee is authorized to exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978 (2 U.S.C. 288d), including the following:

(1) To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the committee. A subpoena may be authorized by the committee or by the chairman with the agreement of the ranking member and may be issued by the chairman or any other member designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or without the borders of the United States to the full extent permitted by law. The chairman of the committee, or any other member thereof, is authorized to administer oaths to any witnesses appearing before the committee.

(2) To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the committee considers necessary or appropriate.

(3) To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) To hold hearings for taking testimony under oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(5) To require by subpoena or order the attendance, as witnesses before the committee or at depositions, of any person who may have knowledge or information concerning any of the matters the committee is authorized to investigate and study.

(6) To take depositions and other testimony under oath anywhere within the United States or in any other country, to issue orders by the chairman or any other member designated by the chairman which require witnesses to answer written interrogatories under oath, to make application for issuance of letters rogatory, and to request, through appropriate channels, other means of international assistance, as appropriate.

(7) To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The committee, acting through the chairman, may authorize and issue, and may delegate to designated staff members the power to authorize and issue, commissions and deposition notices.

(8) To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government,

(B) any person or entity purporting to act under color or authority of State or local law, or

(C) any private person, firm, corporation, partnership, or other organization,

to produce for its consideration or for use as evidence in the investigation or study of the committee any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions such committee is authorized to investigate and study which they or any of them may have in their custody or under their control.

(9) To make to the Senate any recommendations, including recommendations for criminal or civil enforcement, which the committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in obedience to a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during his appearance as a witness before such committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government,

(ii) any person or entity purporting to act under color or authority of State or local law, or

(iii) any private person, partnership, firm, corporation, or organization,

to produce before the committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in obedience to any subpoena or order.

(10) To procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(11) To use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(12) To have access through the agency of any members of the committee, staff director, chief counsel, or any of its investigatory assistants designated by the chairman, to any data, evidence, information, report, analysis, document, or paper—

(A) which relates to any of the matters or questions which the committee is authorized to investigate or study;

(B) which is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have—

(i) the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States; or

(ii) the authority to, or which in fact has, conducted intelligence gathering or intelligence activities,

without regard to the jurisdiction or authority of any other Senate committee; and

(C) which will aid the committee to prepare for or conduct the investigation and study authorized and directed by this resolution.

(13) To report violations of any law to the appropriate Federal, State, or local authorities.

(14) To expend, to the extent the committee determines necessary and appropriate, any moneys made available to such committee by the Senate to make the investigation, study, and reports authorized by this resolution.

(c) The committee shall have no power under section 6005 of title 18, United States Code for immunizing witnesses.

(d)(1) Subject to the provisions of paragraph (2), the committee shall be governed

by the rules of the Committee on Banking, Housing, and Urban Affairs, except that the committee may modify its rules for purposes of the investigation and study conducted under this resolution. The committee shall cause any such amendments to be published in the Congressional Record.

(2) The committee's rules shall be consistent with the Standing Rules of the Senate and this resolution.

SEC. 6. RELATION TO OTHER INVESTIGATIONS.

In order to—

(1) expedite the thorough conduct of the investigation and study authorized by this resolution;

(2) promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) engender a high degree of confidence on the part of the public regarding the conduct of such hearing,

the committee is encouraged—

(A) to obtain relevant information concerning the status of the independent counsel's investigation to assist in establishing a hearing schedule for the committee;

(B) to coordinate, to the extent practicable, its activities with the investigation of the independent counsel;

(C) to seek the full cooperation of all relevant investigatory bodies; and

(D) to seek access to all information which is acquired and developed by such bodies.

The Senate requests that the independent counsel make available to the committee, as expeditiously as possible, all documents and information which may assist the committee in its investigation and study.

SEC. 7. SALARIES AND EXPENSES.

Such sums as are necessary shall be available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the committee under this resolution, which shall include sums which shall be available for the procurement of the services of individual consultants or organizations thereof. Payment of expenses shall be disbursed upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 8. REPORTS; TERMINATION.

(a) The committee shall make the final public report to the Senate required by section 4(b) as soon as practicable after the conclusion of the investigation and study.

(b) The final report of the committee may be accompanied by whatever confidential annexes are necessary to protect confidential information.

(c) The authorities granted by this resolution shall terminate 30 days after submission of the committee's final report. All records, files, documents, and other materials in the possession, custody, or control of the committee shall remain under the control of the regularly constituted Committee on Banking, Housing, and Urban Affairs.

SEC. 9. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the committee is granted pursuant to this resolution notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public

that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Friday, July 8, 1994, beginning at 9:00 a.m. and concluding at approximately 2:30 p.m. The hearing will be held at the Shields Building Auditorium at the College of Southern Idaho, 315 Falls Avenue, Twin Falls, Idaho.

The purpose of the hearing is to receive testimony on the Department of the Interior's proposed rule to amend the Department's regulations concerning livestock grazing.

A number of witnesses representing a cross-section of views and organizations will be invited by the Committee to testify. Time will also be set aside to accommodate as many other individuals as possible who would like to make a brief statement of no more than 3 minutes in support of, or opposition to, these proposed regulations. Those wishing to make such a statement should contact one of Senator CRAIG's State offices listed below, no later than 3 p.m. on July 5, 1994:

Boise Regional Office, 304 North 8th Street, Room 149, Boise, Idaho 83702, (202) 342-7985.

Coeur d'Alene Regional Office, 103 North 4th Street, Coeur d'Alene, Idaho 83814, (208) 667-6130.

Lewiston Office, 846 Main Street, Lewiston, Idaho 83501, (208) 743-0792.

Twin Falls Regional Office, 1292 Addison Avenue East, Twin Falls, Idaho 83301, (208) 734-6780.

Pocatello Regional Office, Federal Building, Room 216, 250 South 4th Avenue, Pocatello, Idaho 83201, (208) 236-6817.

Idaho Falls Office, 2539 Channing Way, Suite 240, Idaho Falls, Idaho 83404, (208) 523-5541.

Although the Committee will attempt to accommodate as many individuals desiring to speak as time permits, it may not be possible to hear from all those wishing to testify.

Written statements may also be submitted for the hearing record. It is only necessary to provide one copy of any material submitted for the record. Comments for the record may be brought to the hearing or submitted to the Committee on Energy and Natural Resources, Room 304 of the Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Tom Williams of the Committee staff at (202) 224-7145.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Monday, July 11, 1994, beginning at 8 a.m. and concluding at approximately 2 p.m. The hearing will be held at the Richfield High School Auditorium, 510 West 100 South, Richfield, UT.

The purpose of the hearing is to receive testimony on the Department of

the Interior's proposed rule to amend the Department's regulations concerning livestock grazing.

A number of witnesses representing a cross-section of views and organizations will be invited by the committee to testify. Time will also be set aside to accommodate as many other individuals as possible who would like to make a brief statement in support of, or opposition to, these proposed regulations. Those wishing to make such a statement should contact Senator BENNETT's Provo, UT, office at (801) 379-2526, no later than 3 p.m. on July 6, 1994.

Although the committee will attempt to accommodate as many individuals desiring to speak as time permits, it may not be possible to hear from all those wishing to testify.

Written statements may also be submitted for the hearing record. It is only necessary to provide one copy of any material submitted for the record. Comments for the record may be brought to the hearing or submitted to the Committee on Energy and Natural Resources, room 304 of the Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Tom Williams of the committee staff at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, June 16, 1994, at 2 p.m., in open session, to consider the following pending military nominations:

Gen. J.H. Binford Peay III, USA, for reappointment to the grade of general and to be commander in chief, U.S. Central Command.

Vice Adm. William J. Flanagan, Jr., USN, for appointment to the grade of admiral and to be commander in chief, U.S. Atlantic Fleet.

Maj. Gen. Anthony C. Zinni, USMC, for appointment to the grade of lieutenant general and to be commanding general, 1st Marine Expeditionary Force.

Maj. Gen. Paul E. Stein, USAF, for appointment to the grade of lieutenant general and to be Superintendent, U.S. Air Force Academy.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 16, 1994, at 10 a.m. on overview of the results of the Uruguay round.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 a.m., June 16, 1994, to receive testimony on S. 2174, a bill to provide for the administration of the Hawaiian Homes Commission Act, 1920, and for other purposes.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, at 11 a.m. to receive a closed briefing on the Chemical Weapons Convention—Treaty Doc. 103-21.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, June 16, at 9:30 a.m. on a markup on the following: Paperwork Reduction Act.

S. 1604, Federal Mandate Accountability and Reform Act of 1994.

S. 1413, the reauthorization of the Office of Government Ethics.

H.R. 1779, to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building."

H.R. 3285, to redesignate the postal facility located at 1401 West Fort Street, Detroit, MI, as the "George W. Young Post Office."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 16, 1994, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON CONSTITUTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, June 16, 1994, at 10 a.m., to hold a hearing on reauthorization of the Civil Rights Commission.

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

ADDITIONAL STATEMENTS

UNITED STATES-CANADA PACIFIC SALMON TREATY

• Mr. GORTON. Mr. President, last night I introduced a resolution protest-

ing the \$1,100 fee recently imposed by Canada on United States fishermen traveling the Inside Passage on their way to fishing grounds in Alaska.

This fee imposed by Canada was a unilateral action that violates international law. It was done, say the Canadians, to gain concessions from the United States in negotiating the Pacific Salmon Treaty. The action of Canada was wrong—illegal—and the United States Government must make clear, now, in no uncertain terms, that this action will not be tolerated.

Some have responded to the Canadian action by saying "let cooler heads prevail." In the end I hope that cool heads negotiate a treaty that is fair to both sides, but if the immediate reaction of the U.S. Government to the imposition of this fee is to be cool we are sending a message that indicates we will not tolerate illegal actions—actions which, by the way, imperil the lives of our citizens.

My approach is different. I have introduced a resolution for the purpose of giving the President a strong hand in responding to this action. I want him to have a wide range of options, even including the extreme measure of allowing our Coast Guard to escort U.S. fishing boats through international waters. In fact, it is not my hope that we reach the state when such a step is taken, but I want the Canadians to know that we take their action so seriously that we will, if needed, resort even to this harsh measure.

After the Canadians have withdrawn the fee, then it is time for the cool-headed negotiators to hammer out a treaty, and here the Canadians have a legitimate complaint. Neither the Bush nor the Clinton administration has given this treaty appropriate attention. That must change. The Canadian concerns must be heard as well as those of the United States.

That is the way to resolve this issue and to resume our friendly relations with our best friends to the north.●

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise once again in my continuing effort to put a face on the health care crisis in America. Today I want to tell the story of Mr. and Mrs. Carthel Strunk of Beaverton, MI.

Mary and Carthel Strunk are in their early fifties and are the parents of three grown daughters. Thirteen years ago they moved from the Detroit area to Beaverton, a small mid-Michigan community. Shortly after their move, Mary found work at a local grocery store, and Carthel ran his own paint and bumper business. They both received comprehensive health insurance coverage through Mary's employer.

Ten years later, in 1991, Mary decided to leave her job to help her daughter

with newborn twins and to open a quilting business. Through COBRA, Mary and Carthel were able to continue their health insurance coverage for 18 months at her former employer's group rate of \$175/month, with a \$500 deductible.

In May 1992, Carthel was diagnosed with emphysema, a debilitating, life-threatening lung disease. When the couple's ability to use Mary's former workplace health plan ended in December 1992, they could not find an insurer who would cover Carthel. After researching different plans, Mary was able to purchase coverage for herself at a cost of \$125/month, with a \$500 deductible. Prescriptions were covered, with a \$5 copayment once the deductible was met. Mary, who was blessed with good health, continued paying for her coverage until December 1993, when her premium rose to \$168/month. This cost was 20 percent of their income and was just too much for them. Mary was forced to cancel the policy. Since then she has been uninsured.

The Strunk's are not wealthy. Their yearly income averages about \$10,000. Carthel had to leave his paint and bumper business due to his emphysema because he could not breathe in the paint fumes and other fumes associated with his work.

In December 1992, Carthel applied for Social Security disability coverage from Medicare. He was denied because he did not meet the eligibility requirements needed for a person with emphysema. He has appealed, and is currently awaiting the judge's decision. Even if the judges grant him eligibility, it could take up to 2 years before he can receive any benefits. Despite their low income, Mary and Carthel are not eligible for Medicaid because of a life insurance policy valued at \$2,500. This, along with their personal assets, put them just over the required \$3,000 limit on allowed assets.

Carthel and his family are extremely concerned that any assistance they manage to get could come too late. Recently, an x-ray revealed a spot on one of Carthel's lungs. Although the spot is not of great concern now, the family fears it could develop into something which will need considerable medical attention.

In the meantime, Carthel's emphysema is at a stage where some days just walking up one flight of stairs in his home causes shortness of breath. He is on several different medications, including one for high blood pressure. Mary estimates that they spend anywhere from \$100 to \$300 per month on medical costs, including prescriptions and tests. Although this expense is difficult for them, Carthel continues to see the doctor regularly. With his emphysema, he does not want to risk missing a doctor's appointment or foregoing testing.

If Carthel's situation weren't disheartening enough, in March 1994, 3

months after canceling her policy, Mary had an abnormal Pap smear. In 3 months she will have another smear. If it is still abnormal, further testing will have to be done. As you can imagine, Mary, like Carthel, now lives with the fear of more extensive medical treatment with no means of paying for it. Their greatest fear is that one, or both of them will need to be hospitalized.

In spite of their situation, the couple is happy living in this quiet small town. They believe they could live off their income, if it weren't for their medical expenses.

Carthel and Mary's situation was brought to my attention by their daughter Noreen. She describes her parents as good providers, and honest, hard workers. She worries about her parents, and the fact that they are lacking health care coverage at a time when they need it most. For now, in order to access any type of assistance they would have to impoverish themselves. This is an option to Strunk's do not want to consider.

Mr. President, Carthel and Mary are Americans who have worked all their lives and tried to take responsibility for their health care, but are now unable to pay for necessary medical services. Preexisting condition clauses and spiraling health costs are devastating families across our country. I will continue to work with my colleagues in the Senate to make health care reform a reality this year.●

CELEBRATING THE DAY OF THE AFRICAN CHILD

● Mr. MOYNIHAN. Mr. President, 18 years ago today innocent school-children were massacred in a terrible tragedy which occurred in Soweto, South Africa. In their memory, we observe the Day of the African Child every year on this date. Blessedly, apartheid has been replaced by democracy in South Africa. The votes of those oppressed by decades of repugnant racial segregation will propel South Africa into a new era of political participation and racial equality. At long last there is hope that the horrors such as the Soweto massacre will no longer terrorize South Africa.

As we celebrate the Day of the African Child, we should reflect on ways to ensure that all children in Africa will enjoy a brighter future than has been the case in the past. This is important, for children under 15 years of age are not an insignificant portion—over 45 percent—of the population of Sub-Saharan Africa. Progress has been made. We can applaud rising life expectancy and decreasing infant mortality rates while encouraging continued efforts to improve the quality of life of Africa's children.●

CONSUMER CHOICE HEALTH SECURITY ACT

● Mr. NICKLES. Mr. President, the American people are strongly opposed to the idea of a big-government, one-size-fits-all health care plan. But President Clinton and many Members of Congress are not listening. Already a key congressional committee has reported a Clinton-style plan and others are poised to do the same. The President's health care proposal includes too many taxes, too much bureaucracy, too little quality, and too little choice.

The President's plan relies on more Federal control and regulation of a trillion-dollar industry that represents one-seventh of our entire economy and provides the highest quality health care in the world.

The Clinton plan outlaws virtually all current plans and substitutes a one-size-fits-all program which would cost the average family about \$6,000 per year.

As the true cost of the President's health care proposal becomes clearer to Congress, key Members supporting the central themes of the plan have felt compelled to call for new ways to fund the plan's mandated health package. The Senate Labor Committee recently completed action on a health plan that contains all the bad components of the President's plan, plus more.

Overpromised and underfunded, these programs contain onerous employer mandates and excessive payroll taxes which will prove devastating to the Nation's economy.

As the economy continues to grow and more individuals are insured, fewer and fewer Americans are calling for a complete overhaul of the health care system. I believe we must be cautious in our attempt to reform the health care system. We must insist that any changes do more good than harm. We have the highest quality health care in the world, we can't sacrifice that.

I have come to the Senate floor today to introduce a series of changes to the Consumer Choice Health Security Act, which now has 25 cosponsors, which I believe will improve this legislation by further enhancing consumer choice, expanding consumer freedom, and lowering potential consumer choice.

As originally drafted, the Consumer Choice Health Security Act contained a requirement that the States establish programs to identify individuals who fail to purchase a minimum level of health benefits and enroll them in a comparable health care package. As we received input from the States, it is my belief that this individual mandate should be dropped from the legislation.

States will still be given reprogrammed funds from the Medicaid Disproportionate Share program to provide assistance to low-income people who fall through the cracks of the health care system. This program is aimed at ensuring that low-income

citizens pay no more than 5 percent of their adjusted gross income for health care expenses.

I believe that with the strong incentive implication, the tax credit, combined with the assistance and flexibility given to the States, Americans who wish to purchase insurance to protect themselves from the perennially high cost of an illness will do so, without a mandate. The removal of the tax penalty, which was the loss of the personal exemption, is consistent with this goal.

After cost analyses by Lewin-VHI and other prominent actuaries, it has been noted that the minimum catastrophic plan required in the bill in order to obtain a tax credit may prove to be too expensive for many Americans and too intrusive on their health care choices.

To lower the cost of this basic package, the deductible limits of \$1,000 for an individual and \$2,000 for a family have been deleted. Further, as originally written, the bill would limit out-of-pocket expenses for both insurance premiums and medical services to \$5,000. This section has been modified to set the limit at the higher of \$5,000 or 10 percent of a person's gross income.

In a subsequent effort to keep the minimum benefits package as affordable as possible, we have decided to drop outpatient prescription drugs as a necessary feature in order to be eligible for the tax credit.

While protecting all Americans from financial ruin because of medical bills, these changes will increase consumer choice and protect society from people who would irresponsibly shift their medical costs to others.

In order to preserve the bill's budget neutrality, we moved the effective date back to January 1, 1998. We also indexed the tax credit ensuring that the credit will not grow at a greater rate than that of private health expenditures.

These changes ensure that our program comes down on the side of families and individuals. It provides every American with access to quality, affordable health care, preserves the health choices Americans now have and that the Clintons will take away and provides new opportunities for health care that the Clintons deny; all without increasing taxes or creating new bureaucracies.

Health care reform is a complex issue. The President is wrong to think that the problems we face in health care can be solved by invasive big-government surgery. Americans need a plan which seeks a straightforward solution by protecting what is right about the current system—quality and choice—and knocking down the barriers that deny many American access to affordable health care.●

OUR PRESENT PREOCCUPATION WITH THE PROBLEMS IN RWANDA SHOULD NOT OBSCURE THE PRESENT FRAGILE SITUATION IN BURUNDI

• Mr. DURENBERGER. Mr. President, I rise today to direct the attention of this Nation to the delicate situation that now exists in Burundi. The same ethnic division between Hutus and Tutsis that exists in Rwanda also exists in Burundi, and threatens to erupt in the same racial violence that now engulfs Rwanda. The world's present preoccupation with the situation in Rwanda threatens to obscure the tinderbox waiting to ignite in Burundi.

Not too long ago the situation in Burundi seemed bright. After a number of years in which Burundi was governed by a dictatorship, the people of Burundi by a 9-to-1 margin approved a new, democratic constitution. The leader of the country at the time, Pierre Buyoya, resigned from the military in order to stand for election under the new constitution.

The main opponent of Pierre Buyoya, a Tutsi, in the election was Melchoir Ndadaye, a Hutu. In Burundi, the Hutus make up 85 percent of the population and the Tutsis 14 percent. Roughly the same ethnic split as in Rwanda.

In June 1993, Melchoir Ndadaye was elected President by an impressive margin. Pierre Buyoya, the former military leader of the country, accepted his electoral defeat gracefully. There was a peaceful transition of power.

The peaceful conditions were short-lived. On October 21, 1993, I came to the floor to express my shock and dismay at the events that had occurred in Burundi. Units of the Burundian Army had staged a coup and had murdered President Ndadaye and members of the government.

This tragic event triggered an ethnic conflict that resulted in thousands being killed. Approximately one-tenth of the population of Burundi fled to the neighboring countries of Rwanda, Tanzania, and Zaire.

More recently, President Ntaryamira of Burundi was killed in the same plane crash that killed President Habyarimana of Rwanda. Fortunately, the people of Burundi did not react to this tragic event in the same violent manner as in Rwanda. Nevertheless, there have been repeated incidents of violence in Burundi that threaten at any moment to escalate and to break out in renewed ethnic fighting.

The United States policy toward Rwanda has failed. We have failed to galvanize the community of nations to take positive steps to prevent a genocide in Rwanda. We have failed in our international leadership role. We have failed to provide timely assistance and to do what is moral and right.

While thousands were dead and dying, we argued with the United Na-

tions over whether 50 armored personnel carriers—essential to the deployment of an all-African peacekeeping force in Rwanda—were to be sold or leased to the United Nations.

The administration has pledged that there will never be a second Holocaust. Well, it has happened again in Rwanda. And—unless we create a game plan—it will happen again in Burundi.

The instructions of the Department of State and the National Security Council not to refer to the tragic events in Rwanda as a genocide cannot obscure the immensity of the tragic events that have occurred there. Semantics cannot change the truth of the situation—or hide the administration's failure to establish a clear and cohesive foreign policy.

Instead of merely reacting to events, the administration should now formulate and carry through a policy toward Burundi that is designed to prevent a genocide in that country.

The time to act is now. Tomorrow will be too late.

Our policy toward Burundi should include active support for those moderate Hutus and Tutsis who are working to establish a workable, coalition government that will permit both Hutus and Tutsis to legitimately share power and to fully participate in the governmental process. The United States should assist in strengthening the democratic tradition that was begun with the adoption by the people of Burundi of a constitution in 1992.

The United States should aid the present discussions between the Hutus and Tutsis. The present mistrust that exists between the two factions must be changed to mutual trust and respect for human rights. A tall order, but one that is essential to a lasting peace.

The United States should assist in identifying those responsible for the murder of President Ndadaye and the ensuing ethnic violence. Those who perpetrated these violent acts should be brought to justice and should not be recognized as legitimate leaders of Burundi.

The present domination of the armed forces of Burundi by Tutsis should be replaced by some power-sharing arrangement that provides for a more equitable balance. More importantly, the armed forces of Burundi should be an active force for peace and the rule of law.

The United States, in its contacts with the Burundian armed forces, should encourage them to maintain the present peace and to protect the human rights of all peoples of Burundi.

Before any crisis begins, the United States should be prepared to provide logistical support for the deployment of a peacekeeping force, sponsored by the United Nations or the Organization of African Unity. U.S. troops should not be a part of the peacekeeping force.

The redtape, delay, and hesitancy that have characterized our policy to-

ward Rwanda should not be repeated in our treatment of the present tenuous situation in Burundi.

I have written a letter to the President of the United States outlining constructive steps that the United States can take to improve the situation in Burundi in an effort to avert a second disaster such as has occurred and is still occurring in Rwanda. I look forward to his response.

Mr. President, I yield the floor—and ask that the contents of the letter to the President be made a part of my statement here today.

The letter follows:

JUNE 17, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The present situation in Rwanda has temporarily obscured the delicate situation that now exists in the neighboring country of Burundi. The same ethnic division between Hutus and Tutsis that is the root cause of the genocide and present fighting in Rwanda also exists in Burundi and threatens to erupt at any moment unless the present, uncertain peace is strengthened and nurtured. The fear that the turmoil in Rwanda will spill over into neighboring Burundi has temporarily halted the fighting between tribal groups and brought a welcome, but uncertain period of peace.

The situation in Burundi seemed bright. In March of 1992 the people of Burundi approved a democratic constitution by an overwhelming nine-to-one margin. In June 1993, 2.8 million voters went to the polls and elected Melchoir Ndadaye, a Hutu, president—ending several decades of Tutsi domination of the government. The former leader of Burundi, Pierre Buyoya, accepted his defeat in the presidential election and left gracefully.

However, the conflict in Burundi broke out shortly after the first democratic election in that nation and the peaceful transition from a totalitarian regime. In October of last year, elements of the Tutsi dominated Burundian army staged a military coup and murdered President Ndadaye. This tragic event was the beginning of ethnic violence that spread throughout Burundi. As a result of the turmoil, thousands fled to neighboring nations of Rwanda, Tanzania, and Zaire.

The United States's reluctance to provide assistance to Rwanda, while thousands of innocent persons were being slaughtered, should not be repeated in our relations to Burundi. The present cessation of hostilities in Burundi can only be transformed into a lasting peace with the help of the United States and other nations within the international community. Instead of reacting to events, the United States should formulate a policy now towards Burundi that is calculated to achieve this result. To this end, I urge that the following actions be taken:

1. The United States should support those moderate Hutus and Tutsis who are endeavoring to find a way to form a coalition government based on some power-sharing formula that will permit both tribal groups to achieve legitimate and peaceful objectives.

2. The democratic tradition that was begun with the adoption of a constitution in 1992 should be strengthened and a way should be found to guarantee those basic freedoms that are essential to a democracy and that protect the rights of the majority and the minority.

3. The United States should aid the present negotiations between the Hutus and the

Tutsis and should help to create an atmosphere that will lead to dispelling the present distrust and suspicion that would undermine these negotiations.

4. The United States should work closely with human rights and religious organizations to identify and condemn those who participated in the assassination of President Ndaye and other elected officials, and those who perpetrated the ethnic violence that preceded the assassination. These individuals should be brought to justice and they should not be recognized as legitimate leaders of Burundi.

5. The armed forces of Burundi should not be the instrument of any tribal group but should be a force for peace and the rule of law. The present domination of the armed forces by the Tutsis should be replaced by a power-sharing arrangement that will provide for a more equitable balance.

6. The United States should be ready to support, as may be necessary, the deployment of a regional force, comprised of troops from African nations, as a part of a United Nations assistance mission for Burundi or under the auspices of the Organization of African Unity, to protect civilians and to help in the restoration of peaceful conditions.

7. The United States should be ready, as may be necessary, to provide logistic support, including equipment and supplies (but not arms and ammunition) as any regional peacekeeping force may require, but United States troops should not participate directly in the peace-keeping effort.

8. Finally, the United States in its contacts with the Burundi armed forces should encourage them to maintain the present peace and to recognize the human rights of all peoples of Burundi.

As is the case in Rwanda, there is no simple solution to the present problems in Burundi. However, our policy toward Burundi should be based upon advance, thoughtful consideration of the situation rather than be devised on an ad hoc basis in response to an unfolding crisis. I believe that the suggestions made in this letter will contribute to a clear and far-reaching U.S. policy toward Burundi that will contribute to the maintenance of peace and the strengthening of democracy in that country.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.●

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order Nos. 442 and 447, en bloc; that the committee amendments be agreed to en bloc; that the several bills each be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table, en bloc; that the consideration of each bill be considered separately in the RECORD; and that statements with respect to the passage of each bill be included in the RECORD where appropriate.

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

LAND MANAGEMENT AGENCY HOUSING IMPROVEMENT ACT OF 1994

The Senate proceeded to consider the bill (S. 472) to improve the administra-

tion and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Land Management Agency Housing Improvement Act [of 1993] of 1994".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 3. EMPLOYEE HOUSING.

(a)(1) To promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands; and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within thirty miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing [Survey average percentage of rents paid by renters] *Survey median monthly housing cost for renters inclusive of [utilities, whether] utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party;*

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-letting to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and

associated amenities: *Provided*, That the base rental rate as a percentage of the employee's annual gross income shall not exceed the most recent American Housing [Survey average percentage of rents paid by renters] *Survey median monthly housing cost for renters inclusive of [utilities, whether] utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party.*

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

SEC. 4. SURVEY OF RENTAL QUARTERS.

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every five years. If such survey indicates that government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this [Act of the] *Act for the personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section; the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.*

SEC. 5. SECONDARY QUARTERS.

(a) The Secretaries may determine that secondary quarters for employees who are permanently duty stationed at remote locations and are regularly required to be relocated for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey [average percentage of rents paid by renters inclusive of utilities; whether paid as part of rent or paid directly to a third party.] *median monthly housing cost for renters inclusive of utilities as a percentage of current income, whether paid as part of rent or paid directly to a third party.*

SEC. 6. SURVEY OF EXISTING FACILITIES.

(a) Within two years after the date of enactment of this Act, the Secretaries shall survey all existing government owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agency-wide priority listing, by structure, identifying those units in greatest [need for repair,] *need of repair, rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations [and Interior and Insular Affairs of] and Natural Resources of the United States House of Representatives.*

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

So the bill (S. 472) was deemed read the third time and passed.

CANE RIVER CREOLE NATIONAL HISTORICAL PARK AND NATIONAL HERITAGE AREA ACT

The Senate proceeded to consider the bill (S. 1980) to establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cane River Creole National Historical Park and National Heritage Area Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefitted from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSE.—The purposes of this Act are to—

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

TITLE I—CANE RIVER NATIONAL HISTORICAL PARK

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park (hereinafter in this Act referred to as the "historical park").

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994.

(2) Lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, [80,001, dated January 1994.] 80,001A, dated May 1994.

(3) Sites that may be the subject of cooperative agreements with the National Park Service for the purposes of historic preservation and interpretation including, but not limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: *Provided*, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the "Secretary") determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the House of Representatives.

(4) Not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title II of this Act.

SEC. 102. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the historical park in accordance with this Act, and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25,

1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services [for] from individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act. *Any funds donated to the Secretary pursuant to this subsection may be expended without further appropriation.*

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 101(b)(4) of this title. Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 202 of this Act in the planning and development of the interpretive center.

(d) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 202 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) RESEARCH.—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

SEC. 103. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—Except as otherwise provided in this section, the Secretary

is authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) **STATE AND LOCAL PROPERTIES.**—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) **MUSEUM CONTENTS, INC.**—Lands and structures identified in section 101(b)(2) may be acquired only by donation.

(d) **COOPERATIVE AGREEMENT SITES.**—Lands and interests therein that are the subject of cooperative agreements pursuant to section 101(b)(3) shall not be acquired except with the consent of the owner thereof.

SEC. 104. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River Heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be [prepared jointly] coordinated with the Commission pursuant to section 203 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

TITLE II—CANE RIVER NATIONAL HERITAGE AREA

SEC. 201. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Cane River National Heritage Area (hereinafter referred to as the "heritage area").

(b) **PURPOSE.**—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 2(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) **AREA INCLUDED.**—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, [80,000, dated January 1994;] 80,000A, dated May 1994;

[(2) the Natchitoches National Historical Landmark District;]

(2) those properties within the Natchitoches National Historic Landmark District which are the subject of cooperative agreements pursuant to section 102(d);

(3) the Los Adaes State Commemorative Area;

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 203 of this title.

SEC. 202. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) **ESTABLISHMENT.**—To assist in implementing the purposes of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Area Commission (hereinafter referred to as the "Commission").

(b) **MEMBERSHIP.**—The Commission shall consist of [16] 19 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

[(4) one member with experience in and knowledge of tourism in the greater Cane River region, from recommendations submitted by local businesses;]

(4) two members with experience in and knowledge of tourism in the heritage area from recommendations submitted by local business and tourism organizations;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Adaes/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

[(13) one member who is a landowner along the Cane River;]

(13) two members who are landowners in and residents of the heritage area;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Contents, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana; and

(16) one member with experience in and knowledge of environmental, recreational and conservation matters affecting the heritage area from recommendations submitted by the Natchitoches Sportsman's Association and other local recreational and environmental organizations; and

[(16)] (17) the director of the National Park Service, or the Director's designee, ex officio.

(c) **DUTIES OF THE COMMISSION.**—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop [partnerships] cooperative agreements with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to [furtherance] further of the purposes of this Act; and

(4) identify appropriate entities, such as a non-profit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) **POWERS OF THE COMMISSION.**—In furtherance of the purposes of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements [and leases] with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of this Act;

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) **COMPENSATION.**—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of

subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(g) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(h) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

SEC. 203. [DUTIES OF THE HERITAGE AREA COMMISSION] PREPARATION OF THE PLAN.

(a) [PREPARATION OF PLAN.—]IN GENERAL.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concert with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the national historical park;

(4) recommendations for coordinating actions by local, State, and Federal governments within the heritage area, to further the purposes of this Act; and

(5) an implementation program for the plan including desired actions by State and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor of Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local gov-

ernments that the plan is supported and that the implementation program is feasible.

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plan to the Governor of Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

SEC. 204. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a nonprofit corporation, to assume the responsibilities of the Commission.

SEC. 205. DUTIES OF OTHER FEDERAL AGENCIES.

[In general, any Federal entity conducting or supporting activities directly affecting the heritage area, and any entity of the State of Louisiana, or a political subdivision thereof, acting pursuant to a grant of Federal funds or a Federal permit or agreement directly affecting the heritage area shall—]

Any Federal entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

[Except as provided in subsection (b) there] There are authorized to be appropriated such sums as may be necessary to carry out this Act.

So the bill (S. 1980) was deemed read the third time and passed, as follows:

S. 1980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cane River Creole National Historical Park and National Heritage Area Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original out-building complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefitted from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSE.—The purposes of this Act are to—

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

TITLE I—CANE RIVER NATIONAL HISTORICAL PARK

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park (hereinafter in this Act referred to as the "historical park").

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994.

(2) Lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, 80,001A, dated May 1994.

(3) Sites that may be the subject of cooperative agreements with the National Park Service for the purposes of historic preservation and interpretation including, but not

limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: *Provided*, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the "Secretary") determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the House of Representatives.

(4) Not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title II of this Act.

SEC. 102. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the historical park in accordance with this Act, and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) **DONATIONS.**—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act. Any funds donated to the Secretary pursuant to this subsection may be expended without further appropriation.

(c) **INTERPRETIVE CENTER.**—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 101(b)(4) of this title. Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 202 of this Act in the planning and development of the interpretive center.

(d) **COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.**—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 202 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of

access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) **RESEARCH.**—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

SEC. 103. ACQUISITION OF PROPERTY.

(a) **GENERAL AUTHORITY.**—Except as otherwise provided in this section, the Secretary is authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) **STATE AND LOCAL PROPERTIES.**—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) **MUSEUM CONTENTS, INC.**—Lands and structures identified in section 101(b)(2) may be acquired only by donation.

(d) **COOPERATIVE AGREEMENT SITES.**—Lands and interests therein that are the subject of cooperative agreements pursuant to section 101(b)(3) shall not be acquired except with the consent of the owner thereof.

SEC. 104. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River Heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be coordinated with the Commission pursuant to section 203 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

TITLE II—CANE RIVER NATIONAL HERITAGE AREA

SEC. 201. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Cane River National Heritage Area (hereinafter referred to as the "heritage area").

(b) **PURPOSE.**—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 2(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) **AREA INCLUDED.**—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, 80,000A, dated May 1994;

(2) those properties within the Natchitoches National Historic Landmark District which are the subject of cooperative agreements pursuant to section 102(d);

(3) the Los Adaes State Commemorative Area;

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 203 of this title.

SEC. 202. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) **ESTABLISHMENT.**—To assist in implementing the purposes of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Area Commission (hereinafter referred to as the "Commission").

(b) **MEMBERSHIP.**—The Commission shall consist of 19 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

(4) two members with experience in and knowledge of tourism in the heritage area from recommendations submitted by local business and tourism organizations;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Adaes/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

(13) two members who are landowners in and residents of the heritage area;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Consultants, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana;

(16) one member with experience in and knowledge of environmental, recreational and conservation matters affecting the heritage area from recommendations submitted by the Natchitoches Sportsmans Association and other local recreational and environmental organizations; and

(17) the director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop cooperative agreements with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to further the purposes of this Act; and

(4) identify appropriate entities, such as a non-profit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) POWERS OF THE COMMISSION.—In furtherance of the purposes of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or

other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of this Act;

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(g) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(h) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

SEC. 203. PREPARATION OF THE PLAN.

(a) IN GENERAL.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concert with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the national historical park;

(4) recommendations for coordinating actions by local, State, and Federal governments within the heritage area, to further the purposes of this Act; and

(5) an implementation program for the plan including desired actions by State and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor of Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local governments that the plan is supported and that the implementation program is feasible.

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plan to the Governor of Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

SEC. 204. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a nonprofit corporation, to assume the responsibilities of the Commission.

SEC. 205. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar order Nos. 440, 441, 446, 448, and

449, en bloc; that the committee substitute amendments and committee amendments, where appropriate, be agreed to en bloc; that the several bills each be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table, en bloc; that amendments to the title, where appropriate, be agreed to; that the consideration of each bill be included separately in the RECORD; and that statements with respect to the passage of each bill be printed in the RECORD, where appropriate.

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

TALIESIN PRESERVATION ACT OF 1994

The Senate proceeded to consider the bill (S. 150) to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taliesin Preservation Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—
(1) "Taliesin", the nationally significant 600-acre site located in the State of Wisconsin, together with its structures and improvements, was the home and studio of the exceptionally gifted and outstanding artist, architect Frank Lloyd Wright, from 1911 until 1959, and was designated as a National Historic Landmark in 1976; and

(2) Taliesin is the preeminent single site in the Nation for interpreting the life, work and ideas of Wright, and can best be protected and interpreted through designation as an affiliated area of the National Park System, while remaining under private ownership and management.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation and interpretation of the Taliesin site by the Secretary of the Interior (hereinafter referred to as the "Secretary"), for the benefit of present and future generations.

SEC. 3. COOPERATIVE AGREEMENTS AND PLAN.

(a) COOPERATIVE AGREEMENTS.—(1) In furtherance of this Act, the Secretary is authorized to enter into cooperative agreements with the owner or operator of the Taliesin site, pursuant to which agreements the Secretary may mark, interpret, restore, and provide technical assistance for the preservation of the site, in accordance with the comprehensive plan described in subsection (b).

(2) Each cooperative agreement shall provide that the Secretary shall have the right of access at reasonable times to all public portion of the property covered by the agreement, for the purpose of conducting visitors through such properties and interpreting them to the public.

(3) Such cooperative agreements shall provide that no changes or alterations shall be made in the property covered by the agreement except by mutual agreement between the Secretary and the other party to the agreement.

(b) COMPREHENSIVE PLAN.—(1) As a condition of entering cooperative agreements and receiving financial assistance under this Act, the owner or operator shall prepare and adopt a comprehensive plan for the continued preserva-

tion and public use of the Taliesin site and submit such plan to the Secretary for approval.

(2) The plan may be amended or revised from time to time, but no assistance, financial or otherwise, in conjunction with this Act, may be made available by the Secretary pursuant to any cooperative agreement unless the amendment or revision is approved by the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than \$8,000,000 to carry out the purpose of this Act: Provided, That with respect to the cooperative agreements authorized in subsection 3(a), the Secretary may not provide more than one-third of the aggregate cost of implementing those agreements. The remainder of the cost shall be borne by State and private entities.

So the bill (S. 150) was deemed read the third time and passed, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taliesin Preservation Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) "Taliesin", the nationally significant 600-acre site located in the State of Wisconsin, together with its structures and improvements, was the home and studio of the exceptionally gifted and outstanding artist, architect Frank Lloyd Wright, from 1911 until 1959, and was designated as a National Historic Landmark in 1976; and

(2) Taliesin is the preeminent single site in the Nation for interpreting the life, work, and ideas of Wright, and can best be protected and interpreted through designation as an affiliated area of the National Park System, while remaining under private ownership and management.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation and interpretation of the Taliesin site by the Secretary of the Interior (hereinafter referred to as the "Secretary"), for the benefit of present and future generations.

SEC. 3. COOPERATIVE AGREEMENTS AND PLAN.

(a) COOPERATIVE AGREEMENTS.—(1) In furtherance of this Act, the Secretary is authorized to enter into cooperative agreements with the owner or operator of the Taliesin site, pursuant to which agreements the Secretary may mark, interpret, restore, and provide technical assistance for the preservation of the site, in accordance with the comprehensive plan described in subsection (b).

(2) Each cooperative agreement shall provide that the Secretary shall have the right of access at reasonable times to all public portions of the property covered by the agreement, for the purpose of conducting visitors through such properties and interpreting them to the public.

(3) Such cooperative agreements shall provide that no changes or alterations shall be made in the property covered by the agreement except by mutual agreement between the Secretary and the other party to the agreement.

(b) COMPREHENSIVE PLAN.—(1) As a condition of entering into cooperative agreements and receiving financial assistance under this Act, the owner or operator shall prepare and adopt a comprehensive plan for the continued preservation and public use of the Taliesin site and submit such plan to the Secretary for approval.

(2) The plan may be amended or revised from time to time, but no assistance, finan-

cial or otherwise, in conjunction with this Act, may be made available by the Secretary pursuant to any cooperative agreement unless the amendment or revision is approved by the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than \$8,000,000 to carry out the purpose of this Act: Provided, That with respect to the cooperative agreements authorized in subsection 3(a), the Secretary may not provide more than one-third of the aggregate cost of implementing those agreements. The remainder of the cost shall be borne by State and private entities.

Mr. KOHL. Mr. President, I am very pleased that the Senate has acted today to pass the Taliesin Preservation Act, to make the birthplace of Frank Lloyd Wright in Spring Green, WI, an affiliate of the National Park Service.

This legislation represents years of work and commitment on the part of the many students and admirers of the art of Frank Lloyd Wright nationwide.

Frank Lloyd Wright's influence on architecture in this century will surely go on into future centuries. His work is not only recognized through this Nation, but internationally as well. As one of his finest works, Taliesin is deserving of restoration and preservation.

But the cost of the preservation must be shared. Because this legislation requires that two-thirds of the funding for the preservation come from non-Federal sources, I believe that it is one of the most fiscally conservative park bills ever to be passed by this body. Further, because the site will be an affiliate of the National Park Service, and not an actual unit, it will not be an ongoing financial responsibility of the Federal Government, nor will it require park service employees to be on-site.

Two years ago we celebrated the 125th anniversary of Frank Lloyd Wright's birth. And last week, Taliesin's Frank Lloyd Wright Visitors Center was dedicated in Spring Green, WI, kicking off 4 days of events focusing on Wright's architectural accomplishments. I believe that the passage of this legislation today adds a timely recognition of the contributions of this fine artist to the Nation as a whole.

In closing, I would like to add that while this legislation has been moving through the legislative process, a significant amount of State funds have been spent on projects envisioned to be within the context of this bill's overall funding plan. Therefore, it is only fitting that these expenditures should be considered as part of the two-thirds non-Federal match required by the legislation.

I thank my colleagues for their support, and look to the House for its timely consideration of this legislation.

SAGUARO NATIONAL PARK ESTABLISHMENT ACT OF 1994

The Senate proceeded to consider the bill (S. 316) to expand the boundaries of the Saguaro National Monument, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saguaro National Park Establishment Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds that—

(1) the Saguaro National Monument was established by Presidential Proclamation in 1933;

(2) the Tucson Mountain unit was established by Presidential Proclamation in 1961;

(3) in recognition of the need to provide increased protection for the monument, the boundaries of Tucson Mountain unit were expanded in 1976, and the boundaries of Rincon unit were expanded in 1991;

(4) the Tucson Mountain unit continues to face threats to the integrity of its natural resources, scenic beauty, and habitat protection for which the unit was established;

(5) these threats impede opportunities for public enjoyment, education, and safety within the monument, as well as opportunities for solitude within the wilderness areas of the monument designated by Congress in 1976;

(6) the residential and commercial growth of the greater Tucson, Arizona metropolitan area is causing increasing threats to the monument's resources; and

(7) the Tucson Mountain unit should be enlarged by the addition of adjacent lands of National Park caliber and Saguaro National Monument should be afforded full recognition and statutory protection as a National Park.

SEC. 3. ESTABLISHMENT OF SAGUARO NATIONAL PARK.

There is hereby established the Saguaro National Park (hereinafter in this Act referred to as the "park") in the State of Arizona. The Saguaro National Monument is abolished as such, and all lands and interests therein are hereby incorporated within and made part of Saguaro National Park. Any reference to Saguaro National Monument shall be deemed a reference to Saguaro National Park, and any funds available for the purposes of the monument shall be available for purposes of the park.

SEC. 4. EXPANSION OF PARK BOUNDARIES.

(a) IN GENERAL.—The boundaries of the park are hereby modified to reflect the addition of approximately 3,460 acres of land and interests therein as generally depicted on the map entitled "Saguaro National Monument Additions" and dated April, 1994.

(b) LAND ACQUISITION.—(1) Within the lands added to the park pursuant to subsection (a), the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange. Provided, That no such lands or interests therein may be acquired without the consent of the owner thereof unless the Secretary determines that the land is being developed, or is proposed to be developed in a manner which is detrimental to the integrity of the park.

(2) Lands or interests therein owned by the State of Arizona or a political subdivision thereof may only be acquired by donation or exchange.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land

laws, from location, entry, or patent under the United States mining laws, and from disposition under all laws relating to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

So the bill (S. 316) was deemed read the third time and passed.

PISCATAWAY NATIONAL PARK EXPANSION ACT OF 1994

The Senate proceeded to consider the bill (S. 1703) to expand the boundaries of the Piscataway National Park, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Piscataway National Park Expansion Act of 1994".

SEC. 2. EXPANSION OF PARK.

(a) The boundaries of Piscataway Park in Maryland are hereby revised to reflect the addition of approximately 163 acres of lands as generally depicted on the map entitled "Proposed Boundary Map—Piscataway Park", numbered 838-80137, and dated November 17, 1993.

(b) The Secretary of the Interior is authorized to acquire lands and interests therein within the areas added to the park pursuant to subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

So the bill (S. 1703) was deemed read the third time and passed.

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Piscataway National Park Expansion Act of 1994".

SEC. 2. EXPANSION OF PARK.

(a) The boundaries of Piscataway Park in Maryland are hereby revised to reflect the addition of approximately 163 acres of lands as generally depicted on the map entitled "Proposed Boundary Map—Piscataway Park", numbered 838-80137, and dated November 17, 1993.

(b) The Secretary of the Interior is authorized to acquire lands and interests therein within the areas added to the park pursuant to subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SARBANES. Mr. President, I rise to urge approval of this legislation to expand the boundaries of Piscataway National Park on the Maryland shores of the Potomac River. The purpose of this legislation is to help protect the Piscataway Park and the historic viewshed of Mount Vernon—one of our Nation's best known and most beloved historic landmarks—by enabling the National Park Service to acquire criti-

cal tracts of forested riverfront land, north of the existing boundaries of the park, which, if developed, could threaten or damage these national resources. I want to commend the distinguished chairman of the Public Lands, National Parks and Forests Subcommittee, Senator BUMPERS, and the chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, for moving this bill to the floor so expeditiously.

Piscataway National Park was established in 1961 under Public Law 87-362 to "*** preserve for the benefit of present and future generations the historic and scenic values *** and the present open and wooded character of certain lands situated along the Potomac River in Prince Georges and Charles Counties, Maryland *** which provide the principal overview from the Mount Vernon Estate and Fort Washington ***". A number of proposed developments in the 1950's including a sewage treatment plant, oil tank farm, and high rise apartments, sparked an ambitious effort by the Mount Vernon Ladies Association, the Accokeek Foundation, the Alice Ferguson Foundation, the Moyacone Association, and many individual citizens to protect the natural beauty along the Maryland shore of the Potomac River that ultimately resulted in the creation of Piscataway Park. The National Park Service, in cooperation with these organizations and local residents acquired land and scenic easements and, as a consequence, today the landscape or viewshed remains essentially unchanged from the time that George Washington's Mount Vernon home and Fort Washington were first constructed. Piscataway Park currently comprises over 4,200 acres of which some 1,500 acres have been acquired in fee title and 2,700 acres have been protected through donated or purchased scenic easements.

Although Piscataway Park was established principally as a "viewshed park" intended to provide the nearly 1 million people who visit Mount Vernon each year the same unobstructed view that our first President enjoyed, it has other national values as well. The entire park is on the National Register of Historic Places due to the significant American Indian archaeological sites on the property dating back nearly 10,000 years. The park is home to a rich diversity of animal and plant life, providing valuable habitat for bald eagles, blue herons, and ospreys.

The Park includes the National Colonial Farm, a living historical farm operated by the Accokeek Foundation; Marshall Hall, the remains of an historic plantation dating back to the early 1700's; and the Hard Bargain Farm Environmental Center, a cooperative environmental education program developed by the Alice Ferguson Foundation where thousands of children come each year to learn about the

natural beauty of this area and the importance of environmental stewardship. It is an oasis in the midst of an area that is highly urbanized and subject to continued population growth and development pressures.

In 1991, the Mount Vernon Ladies Association, commissioned a study of the viewshed from the piazza of Mount Vernon to ensure that this vista was thoroughly protected. The study identified two major parcels of land beyond the current boundaries of Piscataway Park which, if developed according to existing zoning regulations, would intrude on this otherwise completely protected viewshed. The subject tracts comprise approximately 163 acres. They are steeply sloped; thus any development would present a visual intrusion on the viewshed and reverse the public benefits gained through the original authorizing legislation for Piscataway Park. They contain many important natural, historic, and cultural resource values, including several documented archeological sites from an Indian tribe which occupied the area. They also provide important habitat for threatened species and a variety of other animals, fish, and plants.

The viewshed study provided the basis for developing the legislation which I introduced to expand the boundaries of Piscataway Park. The legislation authorizes the National Park Service to acquire these remaining and critical unprotected areas. It will not only preserve the historic viewshed of Mount Vernon, but conserve the properties' important resource values. Federal ownership of this shoreline would also help provide additional protection to our Nation's river. Action is urgently needed before the opportunity and the decades of effort already made to protect the natural beauty of the area are lost forever.

The legislation has bipartisan support. It is cosponsored by Senators WARNER, ROBB, MIKULSKI, KASSEBAUM, and LUGAR. It has been endorsed by the Mount Vernon Ladies Association of the Union, the Accokeek Foundation, the National Trust for Historic Preservation, the National Park Service, the Alice Ferguson Foundation, the Moyaone Association, the Maryland Environmental Trust and many individual citizens.

I urge my colleagues to approve this measure.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT

The bill (H.R. 1183) to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company, was considered, ordered to a third reading, read the third time, and passed.

FARMINGTON WILD AND SCENIC RIVER ACT

The Senate proceeded to consider the bill (H.R. 2815) to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italic*.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmington Wild and Scenic River Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Public Law 99-590 authorized the study of 2 segments of the West Branch of the Farmington River, including an 11-mile headwater segment in Massachusetts and the uppermost 14-mile segment in Connecticut, for potential inclusion in the National Wild and Scenic Rivers System, and created the Farmington River Study Committee, consisting of representatives from the 2 States, the towns bordering the 2 segments, and other river interests, to advise the Secretary of the Interior in conducting the study and concerning management alternatives should the river be included in the National Wild and Scenic Rivers System;

(2) the study determined that both segments of the river are eligible for inclusion in the National Wild and Scenic Rivers System based upon their free-flowing condition and outstanding fisheries, recreation, wildlife, and historic values;

(3) the towns that directly abut the Connecticut segment (Hartland, Barkhamsted, New Hartford, and Canton), as well as the Town of Colebrook, which abuts the segment's major tributary, have demonstrated their desire for national wild and scenic river designation through town meeting actions endorsing designation; in addition, the 4 abutting towns have demonstrated their commitment to protect the river through the adoption of "river protection overlay districts", which establish a uniform setback for new structures, new septic systems, sand and gravel extraction, and vegetation removal along the entire length of the Connecticut segment;

(4) during the study, the Farmington River Study Committee and the National Park Service prepared a comprehensive management plan for the Connecticut segment (the "Upper Farmington River Management Plan", dated April 29, 1993) which establishes objectives, standards, and action programs that will ensure long-term protection of the river's outstanding values and compatible management of its land and water resources, without Federal management of affected lands not owned by the United States;

(5) the Farmington River Study Committee voted unanimously on April 29, 1993, to adopt the Upper Farmington River Management Plan and to recommend that Congress include the Connecticut segment in the National Wild and Scenic Rivers System in accordance with the spirit and provisions of the Upper Farmington River Management Plan, and to recommend that, in the absence of town votes supporting designation, no action be taken regarding wild and scenic river designation of the Massachusetts segment; and

(6) the Colebrook Dam and Goodwin Dam hydroelectric projects are located outside

the river segment designated by section 3, and the study of the Farmington River pursuant to Public Law 99-590 determined that continuation of existing operations of these projects as presently configured, together with associated transmission lines and other existing project works, is not incompatible with the designation made by section 3 and will not unreasonably diminish the scenic, recreational, and fish and wildlife values of the segment designated by such section as of the date of enactment of this Act; therefore, section 7(a) of the Wild and Scenic Rivers Act will not preclude the Federal Energy Regulatory Commission from licensing or relicensing (or exempting from licensing) the continued operations of such projects as presently configured or with changes in configuration that the Secretary determines would be consistent with the Wild and Scenic Rivers Act and the Plan.]

(6) the Colebrook Dam and Goodwin Dam hydroelectric projects are located outside the river segment designated by section 3, and based on the study of the Farmington River pursuant to Public Law 99-590, continuation of the existing operation of these projects as presently configured, including associated transmission lines and other existing project works, is compatible with the designation made by section 3 and will not unreasonably diminish the scenic, recreational, and fish and wildlife values of the segment designated by such section as of the date of enactment of this Act.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end thereof:

"() FARMINGTON RIVER, CONNECTICUT.—The 14-mile segment of the West Branch and mainstem extending from immediately below the Goodwin Dam and Hydroelectric Project in Hartland, Connecticut, to the downstream end of the New Hartford-Canton, Connecticut, town line (hereinafter in this paragraph referred to as the "segment"), as a recreational river, to be administered by the Secretary of the Interior through cooperative agreements between the Secretary of the Interior and the State of Connecticut and its relevant political subdivisions, namely the Towns of Colebrook, Hartland, Barkhamsted, New Hartford, and Canton and the Hartford Metropolitan District Commission, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Upper Farmington River Management Plan, dated April 29, 1993, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirement for a comprehensive management plan pursuant to section 3(d) of this Act."

SEC. 4. MANAGEMENT.

[(a) COMMITTEE.—The Director shall appoint a person to represent the Secretary on the Farmington River Coordinating Committee provided for in the Plan.]

(a) COMMITTEE.—The Director of the National Park Service, or his or her designee, shall represent the Secretary on the Farmington River Coordinating Committee provided for in the plan.

(b) FEDERAL ROLE[.—(1) The Director shall represent the Secretary in the implementation of the Plan and the provisions of this Act with respect to the segment designated by section 3, including ongoing review of the consistency of the Plan with the Wild and Scenic Rivers Act and the review of proposed federally assisted water resources projects which could have a direct and adverse effect

on the values for which the segment was established, as authorized under section 7(a) of the Wild and Scenic Rivers Act. (2) (1) In order to provide for the long-term protection, preservation, and enhancement of the river segment designated by section 3, the Secretary, pursuant to section 10(e) of the Wild and Scenic Rivers Act, shall offer to enter into cooperative agreements with the State of Connecticut and its relevant political subdivisions identified in the amendment made by such section 3 and, pursuant to section 11(b)(1) of such Act, shall make a similar offer to the Farmington River Watershed Association. The Secretary, pursuant to such section 11(b)(1), also may enter into cooperative agreements with other parties who may be represented on the Committee. All cooperative agreements provided for in this Act shall be consistent with the Plan, and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segment designated by such section 3 and the implementation of the Plan.

[(3)] (2) The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the Plan.

[(4)] (3) Implementation of this Act through cooperative agreements as described in paragraph (2) of this subsection shall not constitute National Park Service administration of the segment designated by section 3 for purposes of section 10(c) of the Wild and Scenic Rivers Act, and shall not cause such segment to be considered as being a unit of the National Park System.

(c) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segment designated by section 3 was included in the National Wild and Scenic Rivers System, the [Director] Secretary shall specifically consider the extent to which the project is consistent with the Plan.

(2) For purposes of implementation of section 7 of the Wild and Scenic Rivers Act, the Plan, including the detailed analysis of instream flow needs incorporated therein and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and the potential compatibility between resource protection and possible water supply withdrawals.

(d) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of Hartland, Barkhamsted, New Hartford, and Canton, Connecticut, including the "river protection overlay districts" in effect on the date of enactment of this Act, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act. For the purpose of section 6(c), such towns shall be deemed "villages" and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by section 3.

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) The term "Committee" means the Farmington River Coordinating Committee referred to in section 4.

[(2) The term "Director" means the Director of the National Park Service.]

[(3)] (2) The term "Plan" means the comprehensive management plan for the Connecticut segment of the Farmington River prepared by the Farmington River Study Committee and the National Park Service,

which is known as the "Upper Farmington River Management Plan" and dated April 29, 1993.

[(4)] (3) The term "Secretary" means the Secretary of the Interior.

SEC. 6. FUNDING AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, including the amendment to the Wild and Scenic Rivers Act made by section 3.

So the bill (H.R. 2815) was deemed read the third time and passed.

ORDER FOR STAR PRINT—S. 1743

Mr. FORD. Mr. President, I ask unanimous consent that S. 1743, the Consumer Choice Health Security Act of 1993, be star printed to reflect the changes now at the desk.

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

QUALITY CARE FOR LIFE ACT OF 1994

Mr. FORD. Mr. President, I understand that S. 2205, the Quality Care for Life Act of 1994, introduced earlier today by Senator HATCH, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2205) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to obtain cost savings through provider incentives and removal of regulatory and legislative barriers, to encourage greater private sector participation and personal responsibility in financing such services, and for other purposes.

Mr. FORD. Mr. President, I now ask for its second reading and, Mr. President, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard. The bill will then be read on the next legislative day.

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

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

THE SENATE PAGES

Mr. MITCHELL. Mr. President, tonight the Senate bids farewell to a group of young men and women who have served as Senate pages over the last 5 months.

As these young people conclude their term as Senate pages, I rise, on behalf

of the Senate, to say thank you for a job well done. They were an integral part of our daily life here in the Senate, and I salute them for their tireless service, and would like to express the appreciation of the Senate for their fine work.

Many people may not fully appreciate how rigorous the life of a Senate page can be. Their daily routine is not an easy one. On a typical day, the pages rise early and are in school by 6:15 a.m. After spending several hours in class, they come to the Capitol and prepare the Senate Chamber for the day's session. During the remainder of the day, they run numerous errands and perform a myriad of tasks. Once the Senate has concluded business for the day, the pages return to their dorm and prepare for the next day's classes, and we hope, get some much-needed sleep. Even with all of this, they continually discharge their tasks efficiently and cheerfully—including almost knocking over the water.

The presence of the pages on the Senate floor serves as a constant reminder to all of us here that the legislative work we perform is not just for our generation, but for the children and young people of our Nation as well. The Pages are an excellent, ever-present reminder of this.

Mr. President, it is my hope that we have given the pages some insight into the need for individuals to become involved in community and civic activities. The future of our Nation strongly depends on the generations who will follow us in this august body. Perhaps a number of the current group of pages will one day return here to serve as Members of the Senate.

As a token of our gratitude to these hard-working young people, each of them is to receive a certificate of appreciation. This year, the first time in a number of years, the certificate will be presented to the pages by Vice President GORE during a ceremony at the White House.

Again, as we wish this group of pages a fond farewell, I hope that they will take their experiences here and return to their respective communities as better citizens with a greater appreciation for public service. Speaking on behalf of the Senate, we wish them well and hope for a bright and successful future in whatever endeavors they choose.

Mr. President, I ask unanimous consent that a list of the pages be printed in the RECORD.

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

SPRING 1994 PAGES

Name and city/State.

DEMOCRAT

Justin S. Anderson—Glenburn, ND.
Jessica M. Bass—Arkadelphia, AK.
Mandria J. Bottrell—Fargo, ND.
Joshua T. Burch—Washington, DC.
Sara M. Bush—Tempe, AZ.

Maeve W. Felle—Topsham, ME.
 Meaghan M. Fitzgerald—Tucson, AZ.
 Lanza L. Garrick—Medicine Lake, MT.
 Samuel M. Hallowell—New Haven, ME.
 Sara D. Hirshon—Cape Elizabeth, ME.
 Mercedes E. Hurt—Detroit, MI.
 Rachel E. Mays—Little Rock, AK.
 Halliday Moncure—Brunswick, ME.
 Margaret L. Sauter—Coralville, IA.
 Jonathan L. Taylor—Thousand Islands Park, NY.

Dara F. Wax—Wilmington, VT.

REPUBLICAN

Ann Christensen—Salt Lake City, UT.
 Joseph A. Griffo—Anchorage, AL.
 Kate C. Harrigan—Cranston, RI.
 Haley E. Hawkins—Starkville, MS.
 Shelby R. King—Roseburg, OR.
 John J. Kosinski—New Castle, DE.

THE SENATE PAGES

Mr. SIMPSON. Mr. President, just let me add a swift note of appreciation to these young people. And the regret I always have is that early in my first term I used to visit with them and enjoy their company and take them up into the Capitol dome. As duties and obligations came more prevalent, I did not get that delightful opportunity. They are special young people and I commend them. They are always very genial and very generous with us, and we appreciate them very much.

I thank the majority leader for his remarks. I certainly subscribe to them.

Mr. MITCHELL. Mr. President, I thank my colleague.

ORDERS FOR MONDAY, JUNE 20 AND TUESDAY, JUNE 21, 1994

Mr. MITCHELL. Mr. President, I now ask unanimous consent that on 9:30 a.m. on Tuesday, June 21, the Senate turn to the consideration of a Senate resolution regarding hearings by the Senate Banking Committee which is now at the desk; that upon reporting of the resolution, the Republican leader be recognized to offer an amendment dealing with the same subject, which is also at the desk; that there be a total time limitation for debate of 3½ hours on the resolution and the amendment, to be equally divided between the Republican leader and myself, or our designees; that no other amendments or motions be in order; that at 1 p.m., the Senate stand in recess until 2:15 p.m.; and that at 2:15 p.m., the Senate vote on Senator DOLE's amendment, to be followed by a vote on adoption of the resolution, as amended, if amended, with the preceding all occurring without any intervening action or debate; and further, that at 3 p.m. on Monday, June 20, the Senate turn to the consideration of the Treasury, Postal appropriations bill, H.R. 4539.

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

For the information of the Senate, the resolution referenced in the unani-

mous consent agreement just adopted is S. Res. 229, and the amendment is amendment No. 1818.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT OF 1994

The PRESIDING OFFICER. The clerk will report the pending bill, S. 1491.

The legislative clerk read as follows:

A bill (S. 1491) to amend the Airport and Airway Improvement Act of 1982 and authorize appropriations, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

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

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commerce Committee then be discharged from further consideration of H.R. 2739, the House Companion, and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1491, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and the Senate vote on passage of H.R. 2739; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees; that upon disposition of H.R. 2739, the Senate measure then be indefinitely postponed, with the above occurring without intervening action.

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

So the bill (H.R. 2739) was deemed read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

THANK YOU TO THE SENATE PAGES

Mr. FORD. Mr. President, let me take just a few moments first to say goodbye to the pages, to tell them how much I enjoyed being with them, being a grandfather of 5, and there are some almost the same age of all these pages. And I want to tell them they were a joy—one I call my "cook;" she got me a bowl of soup. And the other one I call my "mechanic;" having to go down and fix my printer—all of that.

But they always kept their good humor with all of the pushing and shoving and asking for this and run for that, run for other, and they have been a treat. I think it is appropriate that they all go to the White House tomorrow, that they are recognized for the job they have accomplished here and the Vice President give them a certificate of appreciation not only for the President and Vice President but for all of the Senate.

So I wish them well. I hope life is good to them. Just remember that all the luck in the world you might have comes from working for it. I think they understand that, after being here for a few months.

COMPLIMENTS TO THE STAFF

Mr. FORD. Mr. President, let me just compliment the staff of mine, Sam Whitehorn, Martha Moloney, and others who have worked so hard to help get the aviation reauthorization bill completed. We started last November. The items in the bill were somewhat contentious and we worked, particularly staff, to bring groups together to a reasonable conclusion. I think this was an unusual bill in that many non-germane amendments were offered. Here is an aviation and airport improvement reauthorization bill, and we had Whitewater votes, I think 9 or 10 votes, on that amendment; we had a North Korean amendment on this piece of legislation; we had the EEOC amendment on this piece of legislation.

I am not sure, but I am going to look, Mr. President; I think this particular piece of legislation had more colloquies than any other piece of legislation I have known of in 21 years in the Senate. There may have been more, but I think we have set a record. So all in all, I am very pleased that the bill is passed. It is something on which I and the staff have worked very hard. I compliment my ranking member for his diligence and for the fine work of his staff.

ORDERS FOR MONDAY, JUNE 20, 1994

Mr. FORD. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. Monday,

June 20; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator HARKIN recognized to address the Senate for up to 1 hour; that at 3 p.m. and as provided for under a previous agreement, the Senate proceed to the consideration of the Treasury-Postal appropriations bill; further, that Senate Resolution 229 be placed on the calendar.

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

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

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

THANKS TO SENATOR HOLLINGS AND SENATOR DANFORTH

Mr. FORD. Mr. President, just one item before we close: Let me also thank Senator HOLLINGS and Senator DANFORTH for their work and support of the Aviation Subcommittee. They were not always here making speeches. But they were always there to support us. We took their advice and counsel and it worked out very well.

RECESS UNTIL MONDAY, JUNE 20,
1994, AT 2 P.M.

So, Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:23 p.m., recessed until Monday, June, 20, 1994, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1994:

DEPARTMENT OF JUSTICE

NORRIS BATISTE, JR., OF TEXAS, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE J. KEITH GARY.

JOHN DAVID CREWS, JR., OF MISSISSIPPI, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE DWIGHT G. WILLIAMS.

EISENHOWER DURR, OF MISSISSIPPI, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF 4 YEARS, VICE MARVIN E. BREAZEALE.

WALTER D. SOKOLOWSKI, OF PENNSYLVANIA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS, VICE GARY E. SHOVLIN.

INTERSTATE COMMERCE COMMISSION

GUS A. OWEN, OF CALIFORNIA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 1997, VICE GREGORY STEWART WALDEN.

DEPARTMENT OF STATE

E. MICHAEL SOUTHWICK, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

DEPARTMENT OF DEFENSE

JUDITH A. MILLER, OF OHIO, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, VICE JAMIE S. GORELICK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

FRANKIE L. GRIFFIN xxx-xx-xx.

EDWARD D. SEWARD xxx-xx-xx.

To be lieutenant colonel

GAIL V. BISCHOFF xxx-xx-xx.

MICHAEL J. BUDDIE xxx-xx-xx.

JEAN E.B. BRYANT xxx-xx-xx.

MARK S. CASTELLANI xxx-xx-xx.

JOHN S. CHIASSON xxx-xx-xx.

EDWIN F. EISWERTH xxx-xx-xx.

DAVID M. GALLAGHER xxx-xx-xx.

HOWARD M. HACHIDA xxx-xx-xx.

DEAN F. ILLINGER xxx-xx-xx.

GREGORY M. MILAN xxx-xx-xx.

STEVEN PENNINGTON xxx-xx-xx.

DAVID L. SIMPSON xxx-xx-xx.

HOWARD M. SWARTZ II xxx-xx-xx.

To be major

JAMES E. AUSTIN xxx-xx-xx.

EDWARD L. BLOCKER xxx-xx-xx.

RAYMOND V. BRICKER xxx-xx-xx.

THOMAS D. FOX xxx-xx-xx.

RICHARD D. HEADRICK xxx-xx-xx.

JOHN S. JORDAN III xxx-xx-xx.

SHELBY R. KENNEY xxx-xx-xx.

THOMAS E. KIRKENDALL xxx-xx-xx.

JOHN K. MORROW xxx-xx-xx.

JEFFERY L. PELHAM xxx-xx-xx.

MEDICAL CORPS

To be major

FOUAD H. EL EBIARY xxx-xx-xx.

SCOTT N. BEATSE xxx-xx-xx.

SHERLYN B. LARRISON xxx-xx-xx.

NURSE CORPS

To be lieutenant colonel

LUE D. DANIELS xxx-xx-xx.

GERALDINE E. KIERNAN xxx-xx-xx.

BIOMEDICAL SCIENCES CORPS

To be major

JESSE GARCIA xxx-xx-xx.

JUDGE ADVOCATE

To be colonel

WILLIAM S. COLWELL xxx-xx-xx.

THOMAS E. SCHLEGEL xxx-xx-xx.

CHAPLAIN

To be lieutenant colonel

MARINUS G. VANDESTEEG xxx-xx-xx.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN THAT INDICATED.

LINE OF THE AIR FORCE

To be captain

DAVID L. COOPER xxx-xx-xx.

THOMAS J. NOON xxx-xx-xx.

MARK SHEEHAN xxx-xx-xx.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

CHAPLAIN

To be captain

THOMAS G. KLAASEN xxx-xx-xx.

BIOMEDICAL SCIENCES CORPS

To be captain

ROBERT C. HALL xxx-xx-xx.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

NORMA J.C. CORREA xxx-xx-xx.

HERMILANDO P. PAYEN xxx-xx-xx.

PHILIP J. PERUCCA xxx-xx-xx.

To be lieutenant colonel

NERIZZA P. ANDRADA xxx-xx-xx.

DANIEL K. BERRY xxx-xx-xx.

EMMETT H. BROXSON, JR. xxx-xx-xx.

DENNIS M. DREHNER xxx-xx-xx.

SHARON A. FALKENHEIMER xxx-xx-xx.

IAN J. JOHNSON xxx-xx-xx.

THOMAS G. JOHNSON xxx-xx-xx.

ALEX A. MORALES CABAN xxx-xx-xx.

FRANCIS M. MORRIS xxx-xx-xx.

ROMIE N. RICHARDSON xxx-xx-xx.

EARL E. ROTH, JR. xxx-xx-xx.

DANIEL L. VAN SYOC xxx-xx-xx.

DENTAL CORPS

To be colonel

JAMES D. CORNELIUS xxx-xx-xx.

To be lieutenant colonel

HARVEY P. BOYARSKY xxx-xx-xx.

ROBERT L. HEIST xxx-xx-xx.

To be major

ORSON P. CARDON xxx-xx-xx.

JOHN P. MCPHILLIPS xxx-xx-xx.

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

WILLIAM G. MEYER xxx-xx-xx.

VINCENT G. MOLINARI xxx-xx-xx.

GERALD R. SCHWARTZ xxx-xx-xx.

LASZLO VARJU xxx-xx-xx.

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS
To be colonel

MEL P. SIMON [REDACTED]
To be lieutenant colonel

WALTER J. EZEKIEL [REDACTED]
THOMAS B. SULISTIO [REDACTED]

JUDGE ADVOCATE
To be lieutenant colonel

PHILLIP A. WEAVER [REDACTED]

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593.

LINE OF THE AIR FORCE
To be lieutenant colonel

JAMES L. BRICKELL [REDACTED]
FRANCIS E. FELICE [REDACTED]
STEPHEN G. MOFFETT [REDACTED]
RANDALL S. FOSTER [REDACTED]
BRUCE T. THOMPSON [REDACTED]

RETIRED RESERVE
To be lieutenant colonel

CLAYTON J. ARNOLD, JR. [REDACTED]
ALAN L. BROWN [REDACTED]
DENNIS F. O'CONNELL [REDACTED]

THE FOLLOWING OFFICER IS RECOMMENDED FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8366, MAJOR TO LIEUTENANT COLONEL (NON-EAD), AND SECTION 1552, CORRECTION OF MILITARY RECORDS.

RESERVE (NON-EAD) PROMOTION
To be lieutenant colonel

TERRY A. HIGBEE [REDACTED]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE
To be lieutenant colonel

MAJ. DALE R. ANDERSON [REDACTED] 1/21/94
MAJ. NANCY M. AUGUST [REDACTED] 2/18/94
MAJ. AMOS BAGDASARIAN [REDACTED] 2/15/94
MAJ. ALAN J. BARBER [REDACTED] 2/5/94
MAJ. FREDERICK M. BELTZ [REDACTED] 2/15/94
MAJ. KATHLEEN F. BERG [REDACTED] 3/5/94
MAJ. GARY L. BRINNER [REDACTED] 3/5/94
MAJ. BARRY J. BRUNS [REDACTED] 3/6/94
MAJ. GARY L. BURES [REDACTED] 3/6/94
MAJ. BRUCE N. CORRELL [REDACTED] 3/5/94
MAJ. GARY M. COSTELLO [REDACTED] 3/15/94
MAJ. PAMELA W. DAVIS [REDACTED] 3/12/94
MAJ. MICHAEL L. DEMEYER [REDACTED] 3/12/94
MAJ. WILLIAM C. DOWNING [REDACTED] 3/20/94
MAJ. GREGORY R. FONNER [REDACTED] 2/9/94
MAJ. DENNIS H. HAESSIG [REDACTED] 3/8/94
MAJ. THOMAS D. HOCKENBERRY [REDACTED] 3/22/94
MAJ. ALFRED G. JENKINS [REDACTED] 3/7/94
MAJ. GERARD M. KOREY [REDACTED] 3/12/94
MAJ. PHILIP C. KOZLIK [REDACTED] 3/13/94
MAJ. THOMAS E. LYTLE III [REDACTED] 3/14/94
MAJ. WILLIAM C. MAHAFFY [REDACTED] 3/10/94
MAJ. NAOMI D. MANADIER [REDACTED] 3/8/94
MAJ. MICHAEL C. MILBURN [REDACTED] 3/23/94
MAJ. GILBERT K. NICHOLS [REDACTED] 3/13/94
MAJ. STEPHEN M. PORTER [REDACTED] 3/7/94
MAJ. WILLIAM A. SARA [REDACTED] 3/5/94
MAJ. LOIS H. SCHMIDT [REDACTED] 3/20/94
MAJ. DAVID W. SHAKLEY [REDACTED] 3/19/94
MAJ. ANDREA J. SIRK [REDACTED] 3/8/94

MAJ. GERALD R. SMITH [REDACTED] 3/12/94
MAJ. ALAN R. WALKER [REDACTED] 3/8/94

JUDGE ADVOCATE GENERALS DEPARTMENT
To be lieutenant colonel

MAJ. MICHAEL C. DANIEL [REDACTED] 3/20/94
MAJ. DOUGLAS R. JACOBSON [REDACTED] 2/28/94

BIO-MEDICAL SERVICES CORPS
To be lieutenant colonel

MAJ. DONALD E. LASLEY [REDACTED] 3/21/94
MAJ. JACK M. DAVIS [REDACTED] 1/9/94

MEDICAL CORPS
To be lieutenant colonel

MAJ. JAMES H. NELSON III [REDACTED] 1/10/94
MAJ. BRIAN J. BROWNE [REDACTED] 2/26/94

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR A RESERVE OF THE ARMY APPOINTMENT, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594, 3353, AND 3359:

MEDICAL CORPS
To be colonel

VICTOR GUTIERREZ-FULLADOSA [REDACTED]
STILES T. JEWETT, JR. [REDACTED]
To be lieutenant colonel

DAVID C. BARTON [REDACTED]
LOUIS C. BATTISTA [REDACTED]
JAMES W. BATTLE, JR. [REDACTED]
BRENT W. HASTINGS [REDACTED]
FREDERIC E.J. HELBIG [REDACTED]
GIL C. RAH [REDACTED]
DAVID C. RILLING [REDACTED]
PAUL G. ZERBI [REDACTED]

THE FOLLOWING-NAMED INDIVIDUAL FOR A RESERVE OF THE ARMY APPOINTMENT, WITH CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 594, AND 689:

MEDICAL CORPS
To be lieutenant colonel

CARL M. WARVAROVSKY [REDACTED]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS
To be colonel

JOE C. CRAIN [REDACTED]

IN THE ARMY
To be lieutenant colonel

ANNE H. BUHLS [REDACTED]
ROGER BUTERBAUGH [REDACTED]
JACK M. KLOEBER [REDACTED]

To be major

LEOPOLODO A. RIVAS [REDACTED]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTIONS 531, TITLE 10, UNITED STATES CODE.

CHAPLAIN
To be colonel

JOHN M. RIGGS [REDACTED]

IN THE ARMY
To be lieutenant colonel

THOMAS MCNEAR [REDACTED]

CHAPLAIN
To be major

*JOHN D. READ [REDACTED]

IN THE ARMY
To be major

MARK W. GILLETTE [REDACTED]
SCOTT RUTHERFORD [REDACTED]

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS
To be colonel

CHARLES C. FRANZ [REDACTED]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH A SINGLE ASTERISK IS ALSO RECOMMENDED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10 UNITED STATES CODE.

MEDICAL CORPS

To be lieutenant colonel

*STANLEY H. UNSER [REDACTED]

To be major

ELAINE L. BRENT [REDACTED]
ERIK J. KOBYLARZ [REDACTED]
RUSSELL J. OTTO [REDACTED]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

JILL WRUBLE [REDACTED]

DENTAL CORPS

To be Major

THERESE L. GALLOUCIS [REDACTED]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LOUIS W. BREMER
TREVOR A. RUSH
STEPHEN J. VANLAND-INGHAM
THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOHN W. MERENDA

THE FOLLOWING-NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

RICHARD W. GARRISON
SCOTT A. HARVEY
JAMES J. HECKLER
ERIC J. KNIGHT
RANDALL J. LANKFORD
BOBBIE J. THOMAS

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MARIO L. BARNES
HEIDI K. HUPP

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

PAUL K. DITCH
JAMES C. EVANS
BRIAN J. GRANGER
PATRICK W. HARDIN
MARK A. HILTON
WENDY M. KEVAN
ERIC M. MANFULL
CHARLES A. PETERSON
BENJAMIN C. RENDA
DAVID W. RUF
PAUL M. SCHALLER
JAMES P. SHUNNEY
DEMETRIOS N. TASHEURAS
ROD W. TRIBBLE
PAUL R. YONDOLA

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JOHN P. TERNES

CONFIRMATION

Executive nomination confirmed by the Senate June 16, 1994:

DEPARTMENT OF COMMERCE

LAURI FITZ-PEGADO, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.