

here and they will say once again you are doing it.

That is why we have to reject it. I hope we can come to some kind of meaningful understanding that would give us the ability to go forth and have, at least, a reasonable opportunity of getting as many of the facts as we can, and avoid the political season and the conventions.

Now, my colleague, Senator MACK, has pointed out that much of the delay has been occasioned because the administration has not promptly produced—and/or people who work for the administration—documents that were subpoenaed and requested.

Second, this is not some political conspiracy. There have been nine people who have pled guilty already—nine. David Hale pled guilty. He was a former judge, friend of the Clintons, and friend of their business partners, the McDougals; Matthews pled guilty to trying to bribe Hale; Fitzhugh, he worked in the bank, pled guilty; Robert Palmer, real estate appraiser for the Madison bank, pled guilty; Web Hubbell, former law partner of the First Lady, pled guilty; Chris Wade, former real estate broker for Whitewater, pled guilty; Neal Ainley, former president of the Perry County Bank—by the way, that is the bank that lent Governor Clinton \$180,000 for his 1990 gubernatorial race—pled guilty; Stephen Smith, former Clinton aide, former president and coowner of the Madison Bank and Trust that was owned by Governor Tucker, he pled guilty; Larry Kuca, former director, Madison Financial Corp., pled guilty.

Now, let me tell you, we are going to attempt to bring a number of these people in to get the complete story. I have to say it seems to me that my colleagues have become an extension of the White House in attempting to keep the facts from coming to the American people. If they want to do that, then they are going to have to take the onus of these things. Again, this is just the beginning. This is the third time we have come to the Senate for an extension, and we run into this filibuster, this stonewall. The New York Times says it is silly. It is silly.

The Washington Post says just because Democrats want to bring this to an end does not mean it will end. The people are entitled to the facts.

We have offered a compromise and I think it is reasonable—4 months, an extension for 4 months for the public hearings. This proposal would give us an opportunity to do our job, and that is to get all the facts and to present them to the people as best we can. We may not be able to get all of them, but at least we can do the best we can.

Finally, this was an undertaking that was voted overwhelmingly, 96 to 3. To attempt to turn this, now, into a political witch hunt, which is how it has been characterized, is wrong and it is improper. We have not been able to complete our work because there has been a conscious effort to shield the

facts from the committee and the American people.

The PRESIDING OFFICER. The time of the Senator has expired.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion to invoke cloture on the motion to proceed to S. Res. 227.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. Res. 227 regarding the Whitewater extension.

Alfonse D'Amato, Trent Lott, C.S. Bond, Fred Thompson, Slade Gorton, Don Nickles, Paul Coverdell, Spencer Abraham, Chuck Grassley, Conrad Burns, Rod Grams, Richard G. Lugar, Mike DeWine, Mark Hatfield, Orrin G. Hatch, and Thad Cochran.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate shall be brought to a close?

The yeas and the nays are ordered under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Kansas [Mr. DOLE] are necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

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

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—51

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bond	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Frist	Mack	Warner

NAYS—46

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Heflin	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wyden
Exon	Leahy	
Feingold	Levin	

NOT VOTING—3

Bennett Dole Moynihan

The PRESIDING OFFICER. The yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, thank you very much.

VISIT TO THE SENATE BY THE HONORABLE JOHN BRUTON, PRIME MINISTER OF IRELAND

Mr. HELMS. Madam President, I ask unanimous consent that the Senate stand in recess for 7 minutes while we formally welcome the distinguished Prime Minister of Ireland, John Bruton.

[Applause.]

RECESS

There being no objection, at 2:24 p.m., the Senate recessed until 2:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

Mr. SMITH. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

REBUTTAL TO PRESIDENTIAL SPEECH

Mr. SMITH. Madam President, I want to just take a moment of the Senate's time to respond briefly to a speech that President Clinton delivered in New Jersey last Monday. The President decided to give a very political speech on the environment and made several misstatements that I believe need to be corrected.

It is interesting that in that speech he decried the fact that there were political divisions now over the environment. I read the speech, and for the life of me I cannot understand how his speech could do anything except to exacerbate political divisions, if there are any.

The President of the United States accused the Congress of moving forward on Superfund legislation that would "let polluters off the hook and make the taxpayers pay." I am the chairman of the Superfund Subcommittee on the Environment and Public Works Committee and have been working on the bill for almost 2 years. I think I know what I am talking about when I say very frankly and bluntly that is a false statement. There is not another nice way to say it. It is simply not true.

Let me take a moment to explain. Since its inception, the Superfund Program has been paid for by industries that were considered, in a broad sense, to be responsible for the bulk of the toxic waste problem. That is how we pay for Superfund. Those taxes that

are collected are collected as follows: an excise tax on 42 feedstock chemicals; an excise tax on imported chemical derivatives; an excise tax on petroleum; and the corporate environment income tax. All of those taxes together paid by these large corporations who are responsible for much of the environmental—some of these environmental problems we had, paid into a fund called Superfund. Together, all of those taxes raise roughly \$1.5 billion every year. They are then deposited into that Superfund.

Maybe I am missing something. I do not think the average taxpayer is importing chemical derivatives. It is safe to say that the taxpayer is not—I repeat not—being asked to pick up the tab for the Superfund Program. That is not the way it is now. That is not the way it is going to be under the legislation that we are drafting—in a bipartisan way, I might add—here in the Senate.

I believe those taxes should be extended. In fact, I included an extension of those taxes in the Superfund reform legislation that I introduced last year as we were making changes in that legislation. I am still advocating the extension of those taxes. Both the House and the Senate passed a temporary extension of the taxes last year. Guess what? We passed the extension of these taxes on these companies that pollute, and the President vetoed—I repeat, the President vetoed—that legislation.

I read the whole speech, and I did not find any reference to that in the President's speech last Monday. That, in fact, at the very same time standards that help us put money in the Superfund trust fund to clean up the sites, like the one the President visited in New Jersey, was vetoed by the President of the United States. I find it outrageous he would go to New Jersey, to one of those brown-field sites, and say that. It is false.

Let there be no misunderstanding: The taxpayers have never—never, I repeat—been asked to pay for polluters, and not a single bill introduced in Congress, including my own, would ask the taxpayers to do it.

Mr. President, read the bills. Read the bills that have been introduced. Read my bill, Mr. President. The bill that I am working on with your colleagues in the Senate, every day, as we speak—staff, working to get a bipartisan bill—that Superfund Program has always been, and will be in the future, financed by taxes on various industries. Nothing has changed.

Second, the President claimed on Monday—this is particularly disturbing—"a small army of powerful lobbyists" have descended upon the Capitol to launch a "full-scale attack" on our environmental laws. According to the President, these lobbyists and congressional Republicans just cannot wait to gut each and every one of our environmental laws—every one of them.

I have a message to deliver to the President. Check in with the EPA,

your own EPA, Mr. President. Talk to them. For the past several weeks and months, my staff has been in daily discussions with the Democrat and Republican Senate staff and the EPA, trying to work out a commonsense approach to reform our Nation's Superfund Program, a program that has spent \$30 billion and cleaned up 50 sites in 15 years, Mr. President. It does need reform. It needs more than that. It needs a dramatic overhaul, and you know it.

While we are working toward this solution together, the President is making it more difficult with inflammatory and inaccurate rhetoric. The only individuals working on drafting legislation are elected officials and their representatives. To suggest otherwise, that somehow this Senator or any Senator or any Congressman is allowing a lobbyist to write a bill, is an insult and demagogic at worst.

Let me just say this, Mr. President, give one example. You tell me where any lobbyist in any Senator's office is writing a bill. Put your words up there one more time, Mr. President, and back it up with fact. Show me one case, one example, where any Senator is using a lobbyist to write his bill. You have insulted me, personally, Mr. President, and that is exactly the way I take it. You have insulted many other people, good people, in both parties in the House and the Senate.

As the chairman of the Senate Subcommittee on Superfund and Risk Assessment, as a father, a sportsman, environmental issues are as much concern to me as you. It may come as a surprise, Mr. President, but my daughter drinks the same water as your daughter does, breathes the same air. My sons and I fish in the same rivers, or rivers that are similar. There is not a Senator or Congressman that I know who wants to trash our environment.

Do we have differences as to how to clean it up? Of course. To say we want to trash it or imply that we do is outrageous. That is exactly what the President implied last Monday. Apparently, the President believes that his way is the only way to a clean and healthy environment. I am sorry, I disagree.

When the President hits the campaign trail, he tends to get a little bit excited and he says some things he really does not mean. I am willing to forgive that. Mr. President, admit it: You were wrong in what you said.

President Clinton campaigned on a tax cut, and he raised taxes. He vetoed a tax cut. He campaigned on welfare reform, and he vetoed welfare reform. He campaigned on a balanced budget, and he vetoed a balanced budget. In those instances where the President has taken a strong position on an issue, he always finds a way to change his mind.

Given that fact, I will give the President the benefit of the doubt. I will assume he did not intend to impugn the integrity of dozens of hard-working men and women who are working in the various committees, working on

environmental legislation in the House and the Senate. I am certain that this false accusation just slipped out in the heat of the moment and was not carefully thought out. This is a campaign year, but it need not be a year where bipartisan consensus is made impossible by cheap political shots. That is exactly what this is, Mr. President. You owe every one of us an apology—myself, my staff, Democrats who have worked on this issue, we would not be working day in and day out with the Senate Democrats and EPA officials if we did not think there was a real opportunity to pass a strong Superfund reform bill early this year. That is exactly what we are going to do, in spite of that rhetoric. That is my goal, to get this bill on the floor of the Senate within the next couple of months, hopefully, that all of us can support and be proud of.

We are going to put it on your desk, Mr. President. Maybe you will veto that like you did the balanced budget that you promised, or welfare reform that you promised. But we are going to put it on your desk. I suggest, Mr. President, with the greatest respect, that you tone down the rhetoric a little, read the speeches before you deliver them, see what your staff puts in them. I do. Maybe you ought to do that, too. Talk to some of your colleagues in the Senate and in the House and find out what we are really doing before you take any more cheap shots.

Madam President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent to proceed as in morning business for 5 minutes.

Mr. PRYOR. Reserving the right to object, Madam President. I will not object to my friend's request, but I would like to inquire of the managers as to the status of the legislation. Are we moving along with amendments? It seems like in the last hour or 2 we have made speeches as in morning business.

Mr. CRAIG. Madam President, the manager of the bill has just stepped off the floor, but I know they are working to reduce the number of amendments, to try to resolve as many issues as they can, to get us to a final passage document. The manager has just returned to the floor.

Mr. PRYOR. Madam President, then if we are going to make speeches as in morning business, may I ask unanimous consent that after the distinguished Senator from Idaho has completed his statement, I be recognized for a 10-minute period.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1614 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

BALANCED BUDGET
DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

GENERIC DRUGS

Mr. PRYOR. Madam President, my colleagues, Senators CHAFEE and Senator BROWN, and I have submitted an amendment that every authority I have consulted says should already be the law but for a simple congressional mistake. According to our United States Trade Representative, the Secretary of Health and Human Services, the Food and Drug Administration and the Patent and Trademark Office, our amendment should have been part of the GATT implementing legislation known as the Uruguay Round Agreements Act.

Congress made a mistake, Madam President. We left the amendment out of the GATT legislation. We forgot. It is as simple as that. It has happened before, and it will undoubtedly happen again.

The very unfortunate result of our error is that every day a few pharmaceutical companies are earning an extra \$5 million a day, courtesy of the American taxpayer, the American consumer, the American veteran, and the American senior citizen. Today, however, we have a unique opportunity, Madam President, to correct that mistake. We could implement the law as it was intended, saving consumers billions of dollars and fulfilling our obligations under the GATT treaty, all in one stroke. Let us take this opportunity today to put our mistake behind us.

Madam President, I know this issue is familiar to all of my colleagues. Last December we brought this amendment to the floor and sought a vote which we never got. There was an effort to kill the amendment with a sense-of-the-Senate resolution and call for future hearings. When I withdrew the amendment, along with my colleagues—Senators CHAFEE and BROWN—from consideration, I promised, like McArthur, to “return.” Today, my colleagues and I have returned to the floor of the Senate.

Here is the single fact which I urge my colleagues to keep in mind. Ambassador Kantor testified only 2 weeks ago that the Pryor-Chafee-Brown amendment “would do nothing more than fulfill our obligations to be faithful to what we negotiated in the GATT treaty.” He confirmed that it would “carry out the intent not only of the negotiations and what the Administration intended, but also what the Congress itself intended.”

Those were the words of our U.S. Trade Representative, Ambassador Mickey Kantor. In other words, Madam President, all of us in the Congress believed that the substance of this amendment was part of the GATT agreement which we enacted into law. We assumed at that time that the GATT transition provisions were uni-

versal in nature and scope, but we in fact neglected to include a specific, conforming amendment. As a result, if we do not accept this amendment, we are then deliberately carving out a special exemption from the GATT treaty for one single industry—indeed, for a small number of pharmaceutical companies within this single industry.

As my friend and colleague—and almost seat mate—Senator PAUL SIMON of Illinois, has stated, “This is as classic a case of public interest versus special interest as you could find.” A very fine statement by Senator SIMON.

Madam President, I received a letter from several of my colleagues yesterday about this issue. But there is a misconception that they have raised and must be dispelled. I am certain they did not have the facts which I feel at this time must be discussed. In this letter, my colleagues write:

The committee learned during the Judiciary hearing that because of ongoing patent litigation, no potential generic manufacturer of Zantac can expect to enter the market before September of this year, regardless of what Congress does or doesn't do.

I am afraid that this allegation is in fact untrue. I am sure it will come as no surprise that it was the company called Glaxo and the Pharmaceutical Research and Manufacturers Association who made this allegation before the Judiciary Committee 2 weeks ago. What they neglected to share with our colleagues were some very critical facts—facts which I hold in my hand. As Paul Harvey would say on the radio, Madam President, “Here is the rest of the story.”

There is litigation over Zantac, which is the best selling prescription drug in the world. It is delayed because it was Glaxo—the company that has the patent—who asked the court to delay its ruling, thus denying all generic competition.

I have in my hand a copy of the brief submitted by Glaxo's lawyers to the court. Madam President, should we not inquire into the reason that Glaxo gave the court for delaying action and for restraining immediate competition from a market after 17 years of monopoly protection and extremely high prices? It was simple. It was because of the GATT loophole. Glaxo told the court in its brief that it has a patent extension which would shield it from generic competition until the year 1997.

Madam President, the reason Glaxo will not face any generic competition until 1997 is because of the very same GATT loophole we are trying to correct. Glaxo wants to delay the court. They want to delay action in the Congress because every day that we delay, Madam President, is another jackpot payday for Glaxo—and for every other company benefiting from this loophole.

Let me reemphasize this point: The reason these companies are shielded from generic competition is that Congress made a mistake and forgot a conforming amendment when the GATT legislation was passed. The court is

now delaying its ruling because we in the Senate have not acted on the Pryor-Chafee-Brown amendment. Every day that we delay is another day the court has no reason to act. Now we need to give the court that reason to act.

As soon as we have enacted this amendment, the courts will take notice and have reason to act. They will have a statutory basis for allowing immediate generic competition for Zantac and other drugs on the market. As a result, we will see generic Zantac reach the market as quickly as possible at something like one-half of the price of brandname Zantac.

So now we can see why Glaxo would have us believe we have plenty of time to act. They want us to delay. Why not? Every day is an extra \$5 million in their pockets, courtesy of the American consumer and the American taxpayer. The companies opposed to our amendment are the very reasons why the courts are taking their time. But if we pass this amendment, the courts will act expeditiously—no ifs, no ands, and no buts.

Madam President, we must also remember that there are a dozen other drugs affected by this GATT loophole, costing hundreds of millions of dollars more for the American consumer than they should. None of these products are affected by litigation, and all of these products would be available much more rapidly as generics once the amendment is enacted.

Madam President, I mentioned the hearing held 2 weeks ago by the Judiciary Committee. The hearing did one thing and one thing only: It confirmed what we already knew—that Congress made a mistake. After a year of exhaustive review, discussion, and debate, we held a single 3-hour hearing and discovered once again that the Washington Post was right when they called this “an error of omission.” And the New York Times was right once again when they wrote on the morning after the hearing that “Glaxo's trade loophole” should be closed.

Let me quote from that New York Times editorial:

Congress finds it hard to remedy the simplest mistakes when powerful corporate interests are at stake. In 1994, when Congress approved a new trade pact with more than 100 other countries, it unintentionally handed pharmaceutical companies windfall profits. More than a year later, Congress has yet to correct this error.

And most recently, Madam President, on March 6th, the Des Moines Register of Des Moines, IA, wrote that it is “patent nonsense” to let this “costly congressional blunder” go uncorrected, which “Congress could correct in a jiffy.”

Let me conclude, Madam President, with the following observation: We have a vast body of evidence at our disposal from the U.S. Trade Representative, the FDA, the Department of Health and Human Services, the Patent Office, and the CONGRESSIONAL

RECORD. That body of evidence shows that Congress made a mistake.

Today is our opportunity to correct that mistake—to spare the American consumers unnecessary expenses and guarantee 100 percent equitable treatment for all American companies under the GATT treaty.

The alternative is to ignore the evidence—to choose to side with a few drug companies. There were two Glaxo lobbyists actually testifying at last month's hearing.

They happened to disagree with the U.S. Government, with our U.S. Trade Representative, with our Patent Office, and many others.

I am asking today, on behalf of Senator CHAFEE, Senator BROWN and myself, for this body to consider the possibility that Glaxo has a deep financial interest in this issue and may not be as objective as four or five executive agencies of our Federal Government.

This is not a partisan issue. It is not a partisan choice. It never has been. It is about fixing a mistake. It is about doing right. It is about serving consumers. It is about taking on a special interest which has entered this fight and making certain that the public interest prevails.

I thank the Chair for recognizing me. I yield the floor.

Mr. LOTT. Madam President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I ask for third reading.

The PRESIDING OFFICER. Are there further amendments?

Mr. PRYOR. 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. LOTT. 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. LOTT. Mr. President, it is 3:15. The chairman of the Appropriations Committee is here ready to work. The leadership is working to identify amendments that are going to be offered. There are a couple of amendments that are pending that have been set aside, but it is our hope that those amendments will be acted on. If the Members do not show up and offer their amendments, I would support the chairman's effort to go to third reading.

I think it is totally ridiculous that on Thursday afternoon at 3:15, Senators who have amendments on the list to be offered will not show up and offer

their amendments. This is what makes the Senate look so bad. That is why we wind up working at night, like nocturnal animals, instead of human beings who work in the daylight.

Members will show up later on this afternoon and they will want to go have supper with their families, they will want to keep commitments they have made, they will want to see their children before they go to sleep, they would like to have a good night's sleep. They are not going to be able to do that because they will not show up and offer amendments now, in the middle of the afternoon.

This is the kind of thing that leads to bad relationships between Members, because they get exhausted. They do not do the work during the day, and then they try to do it at night.

I urge my colleagues, this is not a partisan thing, it is not a leadership thing, this is just an individual Senator saying: Please, let us do our work. The committee staff and the committee leadership is here, ready to work. Come over, bring your amendments, let us get some time agreements, let us get our work done, let us move this bill through.

This is an embarrassment. We have been working on this omnibus appropriations bill since Monday. That is why we started on Monday, so we could, hopefully, get it done. Do the Members want to be here next Tuesday, Wednesday, and Thursday night doing the same thing?

I just make one last plea, I am not going to do it again today, that Members come on over and bring their amendments and offer them now, or forever hold your peace. I hope the chairman, when these amendments that are pending are completed—and I urge they be acted on shortly—that we go to third reading. We have always threatened it, but we have never done it. This would be a good one to give it a shot on.

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. HATFIELD. Mr. 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. 3497 TO AMENDMENT NO. 3466

(Purpose: To restore funding for the Competitiveness Policy Council)

Mr. HATFIELD. Mr. President, I ask unanimous consent to send an amendment to the desk that has been cleared on both sides that does not appear on the list that we have adopted.

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

The clerk will report the amendment. The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. BINGAMAN, proposes amendment numbered 3497 to amendment No. 3466.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further read-

ing 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:

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council, \$100,000.

Mr. HATFIELD. Mr. President, during a previous time of trying to assimilate the various amendments, in the Judiciary and now, there was a Binghamman amendment relating to the Competitiveness Policy Council in which Senator DASCHLE, the minority leader, and Senator LOTT, as the assistant majority leader, had entered into an understanding, an agreement, in their attempt to reduce the number of amendments.

Unfortunately, there was a slippage of communication, and the staff at that time was not informed of this agreement. So we are now validating that which had been agreed to by Senator DASCHLE and Senator LOTT. It has no budgetary impact, but it does make good the commitments made.

So, Mr. President, I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 3497) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was adopted and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. 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. HATFIELD. Mr. 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. 3495

Mr. HATFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment by the Senator from Utah to the substitute of the Senator from Oregon.

Mr. HATFIELD. I thank the Chair.

AMENDMENT NO. 3495, AS MODIFIED

Mr. HATFIELD. Mr. President, I would like to clear the parliamentary situation at this moment in order to make way for Senator HARKIN by sending to the desk a modification of Senator HATCH's amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment as modified is as follows:

On page 755, between lines 20 and 21, insert the following:

TREASURY, POSTAL SERVICE AND
GENERAL GOVERNMENT
EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS APPROPRIATED TO THE
PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL
POLICY

SALARIES AND EXPENSES
(Including Transfer of Funds)

For an additional amount for "Salaries and Expenses," \$3,900,000.

INDEPENDENT AGENCIES
GENERAL SERVICES ADMINISTRATION
FEDERAL BUILDING FUND

Limitations on Availability of Revenue
(Rescission)

Of the funds made available for installment acquisition payments under this heading in Public Law 104-52, \$3,500,000 are rescinded: *Provided*, That of the funds made available for advance design under this heading in Public Law 104-52, \$200,000 are rescinded: *Provided further*, That the aggregate amount made available to the Fund shall be \$5,062,449,000.

UNITED STATES TAX COURT
SALARIES AND EXPENSES
(Rescission)

Of the funds made available under this heading in Public Law 104-52, \$200,000 are rescinded.

CHAPTER 12

On page 755, line 22, redesignate the section number, and

On page 756, line 8, redesignate the section number.

Mr. BIDEN. Mr. President, I support the amendment offered by Senators HATCH, SHELBY, and GRASSLEY regarding the drug office. I strongly support the addition of \$3.9 million to help our new Drug Director—General McCaffrey—with the increased staff he needs. As my colleagues know, I have the distinction of being the author of the law that opened the Office of National Drug Control Policy. It took more than a decade worth of effort to start this office—the Reagan administration opposed my every effort to have a Drug Director. It was not until 1988 that they finally relented.

Let me also offer a little history about why the Drug Office staff was reduced in the first place. Under the previous administration, the Drug Office had become overrun with political appointees. Frankly, it became a political dumping ground with the greatest percentage of political appointees of any Cabinet agency. This was not the only reason for the reduction in staff, but it was the key reason I did not oppose the reduction.

But, today we have a new Drug Director, an accomplished, impressive general who has been tasked with the difficult job of bringing action to our national effort against drugs. The General has asked for, and the President has formally requested, an additional \$3.9 million to increase the staff by 80 personnel.

Today, we are offered an amendment sponsored by Republican Senators that provides what General McCaffrey re-

quested. It is my hope that this signals that my Republican colleagues will be as supportive of General McCaffrey's future requests as they are of this one.

Mr. GRASSLEY. Mr. President, I am pleased to support additional funding for the Office of National Drug Control Policy to cover certain salary and expenses. The efforts by the new director, General McCaffrey, to restore the effectiveness and credibility of that office must be welcomed as a step in the right direction—at last. In supporting this legislation, I am expressing my hope and that of many of my colleagues that the administration will now put the drug issue back into the picture of its policy priorities.

As many Members in both the House and Senate have remarked in the last several years, we have seen little in the way of serious leadership or direction from the administration on this issue. Drug policy sank without a trace almost from day one when the President fired virtually the whole of the drug czar's staff at that time. Lee Brown, his first incumbent, never had a chance. Without staff, without support, without credibility, he was left to languish in obscurity along with drug policy. Now we are preparing to vote to restore funding to that office in order to reinstate the positions cut in 1993. I hope everyone appreciates the irony of this process. Nevertheless, if restoring these positions will put us back on the track of serious and sustained narcotics control policies, then it is money well spent.

In doing this, however, we are engaging in an act of faith. We have seen no performance yet. What we are doing is investing in a possibility. It is an investment that I believe we must make, but we must also expect sound performance in return. We need to see a renewed emphasis on drug policy. We need to see a renewed strategy linked to meaningful and measurable performance criteria. We need to see a serious effort to promote drug policy on the Hill and with the American public. We need a drug czar who will fight for drug policy even if that means embarrassing some of his fellow cabinet members.

I hope that this money will help do these things, and I for one will be looking closely to see that we get a return on our faith.

Mr. HATFIELD. Mr. President, I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 3495), as modified, was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, what we have just done is very simple; that is, that Senator HATCH had cleared the concept on both sides of the aisle in

terms of expanding the support for the drug czar. The question was on the off-set. This is budget neutral. The money has been offset from GSA. That has also been cleared. I thank the Chair.

Mr. HARKIN addressed the Chair.
The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask that the pending amendment be set aside.

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

AMENDMENT NO. 3498 TO AMENDMENT NO. 3466
(Purpose: To establish a fraud and abuse control program in order to prevent health care fraud and abuse)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendment numbered 3498 to amendment No. 3466.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. Mr. President, I am back on the floor today to try to attack the problem I have spoken about many times over the years, a problem I have been working on, first as chairman of the appropriations subcommittee dealing with labor, health, human services, and education, and now as ranking member of that under the able leadership of Senator SPECTER. I have been for years working on the waste, fraud, and abuse situation, particularly as it pertains to the Medicare Program.

I have asked for and obtained over the last several years many investigations by the GAO and by the Inspector General's Office of HHS. Quite frankly, Mr. President, what they have come up with is just startling. I am not going to take the time of the Senate here today. I have spoken about this many times before on the Senate floor. Again, every day that we put off attacking this problem and making the necessary changes is a day that wastes, literally, hundreds of millions of dollars in waste, fraud, and abuse, money that is going out and not coming back, money of our taxpayers that is being wasted.

How extensive is this, Mr. President? The General Accounting Office and others have estimated that up to 10 percent of health care expenditures in Medicare is lost every year to fraud, waste, and abuse. Well, 10 percent of what? Medicare this year is spending about \$180 billion. So 10 percent of that is \$18 billion. GAO has said about up to that much is being lost every year.

As we know, we are trying to find some savings in Medicare to reach a balanced budget, to make the Medicare

system more secure, to make sure that it meets its obligations through the next 7 years. Quite frankly, the trustees have said we need about \$89 billion to do that over the next 7 years. Obviously, if we are wasting \$18 billion a year and we are talking about 7 years, we are talking about \$126 billion going out for waste, fraud, and abuse during that period of time.

Assuming that we cannot save every dollar, we cannot end every iota of waste and abuse—which I wish we could—if we could only save 60 percent of it, or 50 percent of it, we would be well on our way toward finding that \$89 billion.

Common sense dictates that waste, fraud, and abuse should be the first target of any responsible plan to reduce Medicare expenditures. I am pleased, on a bipartisan basis, the Appropriations Committee—and I especially want to pay tribute to the good work of Senator SPECTER and our chairman, Senator HATFIELD, for their help in doing this—the Appropriations Committee agreed to my amendment to this bill to restore the cut in funding for the HHS inspector general to tackle this problem.

The amendment I am offering today builds on that. It is very similar to an amendment I offered last year, I regret to say, unsuccessfully, to the budget reconciliation bill. However, we did get, I believe, 44 votes on that, and I know that a lot of Senators I talked to since that time now, I think, have a deeper appreciation for the magnitude of what we are talking about in terms of waste and abuse. I am hopeful that we might gain even more votes on this amendment yet.

This amendment I offer would significantly expand the abuse-fighting activities that have been proven to save money, strengthen the penalties for committing fraud, cut waste in Medicare payments by insisting on greater competition, as well as through the use of state-of-the-art private sector technologies. It would provide new incentive to consumers and providers to expose Medicare abuses and would reduce excessive paperwork and duplicative forms.

Mr. President, this proposal just makes common sense. It would reduce the budget deficit. The CBO estimated the nearly identical amendment I offered last year would have reduced the deficit by \$4.8 billion over 7 years. I am convinced, however, based on years of analysis by the GAO and the inspector general and others, that this would save much more money than that.

For example, every dollar invested in antifraud activities by the inspector general and the Justice Department results in significant savings to taxpayers. I have a chart here to show that. Mr. President, this is a chart showing the savings per employee.

From 1991 to 1995; this is from the inspector general's office, HHS: If you take every employee, including the secretaries, that are in the inspector

general's office, the savings per employee, 1991, was \$4.8 million, and it has gone up to \$9.7 million last year.

Now, talking about the savings per dollar spent. For every dollar we put into the inspector general's office last year, they returned \$115 to the taxpayers of this country. Let me reemphasize that: For every \$1 that we put into the inspector general's office, they returned back—this is real money; this is not phony money; this is money they actually brought back or stopped from being paid out—\$115 they returned to the taxpayers for every \$1 we put into the inspector general's office.

Yet their efforts to stop Medicare waste, fraud, and abuse are underfunded. In addition, efforts to combat health care fraud and abuse are not coordinated adequately between Federal, State, and local agencies. As a result, many fraud schemes move from State to State to avoid detection. I point out, Mr. President, because of the underfunding of the inspector general's office, right now there are 24 States in which there is no presence by the inspector general's office. Not only that, Mr. President, you wonder why there is so much waste, fraud, and abuse? Right now, less than 5 percent of the payments are audited. If you have 24 States in which there is not even an inspector general's presence, and you only audit, say, 3 to 5 percent of the claims, you can see the chances of being caught are pretty slim. That is why we need to invest more in fighting waste, fraud, and abuse.

This amendment would change that by more than doubling our investment in fighting fraud and abuse. The Medicare trust fund would invest directly in these efforts, providing a stable, adequate source of funding, and reaping a huge return in savings to Medicare.

The amendment would also require greater coordination of Federal, State, and local law enforcement efforts to combat health care fraud. All agencies investigating health care fraud and abuse will share information and otherwise coordinate activities, since fraudulent schemes are often replicated in different health programs.

The fight against Medicare fraud and abuse is also limited by inadequate sanctions and loopholes in the law that make it easier for offenders to escape any penalty. This amendment would strengthen sanctions against providers who rip off Medicare. Those convicted of health care fraud and felonies related to controlled substances would be kicked out of Medicare. Penalties for those found to have provided kickbacks, charged Medicare excessive fees, or submitted false claims or otherwise abusive activities—the penalties would be increased. Maximum fines would be increased from \$2,000 to \$10,000 for violation. In addition, fines could be imposed on HMO's and other managed care plans for abusive activities. No such penalty exists under current law.

Mr. President, think about this: Right now the maximum fine if you

submitted a false claim or otherwise abusive activities is \$2,000. That is hardly an incentive for someone to stop this practice when they may be filing false claims for thousands and thousands of dollars a year. Again, Mr. President, a lot of times these claims come in, and if they are ever caught they just claim they made a mistake, just made a mistake. Well, the fines and penalties is just a slap on the wrist, and off they go.

I must tell you, Mr. President, after looking at this for the last almost 7 years now, I am convinced that there is absolutely near zero kind of a sanction or a threat of sanction against anyone filing false claims or abusive activities.

Lastly, right now a managed care plan that submits the claims for the group itself, right now, no fine or no such penalty can be imposed on those HMO's, an invitation to raid the Medicare trust fund.

Mr. President, this amendment would also strengthen criminal remedies available to combat health care fraud and abuse by creating a new health care fraud statute, authorizing forfeiture of property gained through the commission of health care fraud. Well, if we can have forfeiture of property for controlled substances, then if people commit fraud against the health care system and they gain property by doing so, we ought to have that right of forfeiture. It creates a criminal statute prohibiting obstruction of criminal health care investigations and provides other legal tools to go after criminal health care fraud cases.

This is all in my amendment as a result of, as I have said, over 7 years of investigations by my subcommittee and by the GAO and the inspector general's office. These hearings, along with the IG's office, have repeatedly documented massive losses to Medicare due to excessive payments for equipment, services and other items.

For example, Medicare pays over \$3,000 a year to rent portable oxygen concentrators that only cost \$1,000 to buy. Mr. President, I was on a radio program, a call-in radio show, as I am sure all of us do in our own States, WMT radio in Cedar Rapids, several weeks ago. I was talking about this Medicare fraud and abuse. I had a caller call in. We found out who he was and we later got hold of him. He has been on an oxygen concentrator now for 4 years. The rent has been \$300 a month. Medicare pays it. He has been on it for 4 years. Medicare pays \$300 a month, or \$3,600 a year for 4 years. They paid over \$14,000 in rent. They could have bought it for \$1,000. That is the kind of abuses that are taking place.

We found cases where Medicare is paying up to \$2.32 for a gauze pad that the Veterans Administration purchases for 4 cents. Also, a recent series of reports by the HHS inspector general found that Medicare had been billed for such outrageous items as a trip to Italy to inspect a piece of sculpture, country club memberships for executives, golf shop gift certificates, and

Tiffany crystal pictures for executives. These items are not specifically disallowed as indirect costs to Medicare. My amendment closes that loophole.

That is a fact. Right now, an executive or health care provider can take a trip, write it off, and have Medicare pay for it.

My amendment would also end Medicare's wasteful reimbursement practices with regard to durable medical equipment, medical supplies, and other items by requiring competitive bidding to assure Medicare gets the best price possible. This system has been successfully used by many in the private sector and the Veterans' Administration.

For example, take the oxygen concentrator I just spoke about. While Medicare pays over \$3,000 a year to rent it, the Veterans' Administration pays less than half that much every year for the same oxygen concentrators, many times from the same company, the same supplier. Why? Because the Veterans' Administration engages in competitive bidding and Medicare does not.

When I tell audiences that in Iowa and other places around the country where I speak about this, they are dumbfounded. They say, you mean the Veterans' Administration puts out for competitive bids certain items that Medicare does not? I say, yes, Medicare has no competitive bidding, none whatsoever, zero.

Well, now, it would seem to me that if you really want to have a really conservative approach to this, what we ought to do is mandate competitive bidding, like the Veterans' Administration does. I want to make this clear, also. Some people say, well, you cannot have competitive bidding because it would reduce the quality. Well, under my provision, quality standards would have to be maintained and access could not be reduced. In other words, we issue the quality standards and then say, OK, now you competitively bid on it.

For the life of me, I cannot understand why, after all of these years, after all the documentation, after all the hearings and investigations that have gone on year after year, this Congress cannot pass legislation mandating competitive bidding for Medicare. I tell my audiences that, and they do not believe it. They absolutely do not believe that Medicare does not engage in competitive bidding. Well, they do not and, to this day, we have not mandated that they do so.

Last year, I finally got the Director of HCFA, Health Care Financing Administration, who administers Medicare, to agree that, yes, they could utilize competitive bidding and, yes, it could be implemented and, yes, it would save them money. So the head of the agency himself says it will save them money. He says they can do it. Yet, this Congress will not let them do it.

So I say to people around America, if you are mad, if you are upset about all the waste in Medicare, do not take it

out on Medicare because they are only doing what the Congress tells them to do. The Congress, so far, has told them you cannot engage in competitive bidding.

I must say, Mr. President, this really is the heart of this amendment. It is the guts of this amendment. Oh, we can dance around the edges, we can provide increased penalties, which we ought to do, and which this amendment does, and we can provide for more computers and software to catch these practices, and this amendment does that; but if you adopted all those and still did not adopt competitive bidding, Medicare will be throwing billions of dollars away in wasteful spending because we would not be getting the best deal for the taxpayer.

What would we do around here if the Defense Department did not engage in competitive bidding? What if they said they were going to go to contractors and say, "What do you want for this piece of military equipment?" And the contractor says, "I want \$1,000." We say, "OK, that is what you will get." Now, if you think the stories about toilet seats that cost \$600, and things like that which came up in the past are abusive, wait until you see some of the things that come out in Medicare.

Well, I have a device—and we do not show things like that on the floor, but I have a blood glucose monitor, as small as the palm of my hand, which is used with people with diabetes; it tells them their glucose level. We found out Medicare is paying up to \$211 for each one of these. I sent my staff to a local K-Mart, and they bought one for \$49.99. Yet, Medicare is paying \$211 for it. We got that one item stopped. It took a while to get it stopped. That will save about \$25 million over 5 years. But that is just one item.

Mr. President, we also found, thanks to the good work of the GAO, that while Medicare once led the health care industry in technology for processing claims and preventing waste and abuse, it has fallen way behind. A recent report by the General Accounting Office found that, in 1994, \$640 million in improper payments could be prevented if Medicare had employed commercially available detection software that is already used in the private sector.

In fact, many of the same insurers that administer Medicare use this software to stop inappropriate payments for their private sector business.

I had a witness testify before my subcommittee—I think it was last year or the year before maybe. Their organization is the claims processor for Medicare in the Northwestern part of the United States. They also process for their own individual claims—in this case with Blue Cross-Blue Shield. They told me that they have one set of software for what they do privately and another set for what they do for Medicare. Yet Medicare will not adopt what they use on the private side to catch and stop these abusive payments.

This is a study that I had done. It came out in May 1995 from the GAO: "Commercial Technology Could Save Billions Lost to Billing Abuse." Here is what it said. It said HCFA could save over \$600 million annually by using commercial systems to detect code manipulation. Also beneficiaries—the people themselves—would save over \$140 million a year that they are paying out of pocket to this code manipulation.

There are a lot of examples here of unbundling. Here is one where a physician was paid for interpreting two xrays because he unbundled. He put it under two codes. He was paid \$32. When the GAO investigated it, he should only have been paid \$16 rather than \$32. That may not sound like a bunch of money. But that is twice what he should have been paid, and multiply that by thousands and thousands every day throughout the Nation it adds up to real money. The GAO came up with a lot of examples of this.

Let me say at the outset, is this doctor who submitted two charges when he should have only charged once being fraudulent? Maybe; maybe not. It may have been an honest mistake on that doctor's part. Maybe the nurse, or his assistant, or maybe his secretary, or his administrator who takes care of his billing said, "Well, he took one x ray here and another x ray here. So that is two different things. So we will apply under two different codes." It could have been an honest mistake. Yet, he got paid \$32 when he only should have been paid \$16. Using commercially available software that we have on the market today that would have been stopped. Blue Cross would not have paid that. They would not have paid \$32. They would have paid \$16.

So, again, whether it is an honest mistake, or whether a fraudulent claim, we need the software that will stop that.

I might point out that GAO found out that only 8 percent of doctors had billed inappropriately—8 percent. So 92 percent of the doctors are doing just fine. But the 8 percent are the ones that are really digging into our pockets. That is why we need the software. So even if we adopted the software there would not be any impact on the vast majority of providers out there.

So, Mr. President, my amendment would require Medicare contractors to employ this private sector commercial software within 180 days—6 months. What is the cost of this? GAO estimated the cost of doing this would be \$20 million the first year and savings of over \$600 million—not a bad deal for the taxpayers and for the beneficiaries under Medicare.

So, Mr. President, we know that Medicare beneficiaries and other health care consumers are the front line in detecting and reporting Medicare fraud and abuse. Currently though

they have little information and incentive to aggressively watch for and report such activities. Likewise the providers lack the incentives to report problems.

Let me relate what happened to me a couple of years ago. Shirley Pollock's—a constituent of mine in Atlantic, IA—mother-in-law had been in a nursing home for a few weeks. And when she got the Medicare report which said "This is not a bill" because Medicare paid the claim. On that Medicare claim it reported that Medicare had paid for over \$5,000 in bandages for about 3 weeks of nursing home care.

Shirley Pollock looked at this. Of course, it said, "This is not a bill." She went to the nursing home, and said, "I have been here with my mother-in-law. I know she did not use \$5,000 worth of bandages in 3 weeks." She was told, "Do not worry about it. You do not have to pay it anyway."

I tell you. If you want to get heads nodding if you ever go to a senior citizens meeting, relate a story like that and you will see a lot of heads nod because the same things have happened to senior citizens all over this country. They get the report of what Medicare has paid. It says, "This is not a bill." A lot of times they just throw it away because it says "This is not a bill." And if they ever question the payment they are told, "Do not worry about it. You do not have to pay it. Medicare pays it."

Thank goodness for people like Shirley Pollock. She was not going to take that for an answer. She said, "Someone is paying it, and it is not right." She got hold of my office. We looked into it, and found that was right. They should never have paid that. So we got that taken care of.

But there is not enough incentive out there for people to come forward like that.

So what my amendment does is make it easier for Medicare beneficiaries to check their bills for errors—first of all, by giving them assured access to itemized bills. It would also require that when beneficiaries receive their statements from Medicare they are asked to carefully review it, and to report any suspected problems to a listed toll-free number.

Third, it would establish rewards of up to \$10,000 for reports by consumers that lead to criminal convictions for health care fraud and up to 10 percent of amounts recovered from abusive billings.

Three things: The first thing is itemization. I do not know how many of you have ever looked at a Medicare claim form; payment form. When these things come into Medicare, no itemization is required. You do not have to itemize. So a lot of the times, as GAO pointed out, Medicare is paying for things and they do not even know what is there.

So, Mr. President, let say you are a provider and you submitted a bill to Medicare for \$1,000. You do not have to

itemize what that thousand dollars is for. Medicare pays you. But you obviously have an itemized list someplace because it makes up \$1,000. So if you, as a provider, have the list, it would seem to me that itemized account ought to also be made available to the consumer so the consumer can look at it and see whether or not they got something. That ought to be available to Medicare, too. I know some people say, well, this is more paperwork. The fact is that the provider who is putting a claim on Medicare for reimbursement already has to have that itemized list. With the modern computers that we have that can read all this data, that is not a problem at all.

One constituent of mine said, you know, it is like when you go to a grocery store and you pile your cart full of groceries and you go through the checkout counter. What if they just added up all your groceries and they gave you a bill and said, "Here, your groceries are \$83.50, but you don't get a an itemized list of what you bought." You would not stand for it. So just as easy as it is for a checkout counter in a grocery store to give you a long list of everything you bought and the number and how much it cost, the same thing could happen in Medicare for the services, the equipment and devices provided.

Second, a little bit of an incentive. There is nothing like a little bit of incentive, so we provide for up to a \$10,000 reward for any person who provides information that leads to a criminal conviction of health care fraud, and up to 10 percent of amounts recovered from abusive billings. So there would be an incentive in there for people to take a very careful look at what they are being billed.

Mr. President, I have taken a lot of time, but I wanted to lay this out because this is a comprehensive plan to combat waste and abuse in Medicare and other health programs. It is a commonsense approach. I hope we can adopt it. It will save us money for the taxpayers. It will save the Medicare trust fund money. It will save beneficiaries money because there is a lot of this money that is out of pocket that they have to spend. I pointed out that GAO said that by having this new technology, it would save beneficiaries \$140 million a year.

So any way you cut it, I believe this is an amendment that will help make the Medicare system more sound, more secure, and save us in fraud, waste, and abuse.

I do not know the disposition of the managers of the bill as to this amendment. It is my understanding that if this amendment were adopted, it would be approved by the administration.

Yes, I just have had reassurance of that, that the administration would accept these provisions. As I said, I have spent several years of subcommittee investigations and my own time on this. There is nothing in this amendment that has not been carefully

thought out and looked at by the Inspector General's Office, the Justice Department, the Health Care Finance Administration, and others to make sure that it will really do the job. So I hope it can be adopted and sent down to the White House, whatever happens to this bill otherwise, and get it approved and save us a lot of money.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. Mr. President, I just want to respond to what the distinguished whip said about Members working on their amendments.

I have been, over the past 18 hours or so, working with members of the Appropriations Committee, and Senator HATFIELD and the staff have been very cooperative in trying to work on something that we can do to address the concerns I have about disaster relief funds in this bill being declared an emergency and off budget and therefore adding to the deficit. We are working and have been and will continue to work to try to come to some agreement where we can put this spending within the context of the budget laid out last year so we do not cause an increase in the deficit. I know everyone wants to work on that in good faith, so this negotiation will continue. I wish to tell the Members and the whip this is ongoing, and I am optimistic we will come to some favorable conclusion on that issue.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, is the Harkin amendment the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I ask unanimous consent that the HARKIN amendment be temporarily laid aside.

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

AMENDMENT NO. 3500 TO AMENDMENT NO. 3466

(Purpose: Delete language concerning certification of population programs)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. DOLE, proposes an amendment numbered 3500.

Mr. MCCONNELL. 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 756, Title III—Miscellaneous Provisions, strike section 3001, beginning on line 14 “The President,” through line 25, ending “such restrictions.”

Mr. HATFIELD. Mr. President, I ask if the Senator will yield.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. McCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3498

Mr. HATFIELD. Mr. President, the Senator from Iowa [Mr. HARKIN] has presented an amendment that deals with a mutual concern of issues.

I am grateful that the Senator put together a way to deal with these issues. The only problem is that under the current parliamentary situation, this is an appropriations measure, and, as the Senator realizes, out of this rather extensive amendment, which is almost 100 pages, there is a lot of legislation in the amendment as well as earmarks relating to appropriations.

I would have to, probably, raise a point of order against the amendment being considered on this vehicle. Both from the standpoint of our personal working relationship, that I treasure, and our mutual interest that we share on so many of these issues, I would not like to do that, and I would like to also assure the Senator that I am willing to cooperate and work with him to find some suitable alternative to this particular vehicle. It is fragile enough, without adding more problems to it, in terms of so much legislation.

So, I just say I deeply regret the situation I am in, but in order to move this bill on through to a conference with the House and, hopefully, to the signature of the President, I wonder if the Senator would consider the possibility of postponing this action to a time when we could join together in partnership?

Mr. HARKIN. Mr. President, if the Senator will yield?

Mr. HATFIELD. I yield.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I understand. I do not want to add to the problems our distinguished chairman has with this bill. I was hoping perhaps the Finance Committee and others would approve of this and let it go on through. As I said, I know it is authorization, but we have other authorizing things that are in this bill, too. But I understand for some reason there are some who do not want this on this bill. I had hoped we could have prevailed on this, but I understand the chairman's position on this. I know he is in a position where he has to try to get this bill through.

We do not want to hold it up any longer. We want to get it through as soon as possible. There are some very important things in this bill, like education and other things that we got in it, that I hope we can hold.

With the assurance of the chairman that perhaps we can find some other vehicle to get this thing through this year, Mr. President, I then ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

So the amendment (No. 3498) was withdrawn.

Mr. HATFIELD. Mr. President, I thank the Senator. Let us put our staffs together, sooner rather than later, to try to work out some strategy.

Mr. HARKIN. I thank my colleague.

Mr. HATCH. Mr. President, I ask unanimous consent that, notwithstanding the existing unanimous consent limiting amendments, that I be able to offer the D.C. Police amendment which was originally a part of my drug czar's amendment. The floor manager and several Members expressed their hope that this amendment would not be considered as part of the drug czar's amendment.

I understand it has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3499 TO AMENDMENT NO. 3466

(Purpose: To provide assistance to the District of Columbia Police Department)

Mr. HATCH. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3499 to amendment numbered 3466.

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

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

The amendment is as follows:

Page 29, line 18, insert the following: “Provided further, That no less than \$20,000,000 shall be for the District of Columbia Metropolitan Police Department to be used at the discretion of the Police Chief for law enforcement purposes, conditioned upon prior written consultation and notification being given to the chairman and ranking members of the House and Senate Committees on the Judiciary and Appropriations.”

Mr. HATCH. Mr. President, I ask that the amendment be temporarily set aside.

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

AMENDMENT NO. 3500

Mr. HATFIELD. I thank the Senator from Kentucky.

Mr. President, do we have a time agreement?

The PRESIDING OFFICER. There is no limitation on debate at this time.

Mr. McCONNELL. I had heard it might be acceptable to the other side to have 1 hour equally divided. That would certainly be appropriate and agreeable with me.

Mr. HATFIELD. We will proceed.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The chairman of the Appropriations Committee, my good friend, has inserted language in the underlying bill which affects a provision in the recently passed foreign operations bill. The very reason it only recently passed is because the foreign operations bill was ping-ponged back and forth across the Capitol, between the House and the Senate, over a period of 3 or 4 months, during which we had nine different votes in the two Houses on the question of abortion.

I understand the concerns that Senator HATFIELD has raised with regard to this provision. However, this is not a new topic of debate. In trying to pass the foreign operations bill, as I just indicated, we voted nine times on modifications, amendments, and variations of the language that my good friend from Oregon is now attempting to change. I fear that his language, like earlier proposals, will simply reopen a contentious debate in which Congress and the administration simply do not agree. This is just an area of deep-seated disagreement.

Over on the House side, initially, Congressman CHRIS SMITH and others sought restrictions on population funding that would assure none of our resources was used by institutions which carry out abortions. At no point has anyone opposed supporting legitimate and voluntary family planning services.

I believe the proposal put forward by Congressman SMITH, which I included in my chairman's mark for the foreign operations bill, was reasonable. Our proposal would have had no adverse impact on the availability of family planning. But the administration objected to the application of the so-called Mexico City standards on population programs.

As a result, after months of debate and nine votes, we reached a stalemate. At the time of final passage, Senator HATFIELD and I agreed the entire issue was more appropriately dealt with by the authorization committees.

To encourage them to continue negotiations and reach a settlement of this policy matter with the administration, we delayed the provision of any population funds until July 1, and at that point disbursed the funds on a limited basis over the next 15 months.

Frankly, I continue to believe we have done the best possible job we could under the circumstances. I have never been involved in a more difficult legislative endeavor than trying to reach some kind of compromise which the previously passed bill embodied.

I hope we take the view, at least for this fiscal year, that a deal is a deal. I think the language in the bill jeopardizes the commitment we made to allow the authorization process to resolve the issue. I really hope we will not reopen this matter today. I think we run the risk of losing the entire omnibus resolution. I do not think the House is going to budge 1 inch on this issue.

So it seems to me we potentially put the omnibus—we actually do put the

omnibus appropriations bill in the very same position the foreign operations bill was in for months, stuck in a legislative ditch.

My good friend, the chairman of the full committee, certainly appreciates the issue, that issue, was an enormously complicated problem. I know he has a big task in managing this 781-page bill. But I urge my colleagues, regardless of whether you consider yourself pro-life or pro-choice, we finally struck a deal on the foreign operations bill which has already passed and was signed by the President, which carries us through September 30. We finally, after nine votes, reached a compromise. Nobody was particularly happy with it, but it is now the law. I hope we will not undo that compromise here, halfway through this fiscal year, and run the risk of putting this omnibus appropriations bill in the very same condition that the foreign operations bill was in in October, November, December, and January.

So, I hope my colleagues will support the amendment I have at the desk. I think it will allow us to get past this issue. We are going to have to deal with it again in next year's bill. We are already beginning to develop the foreign operations appropriations bill for next fiscal year, and this issue obviously is not going to go away. But we have reached a compromise for the current year, and I hope we stick to that. We take the view that a deal is a deal, at least for this fiscal year.

I urge all of my colleagues to support the McConnell amendment, which, hopefully, we will be able to vote on sometime in the near future. Senator DOLE, I might add, is a cosponsor of my amendment.

With that, Mr. President, I have really completed my remarks. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I want to echo my colleague's remarks, because we have an excellent working relationship. I think sometimes, on highly emotional issues like this one—emotional on both sides of the issue—that there is always a fear, with good friends differing on an issue, of rupturing a good friendship.

I want to assure the Senator from Kentucky I have no intention of doing that. The Senator needed help on the Jordan funding system. We worked that out in the Appropriations Committee. The Senator has sought our help even today on this appropriations bill. We have been responsive to that.

So whether we agree or disagree on this issue does not in any way impair my concern and desire to help the Senator when he makes the request for help as chairman of the committee.

But I also at the same time am a little bit dismayed that my colleague would move to strike this provision I have included in the committee substitute concerning international vol-

untary family planning. I would like to review the history of this last year. Let me state briefly where things stand.

First of all, let me say this is not a negotiated compromise. We, at no time—the Senate had no opportunity to negotiate this issue with the House. We were given this kind of approach, and it was that or nothing. So this is not a negotiated settlement on this issue or even a provision of this bill that has been worked out with the House.

In late January, when the Senate passed H.R. 2880 to keep the Government from shutting down, the bill included a provision restricting the expenditure of funds for the International Family Planning Program administered by the U.S. Agency for International Development.

Again, let me underscore, this so-called compromise was worked out on the House side unilaterally and presented to us. Our choice was to accept it or to shut the Government down. If anybody remembers, I stood on the floor of the Senate and apologized for having the Senate put in this position.

As a result, we put forth our own bill, an original appropriations omnibus bill that is now before the Senate, because we were not going to be put into that situation of being handed a document of controversial issues and told, "Take it or shut the Government down." And that is where we were.

The Senate has a right to have its views expressed, to have its views debated, to have its views understood and negotiated with the House. This is not a compromise. This is a unilateral demand of the House to take it or shut the Government down, and we had no option. I want to make that point clear.

The bill included a provision restricting the expenditure of funds for the International Family Planning Program. These funds for international voluntary family planning were cut by 35 percent from 1995 fiscal year levels. However, interestingly, listen to this, two further restrictions were added which ensured that no funds may be allocated, unless authorized, until July 1, 1996, and thereafter funds may only be allocated each month in amounts no larger than 6.67 percent of the total.

This will effectively lead to an 85-percent cut in funding for fiscal year 1996 because the authorizing committee failed to act on this matter and has yet to act on this matter, the Senate Foreign Relations Committee.

They had a chance in a recent conference on the foreign aid reauthorization bill to act, and they did not act.

I want to say clearly that I am pro-life to the extent that I do not necessarily have to have exceptions for rape and incest, because I believe that life begins at the point of implantation, not at conception. Over 50 percent of the eggs abort naturally at conception before they are implanted, and you have 10 days to 2 weeks to take care of that situation, even in rape and incest.

So I speak as a pro-life Senator. I have voted pro-life for more years and more often probably than 90 percent of the other Members of this Senate, because I have been here now almost 30 years.

I am pro-life as it relates to capital punishment, too, and I am pro-life as it relates to war as well. But nevertheless, I am unabashedly pro-life, and I come from a State that is the most pro-choice State in the Union, by all surveys. In fact, it is so pro-choice that we had, through an initiative, an assisted-suicide proposal that passed in a vote of the people. So if we did not get them zapped in the womb, we can zap them at the other end of the lifespan.

But nevertheless, that is the character of my State. We have the lowest church membership per capita of any State in the Union. We have the highest percentage of atheists per capita of any State in the Union, according to the New York University religious survey.

I am just stating the political environment from which I come. You, obviously, can understand this is carried into my political elections as a handicap. I stand unashamedly as a pro-life Senator.

But let me say this. There are ways to reduce abortion and the demand for abortion, and that is contraception. "Family planning" is perhaps a more subtle way to express it. I think anybody who has had biology 101 understands why. So I will not go into the details of how this reduces the demand for abortion. It is pretty obvious.

Therefore, it seems to me when we make available family planning devices and contraception abroad in those countries that do not have access and that are experiencing the continued population explosions that are going to impact not just their country but the whole world, we have an opportunity to deal with a cause rather than just the effect. I think after the period of time that this bill has been bouncing around, we even have more ramifications and we have more evidence of why this position is a valid position.

A very recent methodological summary, put together by a coalition of groups, including the Alan Guttmacher Institute, estimates that this restriction on funding will lead to 1.9 million unplanned births and 1.6 million more abortions. These figures have been attacked by groups such as the Population Research Institute, an arm of the pro-life Human Life International, which claims that the Alan Guttmacher Institute is funded by Planned Parenthood and, thus, cannot be trusted to give accurate numbers, though it ironically cites the Guttmacher statistics to support its own assertions.

Now, you cannot have it both ways. If you say this is not a credible institute in making the studies on one hand, you cannot turn around and cite their statistics to prove your case on

another question that relates to abortion. That is precisely what the PRI has done.

But listen to this. The PRI's, Population Research Institute, a pro-life organization, most recent study states that the actual number of unplanned births resulting from a 35-percent cut in funding will be 500,000, and they further estimate that there will be 450,000 more abortions as a result of the cuts.

Now, is that not interesting? If you take the Guttmacher estimate, it is a higher level. But even the PRI studies show, yes, it will not be 500,000, or as Guttmacher says it will not be a million, but it will be 450,000.

PRI goes on to argue that they believe other countries will donate more funds to make up for the lack of United States contributions.

In effect, they are saying, we, in a way, are going to answer this problem in the United States by asking other countries to increase their contributions. However, using PRI's own numbers, this would result in 129,000 more abortions, hardly negligible, as PRI claims, 129,000 more abortions. In my view, whether the number is 1.6 million, 450,000 or 129,000 makes little difference. Even one more abortion is one too many.

That is why I cannot understand why my colleagues who say they are pro-life would object to the provision that I have included in this committee substitute.

This provision states the following:

SEC. 3001. The President may make available funds for population planning activities or other population assistance pursuant to programs under title II and title IV of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, . . . notwithstanding the provisions of section 518A of such Act, if he determines and reports to the Congress that the effects of those restrictions would be that the demand for family planning services would be less likely to be met and that there would be a significant increase in abortions than would otherwise be the case in the absence of such restrictions.

Bear in mind, we have not put language in here that automatically makes that money available to family planning. The President has to certify that there is a relationship between the absence of that money or the great reduction of that money and as a result more abortions.

So for those, again, who are concerned that perhaps we are just giving the President more money to spend, there is that restriction in this provision. Let me repeat, funds would be made available only if the President certifies there would be a significant increase in abortions as a result of these restrictions.

Honestly, I cannot believe that anyone who claims to be pro-life and opposed to abortion would support a funding restriction that may lead to increases in abortions. If the President makes a certification that the action taken by Congress will lead to an increase in abortions, I would expect

every Member in Congress who takes a pro-life stand to act to reverse this horrible result. To oppose the committee position makes no sense to me at all.

We can argue the merits of family planning until we are blue in the face. I believe the evidence proves that international voluntary family planning programs have contributed to reducing unplanned pregnancies and abortions worldwide. I can give you some recent examples of where international voluntary family planning has made a difference specifically. In Hungary, where voluntary family planning services were introduced 8 years ago, the abortion rate has dropped by 60 percent and continues to fall. Although programs in the Newly Independent States and in Russia, where the average woman—listen to this—the average woman has between four and eight abortions during her lifetime, are too new to make reliable calculations, similar success is expected, or was before the funding cuts.

Mr. President, I stated in this Chamber on February 6:

The family planning language included previously in H.R. 2880 is not pro-life, it is not pro-woman, it is not pro-child, it is not pro-health, and it is not pro-family planning. It inflicts the harm of a profound misconception on the very poor families overseas who only ask for help in spacing their children through contraception, not abortion.

The statistics provided by the Alan Guttmacher Institute prove this, and those from the Population Research Institute fail to refute it. Therefore, I implore my colleagues, especially those who take a pro-life position, to carefully examine the language I have introduced in this bill. If you are opposed to abortion or in favor of family planning, you should vote to oppose the McConnell motion to strike.

I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, we have visited and revisited this issue many times. We struggled with the House of Representatives over this issue for 3 frustrating, unproductive months, and we could not resolve it. We finally agreed to let the matter be resolved in the authorizing legislation. Why then, as some of my colleagues are asking, would Senator HATFIELD choose to reopen the debate in the current legislation? I suggest, Mr. President, for two very important reasons:

First of all, the authorizers punted. They did not address the issue in the authorizing language. Thus, we are left with an authorizing bill that was reported out of conference which does not address this issue. This part of the compromise, which we added to the last CR, was not fulfilled.

Second, the language that Senator HATFIELD has added to the current continuing resolution is sound policy. As he has just so eloquently stated, the

simple, honest truth is that maintaining effective family planning programs is the best hope we have of limiting abortions. It is an elementary equation, I believe, that contraception does reduce abortions.

Mr. President, arguments to the contrary are just misinformed. We cannot prevent abortions worldwide by preventing women from having access to the very information and services that enable them to prevent unplanned pregnancies.

I applaud my friend from Oregon for his thoughtfulness on this issue. Senator HATFIELD is not an advocate of abortion rights, and yet he authored the provision in the omnibus budget bill that Senator MCCONNELL is trying to strike out.

Why would a Senator who does not support abortion take the lead on restoring funding for international population assistance programs? It is because Senator HATFIELD judiciously realizes the most effective way we can use our budget dollars is to prevent abortions and to promote effective, safe, and comprehensive pregnancy-prevention services.

Senator HATFIELD's provision restores funding for population-assistance programs if the President determines that cutting this funding would increase the number of abortions being performed. If you are against abortions, it seems to me, Mr. President, you must be for Senator HATFIELD's language.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I would like to thank the Senator from Kansas, Mr. President, for her very astute and calmly stated remarks on a very, very tough issue. I appreciate her contribution.

Mr. President, this is a unanimous-consent agreement that is cleared on both sides. I ask unanimous consent that there be 1 hour for debate on the pending McConnell amendment, to be equally divided in the usual way, and that following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the McConnell amendment, and that no amendment be in order to the McConnell amendment.

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

Mr. HATFIELD. I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I, too, would like to thank the Senator from Oregon for his leadership on this issue.

Mr. President, yet again, the Senate is debating funding and restrictions on the international family planning account. In many ways it is a debate I cannot understand, for the supporters of this amendment are only ensuring

that the incidence of abortion worldwide will increase, and that is a trend that would disappoint and trouble every single Member of this body. Mr. President, I rise to oppose strongly this amendment, that is, the amendment of the Senator from Kentucky, and to support Senator HATFIELD's very reasonable and practical provision on population in the omnibus appropriations bill.

My colleagues are all familiar with the difficult disagreements that have ensued this year over the U.S. population program. For months now, the Senate and House have lobbed amendments back and forth concerning what restrictions should be placed on family planning assistance in our foreign aid program. Unfortunately, as I have always argued, the debate in Congress has almost always been perilously miscast, as it is miscast again today. This is not, as some have portrayed it, a debate about a woman's right to abortion. The law has been on the books, Mr. President, since 1973, unchallenged, that U.S. assistance cannot be used to finance abortions.

That is the law. That is the way it has been for 23 years. The problem we are addressing here is access to family planning services. The only connection this has to abortion is that more widespread voluntary family planning will reduce the number of abortions worldwide. That is a goal that everybody, I think, without question, shares.

The genius of the Hatfield provision is that it spells this out clearly and precisely. It says that if the President cannot determine that our population program does not reduce the incidence of abortion, then the restrictions laid out in the continuing resolution passed in January will go into effect.

Mr. President, there is an ironic and dangerous twist to this debate. The opponents of the Hatfield language seem to be caught up in a shortsighted goal to advance what is both an isolationist and antiabortion agenda. This is based on the somewhat perverse assumption and wrong assumption that population assistance increases the incidence of abortion.

Mr. President, we will take a look at how wrong that reasoning is. Over 100 million women worldwide, and who knows how many couples, do not use family planning because they do not have access to basic health care. One out of five of the women will undergo unsafe abortions. Statistics indicate that some will die. Some will be disabled. Some will never be able to bear children again. Some may deliver babies that have no chance of leading a healthy life.

The U.S. population program educates women and couples about family planning and increases access to contraception and basic health care. Mr. President, it saves women's lives. It is a life saver. Why would we want to cut that account by 85 percent or deeper than any other foreign aid account as currently written in January's continuing resolution?

For example, Mr. President, in Africa, 1 out of every 21 women die as a result of complications of pregnancy. That is roughly 200 times the rate for European women. Mr. President, African women deserve the right to family planning. Their lives depend on it. Their nation's development depends on it. The countries of the former Soviet Union, including Russia, where women have no sustained access to family planning and virtually no access to any quality contraception, the average woman undergoes nine abortions in her lifetime. An average of nine abortions in those places where people do not have access to family planning.

Our population programs in Russia and throughout Africa are designed to reduce the rate of abortion. There is no rational justification to cut these programs.

Mr. President, it is a well-documented fact that when couples have access to family planning, the incidence of abortion goes down. That is the whole confusion in this debate. If you want to increase abortion, support the McConnell amendment and the language of a January continuing resolution; if you want to really and truly reduce the incidence of abortion, as I do, and if you oppose abortion outright as Senator HATFIELD does, then the population program is one of the most important foreign aid accounts we have. Family planning simply stated is an important part of the solution to abortion.

If this is not true, then the President cannot report it. Under the Hatfield language, the population program would be reduced. I think this is really a very good compromise, for if population programs do not reduce the incidence of abortions, then I agree, we should reexamine them.

Mr. President, fact, statistics, logic and United States national interest dictate that the population program is an essential cornerstone of our goal of global development. I urge the defeat of the McConnell amendment. I sincerely thank the Senator from Oregon not only for his courage but also for his wisdom in crafting the underlying amendment.

Mr. LEAHY. Mr. President, what is the parliamentary situation on time?

The PRESIDING OFFICER. Debate is limited to one hour, 30 minutes each side.

Mr. LEAHY. Would the Senator from Oregon yield me 4 or 5 minutes?

Mr. HATFIELD. I yield 5 minutes to the Senator from Vermont.

Mr. LEAHY. Mr. President, the foreign operations conference report, which was signed into law on February 12, categorically prohibits the use of any funds for abortion. It also prohibits the use of any funds in China.

But that legislation contains a provision that was inserted by the House at the behest of the right-to-life lobby, which will cut funding for voluntary, international family programs by one-third.

Those family planning programs have one purpose—to give couples in developing countries the means to avoid unwanted pregnancies and reduce the number of abortions. The funds are used to purchase and distribute contraceptives, to improve the quality and safety of contraceptives, to educate couples about spacing the births of their children, and maternal and child health.

Why anyone would be against that is a mystery to me, but that is what the House did. And because they recessed immediately afterward, the Senate had no opportunity to amend it. We were presented with the choice of closing down the Government again, or accepting the House provision word for word.

Anyone who wants to see fewer abortions, and fewer women die from botched abortions, should deplore what the House did, and support the Hatfield language in this bill.

The House provision would prohibit the obligation of any family planning funds before July 1 unless they are specifically authorized.

The whole purpose of that provision was to give an incentive to the authorizing committees to resolve the Mexico City issue. We were told that was what they wanted—an opportunity to resolve it themselves.

But the authorization conferees hardly discussed the issue. In fact, they specifically decided not to authorize these programs. In one of the more hypocritical maneuvers I have seen in a long time, the House authorizers revealed that their real agenda is to destroy the international family planning program.

Without an authorization, the House provision says that only 65 percent of the fiscal year 1995 level for family planning may be obligated, and then only at the rate of 6.7 percent per month.

What will be the effect of the House provision? According to conservative estimates: 7 million couples in developing countries who have used modern contraceptives, will be left without access to them; there will be 4 million more unintended pregnancies; 1.9 million more unplanned births; 1.6 million more abortions; 8,000 more women dying in pregnancy; and 134,000 more infant deaths.

Mr. President, that would be unforgivable, particularly since it is entirely avoidable.

The United States has been the world's leader in the effort to stabilize population growth. Tens of millions of people are born into terrible poverty each year. Anyone with an ounce of sense knows that if we make it harder for people to avoid pregnancy, the result will be more abortions, not less.

The Hatfield language ensures that that will not happen. It would prevent the House provision from going into affect if the President determines that it would result in significantly more abortions.

Every Senator, whether pro-life or pro-choice, should support the Hatfield

language, and oppose this amendment. I want to commend Senator HATFIELD for his leadership on this, and for his determination to correct this problem. He is solidly pro-life, but he is also a stalwart supporter of family planning because he knows what family planning is the way to reduce abortions.

That is what we all want, and why all Senators should vote to keep the Hatfield language in the bill.

Mr. President, I ask unanimous consent that a two newspaper editorials which are representative of dozens of similar editorials from around the country expressing strong support for Senator HATFIELD's position, be printed in the CONGRESSIONAL RECORD.

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

[From the Washington Post, Mar. 12, 1996]

FAMILY PLANNING FIASCO

The continuing resolution that brought government workers back to the job last January is due to expire at the end of the week. One of the matters that must be settled before that can be done is the future of American assistance to family planning efforts abroad. This has nothing to do with abortion, since no U.S. funds can be spent outside the United States for that purpose. Rather, what is at stake is this country's extremely valuable and long-supported work in the developing world to provide couples with information and materials needed to plan the spacing and total numbers of their children.

In January, one regular appropriations bill was attached to the continuing resolution by the House. It cut international family planning money 35 percent below 1995 levels, and it put two additional restrictions on these expenditures: Nothing can be spent before July 1, and thereafter the funds would be doled out at the rate of 6.7 percent a month until the new fiscal year begins on October 1. This amounts to an effective cut of 85 percent in a single year, which is a terrible idea. Sen. Mark Hatfield, chairman of the Appropriations Committee, has put a saving clause in the pending bill that would allow the president to spend appropriated funds without these two restrictions if he can demonstrate that they will have the effect of reducing demand for family planning services and lead to a significant increase in abortions. That won't be hard to do. An effort will be made, probably today, to strike the Hatfield language and retain the restrictions.

The United States contributes about 17 percent of all public funds spent on family planning in the developing world outside China, which does not receive this kind of aid. Various organizations have made estimates on what would follow a cut of 85 percent—how many unplanned children would be born, how many women would die in childbirth or having abortions, for instance. Predictably, these figures have been challenged by others who believe that the poorest people in the world will simply buy their own contraceptives or remain abstinent. But the exact numbers don't matter, for the damage will be severe. American foreign aid has been instrumental in the developing world's increasing family planning success. This, in turn, has spurred economic progress and brought about tremendous improvement in the health and welfare of women and children in recipient countries. Legislators more interested in pleasing an extreme slice of the American electorate than in saving lives and

reaching out to the poor of the world should not be allowed to succeed.

[From the Portland, Press Herald, Mar. 12, 1996]

SENATE SHOULD PROTECT NEEDED INTERNATIONAL AID

The abandoned baby girls pictured here testify eloquently to the need for U.S. support of voluntary international family planning programs.

A key vote on that support is expected in the Senate today.

The babies shown here, abandoned in India, are far from alone. World population expands by nearly 100 million people a year. Ninety percent are born in developing countries. Countless are desperately poor and unwanted.

Family planning programs, long supported by U.S. aid, provide assistance that can break the desperate cycle. They give families the power to plan. They do not provide abortions. U.S. law has forbidden use of foreign aid funds for abortion for two decades.

Even so, opponents continue to attack the funding on that basis. That's why the Hatfield Amendment coming before the Senate is so important. It would enable the president to override restrictions, now in place on family planning aid if he can report to Congress that they unwisely "will result in significantly more abortions, as well as a greater unmet need for family planning services."

That is an amendment in the best interest of everyone involved.

The Senate should approve it.

Mr. LEAHY. On behalf of the Senator from Oregon [Mr. HATFIELD], I yield 5 minutes to the Senator from Maine, [Ms. SNOWE].

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I thank the Senator from Vermont for yielding me this time to speak on this very important issue.

I regret that the Senate is in a position to address this issue once again because the Senate has spoken on many occasions in support of international family planning. So I think it is unfortunate that we are here today to have to fight an amendment that, basically, would decimate family planning support by the U.S. Government on behalf of international family planning programs around the country.

I think everybody knows that the United States has traditionally been a leader in international family planning assistance. This has been the case ever since this issue rose to international prominence with the 1974 U.N. Population Conference in Bucharest. At that time, a number of Third World developing countries perceived family planning as a Western effort to reduce the power and influence of Third World countries.

It is a sad irony that we are here today because the U.S. Government became a leader on this issue to influence the Third World countries, to insert themselves into the developing family planning programs. They have done that. We have been a traditional leader in international family planning and have had unrivaled influence worldwide for setting standards for these programs. An estimated 50 million families around the globe use family plan-

ning as a direct result of U.S. leadership and population assistance programs. Now we are confronted with the idea of basically eliminating any U.S. support for U.S. international family planning programs.

The passage of the continuing resolution back in January came at a terrible price to these programs. After the date of July 1, funding may be provided at 65 percent of the 1995 level, appropriated on a monthly basis at 6.5 percent for 15 months.

As a result, U.S. population assistance expenditures could drop from \$547 million last year to only \$72 million during 1996. This means a loss of revenue to the program of \$475 million, or a cut of 85 percent in funding for 1996.

Senator HATFIELD, who has been a champion in fighting for international family planning assistance programs throughout his career, included language in the omnibus appropriations bill that would restore the funding. The Hatfield provision would nullify the funding cuts in the continuing resolution. If not, this will lead to a significant increase in abortion. Senator MCCONNELL is offering an amendment that would basically strike the Hatfield language and preserve the cuts contained in the continuing resolution. This will have a devastating impact on women, children, and families all over the globe, particularly in the developing countries. The Alan Guttmacher Institute, and other respected research institutions, predict that as a result of these cuts, at a minimum, 7 million couples in developing countries who would have used modern contraceptives will be left without access to family planning. Four million more women will experience unintended pregnancies.

We can expect 1.9 million more unplanned births; 1.6 million more abortions and countless miscarriages; 8,000 more women dying in pregnancy and childbirth, including those from unsafe abortions; and 134,000 infant deaths.

So let us make very clear what the impact of the McConnell amendment will be. It will result in more abortions, more women dying, and more children dying. It appears to be incongruous—in fact, it is inconceivable—that opponents of abortions would support cuts to family planning which would result, undoubtedly, in many more abortions, particularly because current law prohibits the use of any U.S. population assistance funds for abortion-related activities.

So this debate should not be about the fact that population assistance programs support abortion. They do not. In fact, they reduce the incidence of abortions worldwide. So the issue is not about encouraging abortion. It is about preventing unwanted pregnancies and preventing abortions, and because of the continuing resolution, organizations that provide family planning services with American funds are already determining which of their programs will have to be cut or eliminated. A local affiliate of International

Planned Parenthood in Brazil estimates that 250,000 couples who rely on its services will lose access to family planning and related health care. In Peru, a country that is among the poorest in Latin America and where 90 percent of women surveyed say they want to prevent or delay another pregnancy, more than 200,000 couples will lose services.

Families in these extremely poor countries cannot afford to lose this vital U.S. family planning assistance. But this will become a certainty should the Senate pass the McConnell amendment.

Mr. President, the United States has been a model nation on international family planning programs, and other countries look to our leadership and to our example. The implications of these reductions in U.S. aid contained in the continuing resolution are far broader than one might think. If other countries follow our lead, the impact will be devastating to the health of women and families of developing nations. Ironically, last Friday, March 8, was International Women's Day. Is this the gift that Congress will bequeath to the women around the world in honor of International Women's Day? Greater poverty? Increased maternal death? More abortions? Increased infant death?

I urge my colleagues to reject the McConnell amendment because hanging in the balance are lives around the world. I hope we will not want to set this kind of example for other countries with respect to this very critical program if we are going to do everything that we can to reduce the explosion in population growth in other countries, and particularly in the developing world. The increase in population alone worldwide was 100 million, the greatest increase ever, and that is not the direction we want to take. In fact, the United States ought to take the leadership and reject the McConnell amendment and support Senator HATFIELD's provision.

Mr. HATFIELD. Mr. President, I yield 6 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the distinguished Senator from Oregon.

Mr. President, again, I join with my colleagues in encouraging colleagues to vote for the Hatfield provision.

In the final days of January, in an effort to avert a third Government shutdown, this body passed by unanimous consent a continuing resolution which included a provision that will decimate international family planning programs. After studying this provision more closely, we now know that the effects will be far greater than was known at the time the Senate acted on the bill.

We are currently in the sixth month of the fiscal year. Unfortunately, we are living under an extraordinary reduction in family planning funding. In

fact, it has received no funding from any continuing resolution since October 1, 1995. As we know, the January continuing resolution prohibits any funding for family planning until July 1. Beginning in July, the program will be funded at a level reduced 35 percent from the 1995 funding level, to be allocated on a month-by-month basis for the next 15 months. So, in effect, you really have a reduction that is catastrophic.

Mr. President, in dollar figures, the family planning program has been cut from \$527 million in 1995 to \$72 million in 1996, which is an 85-percent cut in 1 year. One can only conclude that that cut is not just a cut to try to reduce overall spending commensurate with the other reductions in the budget; it is punitive, purposeful, and it is wrong. Fortunately, in the continuing resolution before us today—the 10th continuing resolution and I certainly hope the last funding bill we are going to debate in 1996—we have the opportunity to reverse those cuts and restore critical funding for these vital family planning programs.

I congratulate Senator HATFIELD for his efforts to try to do this and express my very firm support and conviction that the international family planning programs are in our best interest and do not have to do with abortion. To the degree that any arguments about abortion enter into this debate, it is a preventive measure. I think everybody has spoken to the fact that this planning money will reduce abortions and avoid a catastrophic situation which will only result in a great deal more abortions than we would want.

Funding for these programs is an investment that will save the lives of thousands of women and prevent millions of unplanned births and abortions in the future. These programs ensure that mothers all over the world are going to give birth to, more often than not, healthy babies, and that the competition for resources in our world is not even more severe for those babies who are born into it because of continued significant overpopulation problems.

I joined Senator SIMPSON in representing the United States at the 1994 International Conference on Population and Development in Cairo, where the United States went to great lengths to play a leadership role in galvanizing the international community to action on this issue. The conference called for a global effort, which we signed onto, which we helped lead, and which the Vatican signed onto, to help address the overpopulation and to work together to promote maternal and child health care, as well as educational opportunities for women and for girls, and, most importantly, family planning programs. After pledging to provide world leadership in the area of international family planning, we should not now abandon our global partners at this juncture.

Mr. President, I again want to just emphasize what I think we must under-

stand and underscore in this debate. Family planning does not mean abortion. In fact, family planning has been proven to rule out the incidence of abortion through education and contraception. Family planning programs help women and families living in impoverished countries to begin childbearing at a later stage of life, to space their children apart, and to avoid unwanted pregnancies. The issue of helping families to better plan for children is in the interest of everybody on this planet.

In addition, Federal law, now in effect, prohibits the United States from funding any abortions abroad. The U.S. Agency for International Development has widely and strictly abided by that law. Those who argue that international family planning programs fund abortions are simply wrong, and they argue in contravention of the law of the United States.

Mr. President, by denying people access to the family planning programs worldwide and by slashing their funding, there will be an estimated 4 million more unintended pregnancies, close to 1 million infant deaths, tens of thousands of deaths among women—and I emphasize, for those who oppose permitting women to choose abortion as an alternative—that the result of cutting this money will create 1.6 million more abortions. I think none of us want to encourage that abortion.

So, Mr. President, I simply say that these programs provide 17 million families worldwide with the opportunity to responsibly plan their families, to responsibly space their children, to provide a better life for those children, to provide for healthy children, and to avoid adding to a population problem that hurts all of us and hurts the unborn generation even more severely.

I hope my colleagues will vote against the McConnell amendment which is counter to all of our interests.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Chair.

Mr. President, I strongly oppose the pending amendment. I believe Senator HATFIELD and the Appropriations Committee have recommended a very prudent policy with respect to international family planning assistance. To strike the language as they have proposed—as the pending amendment would do—I think would be a very serious mistake.

On Thursday of last week, I spoke in this Chamber about the severe restrictions the current continuing resolution places on U.S. funding for international family planning. If these restrictions remain in place, I too, fear that abortions will come to be regarded as the only form of birth control in many desperately poor developing nations.

I know some of my colleagues would prefer that we not raise such an unpleasant prospect, but this is exactly what will occur. As family planning services become less accessible, more unwanted pregnancies and more abortions will be the inevitable result.

The language in the bill before us simply stipulates that the restrictions on family planning assistance will be lifted if it is determined that they will result in a significant increase in abortions and a greater unmet need for family planning services. It surely seems to me that those who are eternally concerned about the practice of abortion—and we all should be—would be eager to embrace this or any other policy that helps to reduce the number of abortions that are actually performed.

That is where we are. It is an extraordinary thing through the years for me—and, yes, I am pro-choice on abortion, and, yes, I believe that men should not even vote on the issue. That is my view. I have held it for many a year. And I respect those on other side of the issue. It is a deeply personal issue in every sense—an intimate personal issue, and not one of us will ever change our opinion.

If you can reflect on why we are not getting things done in the appropriations area, you might reflect that four appropriations bills have been stalled continually on the issue of abortion. Let us just vote up or down somewhere along the line about once a year on abortion, and then move on instead of hanging on, tacking it on, driving us all to an emotional and tattered edge continually. That is what we do with the issue, and we are all good at it.

The population of the Earth has doubled since 1940—since the beginning of mankind to 1940. Since 1940 until 1996, the population of the Earth has doubled. If anybody can believe and tell me how it doubles again in the year 2067, how the resources of the Earth can sustain human beings who will be starving, who will be out of water, food, clothing, timber, just because of how many footprints will fit on the Earth, and then what legacy have we left but poverty and starvation and all the rest—which to me is really a remarkably bizarre result. That is where we are.

So, I thank the Chair. I thank Senator HATFIELD and all of those who admire him in all things that he does to try to bring reason and responsibility to all of our debates and good common sense.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 3 minutes to the Senator from New Jersey.

Mr. President, before he is recognized, I ask unanimous consent to have printed in the RECORD a letter from the Department of State representing the administration's viewpoint on this particular issue.

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

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the Administration's strong and unqualified support for your efforts to remedy the severe limitations imposed on U.S. international family planning programs in the FY 1996 Foreign Operations Appropriations legislation.

As you know, the final agreement reached in Congress on the FY 1996 Foreign Operations Appropriations bill delays population funding until July 1, 1996, and then requires that these funds be disbursed over a 15-month period, at a rate of 6.7 percent per month. The net effect of these restrictions would be to reduce U.S. funding for international family planning programs to approximately \$75 million in FY'96, from an appropriated level of \$525 million in FY'95.

This kind of massive reduction in U.S. funding will have a major deleterious impact on women and families all over the world. Family planning services help to prevent unintended pregnancies and abortion, reduce maternal and infant mortality and encourage overall family health. Experts inside and outside the government are in agreement that the congressionally imposed constraints will prevent access to family planning for almost 7 million couples. As a result, more than four million women will experience unplanned pregnancies—leading to as many as 1.6 million more abortions.

For the past 25 years, the United States has been the world's leader in encouraging the provision of voluntary family planning services around the world. Our efforts have helped to reduce rapid population growth rates to the benefit of our international economic and security interests, as well as those of the countries and families with whom we have worked.

The Administration wants to work with you and your colleagues in the Congress to encourage global health and reduce recourse to abortion. We believe that your amendment will do both and we enthusiastically support its adoption.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator from Oregon.

Mr. President, I oppose efforts to undermine the provision Senator HATFIELD included in this bill, which is intended to reduce the need for abortion.

In the continuing resolution approved by the Congress in January, funding for voluntary international family planning programs was capped at 65 percent of the level provided in fiscal year 1995. This represented a steep reduction below the President's budget request for international family planning programs in fiscal year 1996. Even more, the continuing resolution prevented the Agency for International Development from spending any of those funds until July 1, 1996.

These draconian cuts and restrictions will hamstring the voluntary population program, result in an increase in abortions, and undermine the United States development efforts in the long run.

Unfortunately, the Senate was not given much opportunity to debate this

or any other provision in the last continuing resolution, which was required immediately to keep the Government functioning. The House of Representatives sent us the bill at the 11th hour and then adjourned for a long recess. Because the House of Representatives was no longer in session, the Senate effectively had no choice but to accept this provision along with the rest of the provisions included in the continuing resolution. To do otherwise would have resulted in a Government shutdown.

Though advocated by opponents of abortion, the irony is that the funding restriction in current law will result in more—not fewer—abortions. On the other hand, the provision Senator HATFIELD included in this bill is intended to reduce the need for abortion by freeing up funds for voluntary international family planning programs. Let me repeat that statement. The provision in the bill before us is intended to reduce the need for abortion. For this reason, I do not understand why Members of the Senate who oppose abortion are seeking to delete it.

Ask yourselves, "What is the net effect of reduced funding for voluntary family planning and reproductive health programs?" Less money? But what does that actually mean? Does it mean programs will be available to help educate women in developing countries about how to avoid unwanted pregnancies? Absolutely not. Does it mean fewer abortions? Clearly not.

The funding restriction on voluntary family planning programs in current law will, I believe, inevitably result in more abortions. It is estimated that approximately 50 million couples worldwide benefit from U.S. funded family planning services.

But because of the draconian reductions included in the last continuing resolution, estimating conservatively, approximately 7 million of these couples will no longer have access to the very services that enable them to plan the timing and size of their families. Millions of families in Africa, Asia, Latin America, and Caribbean will no longer have access to information so vital to making family planning decisions.

Blocking access to this information in developing countries can only have one result: an increase in unintended pregnancies. And that can only lead to an increase in abortion.

These cuts are clearly at odds with America's long-term development interests. Without the funds to train personnel in population control or educate families in the poorest countries, there is no doubt that population sizes will increase. Unchecked population growth perpetuates hunger, disease, and poverty. It undermines opportunities for economic growth and political stability in developing countries. It also has

a lasting and harmful effect on our ability to protect the global environment.

And who are those most affected by these cuts in voluntary family planning programs? Mostly, it's poor women and their children in developing countries. Poor women who seek to chart a better future by planning the number of children they will bear. Women who seek to elevate themselves politically and economically and pursue greater opportunities for their children.

Mr. President, I commend Senator HATFIELD for rectifying this wrong in the bill that is before us. The provision he has included in the bill will enable the President to restore voluntary international family planning funding if he certifies that funding restrictions will result in an increase in abortions. I wholeheartedly endorse his remedy and urge my colleagues to fully support it as well. It gives the President a necessary tool to use to head off the devastating effects funding cuts on family planning services will certainly engender.

Mrs. MURRAY. Mr. President, I rise in strong opposition to the McConnell amendment. This amendment would continue the assault on our International Family Planning Assistance Program, and leave millions of families worldwide without these vital services.

In January, in hopes of averting another Government shutdown, the Senate attached the foreign operations appropriations bill to the continuing resolution. As a member of this subcommittee, I was happy to see these programs receive much needed funding. Unfortunately, the continuing resolution contained a provision that drastically cut funding for our international family planning programs.

Essentially, this language said that none of the appropriated funds can be spent until July 1. After that, money can only be spent on a month-to-month basis at a rate of 6.7 percent a month until the new fiscal year begins on October 1. The result of this is that funding for U.S. population assistance will be reduced by about 85 percent from last year's level. This is a disastrous situation that will severely hamper this program.

Mr. President, shortly after the last continuing resolution passed, Senator HATFIELD vowed to fix this problem. I want to commend him for his leadership and action on this issue. Senator HATFIELD's solution states: "If the restrictions in current law will result in significantly more abortions as well as a greater unmet need for family planning services, the restrictions will be nullified." I think this is a responsible and direct approach.

Without the Hatfield language, millions of couples will lose access to these valuable services. There will be a higher incidence of unplanned pregnancies, an increase in infant deaths, and more women dying from unsafe conditions.

Ironically, by denying support to international family planning assistance, a vote for the McConnell amendment may well have the unintended effect of increasing the incidence of abortion.

Mr. President, the United States has been a leader in international population assistance since 1965. During that time, we have made significant progress in increasing access to health care, improving women's health worldwide, and providing family planning services. But this progress will stop if we don't fund the programs.

This last year, the Senate continually showed its support for international family planning and its funding. Now we have an opportunity to rectify a very troubling situation.

I strongly urge my colleagues to vote against the McConnell amendment and support the Hatfield language.

Mr. CHAFEE. Mr. President, I would like to take just a moment to speak in favor of the provision in this appropriations measure regarding international population assistance. The amendment before us would strike this provision, a move I believe would be unwise.

The international family planning program was cut 35 percent in the Fiscal Year 1996 Foreign Operations Act from fiscal year 1995 levels. In addition, two restrictions were added, the effects of which will lead to an 85-percent cut to the program. The net effect of this cut is a budget which will go from \$547 million in 1996 to \$72 million.

Senator HATFIELD added a provision to this bill which states that if the President determines that the restrictions in current law result in more abortions and a greater need for family planning services which is not met, the funding restrictions will be lifted. This seems to me, Mr. President, to be a reasonable approach. I am sure that those who are opposed to abortion do not want to support a policy which increases abortions.

I must say, Mr. President, I am always perplexed by those who oppose family planning and also oppose abortion. Study after study has shown that lack of family planning leads to more unintended pregnancies which leads to more abortions. Consider two countries: Russia has very little contraception available, and abortion is the primary method of birth control. The average Russian woman has at least four abortions in her lifetime. Alternatively, Hungary has made family planning services more widely available and the abortion rate has dropped dramatically.

Mr. President, the United States plays a critical role in providing family planning services abroad. It has been certified over and over again that none of the funds are used to pay for abortions, as required by law. I feel strongly that we should continue our leadership role in this area. I urge my colleagues to defeat the McConnell amendment and support the Hatfield language in the bill.

Mr. HELMS. Mr. President, as the Senator from Kentucky asserted, section 3001 of the pending bill is unacceptable to the House. And unless that section is dropped, it will surely lead to another Federal shutdown. Simply put, section 3001 is another enormous additional gift of the American taxpayers' dollars to various pro-abortion organizations, and the House will never agree to it.

Because of this issue, the fiscal year 1996 foreign operations appropriations bill bounced back and forth between the House and Senate for several months until a compromise was worked out on the previous continuing resolution. And unless section 3001 is changed, Congress will be in precisely the same predicament as before; section 3001, as currently drawn, will grind the Federal Government to a halt, and the blame will perch squarely on the shoulders of section 3001's supporters in the Senate.

Mr. President, I am bewildered at suggestions that section 3001 of the pending bill is somehow pro-life. The author of section 3001, Chairman HATFIELD, stated on the Senate floor this past month, and repeated in Saturday's Washington Post that "For those of us who take a pro-life position, this is the most effective way to reiterate our profound opposition to the practice of abortion." Mr. President, I have constantly sought to protect the lives of unborn children throughout my 24 years in the Senate. I respectfully disagree with my good friend, Senator HATFIELD's statement—I find it difficult to understand his conclusion that section 3001 is even remotely a pro-life position.

After all, the loudest proponents of Senator HATFIELD's so-called pro-life language are the leaders of the abortion industry and their lobby. Any statistics purporting to claim that the compromise worked out in the previous continuing resolution would cause more abortions and more unintended pregnancies are bound to be contrived, and are based on studies produced by recipients of international population control funding—which was reduced substantially in the previous CR. In fact, it occurs to me that the numbers were cooked up to ensure that these groups can receive even more of the American taxpayers' money. The best that can be said of them is that they are purely hypothetical estimates based on guesses.

Mr. President, I wonder about the groups coming up with these statistics, who are they and how did they obtain such doubtful statistics? Among the groups cited in Saturday's Washington Post was the Futures Group which just happens to be the recipient of substantial funding from the Agency for International Development's population control program. Another group cited by the Washington Post was the Alan Guttmacher Institute, the research arm of the Planned Parenthood Federation of America—an active promoter of abortion.

Then, of course, there is the International Planned Parenthood Federation whose role in this massive lobbying campaign is perhaps the most transparent because as currently drawn, section 3001 will guarantee that the International Planned Parenthood Federation will receive 100 percent of its U.S. taxpayer funding—with no strings attached. The International Planned Parenthood Federation is a major force behind efforts to overturn the compromise worked out in the previous CR, which was agreed to by the House and the Senate and by President Clinton.

This is because the International Planned Parenthood Federation, and many of its affiliates, are in the business of promoting and performing abortions. They make no bones about it. Consider, if you will, excerpts from the Federation's own 1994-95 annual report supplement:

Where it was suspected that abortion was likely to be made illegal/or delegatized in a country, FPAs [family planning affiliates] should act immediately to raise awareness and, with IPPF's [International Planned Parenthood Federation's] regional and international support, lobby where possible to prevent this from occurring.

The FPA [family planning affiliate] of Nepal has initiated efforts aimed at liberalizing abortion law.

The FPA [family planning affiliate] of Sri Lanka's recent research into attitudes toward abortion was a major factor in the successful lobby of the Government to change the law to permit abortion for victims of rape and incest in 1994, a major step forward for the Region. The FPA is continuing to push for further liberalization.

Under the project "Motivation of Leadership," AUPF [IPPF's affiliate in Uruguay] held several meetings with parliamentarians from different political parties interested in promoting a law to legalize abortion. It is likely that a new attempt to liberalize the abortion law may succeed before the end of 1995.

The FPAs [family planning affiliates] of Swaziland, Burkina Faso, Zambia and Senegal have conducted research to identify existing laws on abortion. The research findings are expected to be used for advocacy for legal and policy reform [that is, to liberalize abortion laws].

Finally, Mr. President, the Planned Parenthood Federation of America boasted in its 1994-95 annual report about having performed 133,289 abortions in the United States. There is no telling how many abortions International Planned Parenthood affiliates are responsible for worldwide. How could anybody be duped into believing that the International Planned Parenthood Federation seeks to protect the lives of unborn children? Of course, it does not. The Federation is in the business of destroying the lives of helpless, innocent unborn children. It is, in fact, the world's leader in promoting abortions, and that crowd is thrilled by Senator HATFIELD's proposed language in this bill.

Clearly, the primary supporters of this provision are pro-abortion. Having read Senator HATFIELD's characterization of section 3001 as pro-life, one is obliged to wonder what the pro-life groups have to say? They strongly oppose the current language in section 3001. In the same Washington Post article, the Christian Coalition asserted that "We consider Senator HATFIELD's argument preposterous, that somehow, giving money to International Planned Parenthood organizations is going to reduce abortions. That is absurd." National Right to Life has informed me that they are appalled at section 3001 and the claims that is somehow represents the pro-life view.

Mr. President, I must say to those who may be inclined to support section 3001, that if they genuinely want to "reiterate [their] profound opposition to the practice of abortion," they should vote for the amendment offered by the Senator from Kentucky. This entire effort is orchestrated by a handful of powerful organizations in the abortion business and their well-heeled lobbyists—including the Agency for International Development. The Senate should stand up to these groups and reject their tactics by supporting the pending amendment.

Mr. President, a vote for the pending amendment—not section 3001 of the continuing resolution—will protect the lives of unborn children. A vote against the amendment is a boon for the abortion industry and its lobby, and will very likely result in another Government shutdown.

Mr. President, I ask unanimous consent that two articles be printed in the RECORD. The first is the March 9, Washington Post article and the second is an article by Nicholas Eberstadt that appeared in the March 11, Washington Times. Mr. Eberstadt's analysis refutes the statistics used to support the language in the bill, and should be required reading.

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

[From the Washington Times, March 11, 1996]

BIRDS, BEES AND BUDGET CUTS

(By Nicholas Eberstadt)

For advocates of Third World population control—or as they now prefer to say, "stabilizing world population"—the resort to scare tactics in debates and policy battles, is nothing new. Quite the contrary: The specter of disastrous consequences (famine, plague, vast and needless human suffering) is routinely invoked by the neo-Malthusian lobby in its attempts to silence opponents and to proselytize the unconvinced.

The latest dire claims from this alarmist approach to public policy discourse have just been unveiled in Washington. Today Congress is being warned that millions of unwanted third World pregnancies (thus, unwanted Third World births and abortions) will be on its hands if it does not immediately reverse itself, and add hundreds of millions of dollars to the prospective foreign aid program population budget. The gambit, and its supporting "evidence," are entirely of a piece with the anti-natalist movement that authored them: amazing, but not surprising.

The background to this unfolding drama was a January 1996 vote, in the House of Representatives and the Senate, to cut America's international "population assistance" funds by about 35 percent from the level of the previous year. The slated total—about \$380 million—would mean a reduction of over \$200 million. It looked to be a dramatic cutback (although due to the enthusiastic, high-level support that population programs have enjoyed in the Clinton administration, the "cutback" would still have left these programs with more money than they had under President Bush).

The claxons immediately sounded. Nafis Sadik, executive direct of the United Nations Population Fund (UNFPA), raised the threat, among several others, of a renewed global population explosion. "The way U.S. funding is going," she told the New York Times, "17 to 18 million unwanted pregnancies are going to take place, a couple of million abortions will take place, and I'm sure that 60,000 to 80,000 women are going to die because of those abortions—and all because the money has been reduced overnight."

Treated as a serious prognosis (rather than, say, a rhetorical outburst disguised by numbers), Dr. Sadik's prophecy, would have had some remarkable implications. For its arithmetic to work, for example, population growth in such places as Latin America and Indonesia (where, currently, modern contraceptives are widely used) would basically have to double from one year to the next. To all but the most committed anti-natal advocates, the implausibility of this official UNFPA assertion was patent. Implausible (or easily falsifiable) claims do not make good debaters' points. The Sadik prophecy was thus quietly retired before the battle to cancel the congressional cutbacks began in earnest.

The ammunition that is now being used in the effort to overturn the funding reduction programs comes from the Alan Guttmacher Institute, the research arm of the Planned Parenthood Federation of America. On its face, the Guttmacher analysis sounds inherently more reasonable than Dr. Sadik's. Instead of 17 to 18 million unwanted Third World pregnancies, the Guttmacher analysis indicates that U.S. population aid cutbacks will result in about 4 million. (To be more exact: 3,956,544 "unwanted pregnancies from budget cuts"—this is a very precise study.) Unlike the Sadik pronouncement, moreover, the Guttmacher paper offers a meticulous explanation of its methodology, a detailed breakdown of its calculations, and a long list of citations and references utilized in the exercise.

Yet for all its seeming rigor and statistical precision, this Guttmacher study is nothing but an elegant fantasy. For despite its sober and careful tone, there is absolutely no reason to expect the correspondence between "budget cuts" and extra Third World pregnancies anticipated in its pages to occur in a real world populated by human beings.

The reason the Guttmacher study is so flawed as to be useless is both simply and fundamental: It ignores the fact that human beings—in poor countries as well as rich ones—respond to changes in their circumstances, and strive to improve their lot in the face of constraint.

Forget for the moment that the impending congressional cuts might well be made up by other governments (Western aid-giving countries, or even Third World aid-taking countries themselves). For the Guttmacher study to make sense, there would have to be a fixed, mechanical and determinative relationship in our world between a population's usage level of publicly provided modern contraceptives and its levels of pregnancy or fertility. By the logic animating this exercise,

less public money for contraception would mean that a corresponding proportion of adults would automatically cease practicing birth control.

These Guttmacher assumptions would be perfectly reasonable if Third World parents were blind automatons or heedless beasts. Beasts, after all, do not deliberately regulate their procreation, and automatons are built to follow an immutable routine. Everything we know about Third World parents, though, suggests that a more human vision of them would be rather more successful in describing, and predicting, their behavior—including their “population dynamics.”

After all: Survey results from country after country in Asia, Africa, and Latin America consistently demonstrate that parents throughout the Third World (like parents in rich countries) have pronounced views about their own “desired family size”—and that their own “desired family size” is in fact the best predictor of their country’s fertility level. Though they may be deemed ignorant by the planners who propose to improve their lives, Third World parents do not believe that babies are simply found under cabbages. They know how to make babies and how to avoid births, and put the sort of effort into achieving those objectives that would be expected of major life decisions.

If international funding for government-sponsored family planning programs falls, Third World parents will not fatalistically abandon their views about their own desired family size and fall into a breeding frenzy, as the Guttmacher study implicitly presumes. Instead they will attempt to achieve their goals by other means. They may use “traditional” family planning methods (which brought low fertility to Europe before modern contraceptives were invented). They may practice abstinence—no modern method is more effective than this. They may even spend some of their own money to purchase modern contraceptives. (Though population planners talk endlessly about the “unmet need” for modern contraceptives in the Third World, the simple fact is that poor people have an “unmet need” for practically everything—and their spending decisions reveal their preferences and priorities.)

Since it is completely tone-deaf to the very human qualities at the center of the family formation process, the Guttmacher calculations cannot provide a realistic estimate of the demographic consequences of Congress’ impending population fund cutbacks. In truth, that impact is probably incalculable. Depending upon how couples behave, it is possible that those cutbacks would have a small demographic impact—or virtually none at all. Conversely, if the Guttmacher methodology were actually valid, the population funding increases during the Clinton years should be credited with bringing birth rates in Third World countries down significantly—but not even the neo-Malthusian lobby has been bold enough to make this extravagant claim.

The current population funding contretemps, of course, is not the first occasion upon which junk science has been brought to Capital Hill in the hope of influencing legislation. It is not the first time that representatives and senators have heard claimants depict catastrophes in their effort to fend off cuts to their own particular spending programs. By and large, however, such conduct is still the exception in Washington. For the population-control lobby, by contrast, such conduct now seems to define the norm. As long as that population lobby exists, demographic demagoguery—like death and taxes—promises to be a fact of life.

[From the Washington Post, Mar. 9, 1996]

ABORTION FORECAST RENEWS FIGHT FOR
OVERSEAS FAMILY PLANNING AID
(By Barbara Vobejda)

A new law that deeply cuts U.S. aid for international family planning will result in at least 1.6 million more abortions in developing countries in one year, according to a study that has reignited a battle over the funds and split the antiabortion community.

The study, issued this week by a group of population organizations, also estimates that the funding cuts will mean that 7 million couples in developing countries who would have used modern contraceptive methods no longer will have access to them, resulting in 1.9 million more unplanned births, 134,000 more infant deaths, and 8,000 more women dying in childbirth and pregnancy, including from unsafe abortions.

Those numbers are fueling renewed efforts by Sen. Mark O. Hatfield (R-Ore.), who chairs the Appropriations Committee, to rally support among antiabortion groups in his effort to restore the overseas family planning funds.

“For those of us who take a pro-life position, this is the most effective way to reiterate our profound opposition to the practice of abortion,” Hatfield said on the Senate floor last month. “All the antiabortion speech this chamber can tolerate will not reduce the number of unintended pregnancies as swiftly or as surely as our support for voluntary family planning.”

Hatfield is attempting to attach language to the interim spending measure Congress must pass before government funding expires March 15. The language would allow the president to restore funds if he certifies that the lack of aid will lead to a significant increase in abortions.

While Hatfield has support in the Senate and from the White House, he must win over the House, where there is strong opposition from some antiabortion lawmakers.

In late January, Congress approved legislation that cut funding for the U.S. Agency for International Development’s family planning program by 35 percent, from \$547 million to \$356 million. The funds were further reduced by restrictions that prevent any spending until July 1 and require that funds be parceled out at a monthly rate over the next 15 months. As a result, funding for this fiscal year was reduced by about 85 percent from 1995.

The study on the effect of the cuts took into account the 35 percent cut, but not the spending restrictions, which would presumably further raise the number of abortions and deaths. It was conducted by demographers and others at the Futures Group, Population Action International, the Population Reference Bureau, the Population Council and the Alan Guttmacher Institute.

The cut in funding follows years of disagreement over the use of U.S. aid for family planning overseas. The reduction was attached to the continuing resolution approved in late January at the urging of Rep. Christopher H. Smith (R-N.J.), an ardent abortion foe.

Hatfield, who also opposes abortion, has had mixed success in his efforts to find support among antiabortion advocates. Some groups have dismissed the new study and Hatfield’s efforts to restore funding.

“We consider Sen. Hatfield’s argument preposterous, that somehow, giving money to International Planned Parenthood organizations, is going to reduce abortions. That is absurd,” said Brian Lopina, who heads the Washington office of the Christian Coalition.

Opponents to family planning assistance have argued that, despite a ban on use of the funds for abortions, the assistance frees up

other money that can then be used for abortion.

But others with strong antiabortion views contend that family planning assistance is the most effective way to reduce abortions. “To knock out this funding based on a misguided pro-life agenda is absolutely the wrong thing to do,” said Gordon Aeschliman, president of the Christian Environmental Association, which conducts development projects in 14 countries.

He said antiabortion groups that work overseas see the “clear connection” between family planning and reduced human suffering. “Unfortunately, in the U.S., the strong wing in the pro-life movement sees family planning as the same as forced abortion, which is inaccurate.”

Ms. MIKULSKI. Mr. President, I strongly oppose the McConnell amendment. It is another attempt to deny health care to the world’s poorest women.

The McConnell amendment seeks to maintain a provision of the foreign operations bill that would decimate America’s effort to improve health care for the world’s poorest women. A recent report by the Alan Guttmacher Institute estimates that these cuts will mean that 7 million couples in developing countries would no longer have access to contraceptives. There would be almost 2 million unplanned births. And there could be up to 1.6 million additional abortions.

Those who support the McConnell amendment claim to want to reduce the number of abortions. But the effect of this provision will be just the opposite. Family planning prevents unwanted pregnancies and abortions. You would think this basic fact would not need to be restated on the floor of the U.S. Senate.

U.S. international family planning funds are not spent on abortion. So now, some insist on going after basic health care services that prevent pregnancy.

Over 100 million women throughout the world cannot obtain or are not using family planning because they are poor, uneducated or lack access to care. Twenty million of these women will seek unsafe abortions. Some women will die, some will be disabled. We could prevent some of this needless suffering.

This issue won’t go away. The majority of the Senate opposes the irrational and cruel effort to end U.S. assistance for international family planning. I commend Senator HATFIELD for his principled stand on this issue. We will continue the fight to enable the world’s poorest women to control and improve their lives.

Ms. MOSELEY-BRAUN. Mr. President, we have done better in this legislation than our House counterparts in protecting the lives and health of women around the globe.

There is a provision in this bill that allows restrictions on dispensing international family planning funds to be lifted if the President determines that the restrictions would result in significantly more abortions and a greater unmet need for family planning services.

The McConnell amendment would deny the President the ability to make this determination and leave the current funding restrictions in place. I strongly urge my colleagues to vote against the McConnell amendment because the clear outcome will be an increase in abortion and an increase in infant death—something no Senator can support.

According to the Alan Guttmacher Institute and a consortium of expert demographers, the current funding restrictions will result in at least 1.9 million unplanned births and 1.6 million abortions. The McConnell amendment would result in over 1.6 million abortions. This amendment is not about allowing women to choose, but about forcing them into a choice they don't want to make.

If we do not retain the language in the bill and overturn the current funding restrictions, we could cause 8,000 women around the world to die in pregnancy and childbirth and 134,000 infants to die from low birth weight and undernourishment. That is something that I cannot live with and I do not believe my colleagues can either.

We should encourage families who are trying to make deliberate decisions about their ability to have and care for additional children. We should provide women with an option to unwanted pregnancy and abortion. We should not force families into dangerous or unwanted pregnancies.

I support the language currently in the bill because it allows the President to lift the restrictions on family planning funds. It allows the President to make a sound public policy decision based on the facts. And the facts are that if women are denied family planning assistance, many will turn to abortion.

I oppose the McConnell amendment because it would result in abortions, in infant death, and in maternal death. I urge my colleagues to oppose the McConnell amendment.

I ask unanimous consent that an article from the Atlanta Constitution, written by the director of the population unit at CARE, that illustrates the need for international family planning funds, be printed in the RECORD.

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

[From the Atlanta Constitution]

CUTTING MONEY, COSTING LIVES

(By Maurice I. Middleberg)

Last July, I snapped a photograph of a couple who had become family planning providers in the remote Andean village of Cuschandahy, Peru, 11,000 feet in the mountains. Their modest home displayed a sign: "Plantification Familiar Aquí (Family Planning Here)."

Thanks in part to funds from the U.S. Agency for International Development, CARE has trained more than 1,400 workers and introduced family planning services to thousands of people in Peru, from the Amazon basin to the Andean mountaintops.

Unfortunately, the efforts of CARE and other humanitarian agencies to bring family

planning to villages around the globe have been jeopardized by the congressional resolution of the budget impasse. The funds available for family planning were cut by 35 percent. Even worse, a set of unprecedented procedural requirements threatens to reduce the actual flow of funds to a trickle.

Meanwhile, here are the facts: Some 120 million women in the developing world want to stop or postpone childbearing but do not have access to family planning services. Women in the developing world are 100 times more likely than American women to die as a result of childbirth. Half a million women—one every minute of every day—die each year from complications of pregnancy and childbirth; 5 million women suffer serious illnesses or trauma.

In developing countries, more than 10 percent of births end in the death of the infant before his or her first birthday, a rate more than 10 times as high as in the United States. High infant mortality is in part attributable to the fact that many births are high risk; that is, they occur to very young women, to women over age 35, to women who have already had many pregnancies or who have given birth in the preceding 24 months. In many countries, simply spacing births could reduce the infant mortality rate by one-fifth.

Ten million to 12 million illegal abortions occur each year in the developing world. CARE does not support abortion services directly or indirectly. Reducing funding for family planning services means that fewer women will be able to avoid the unwanted pregnancies that too often conclude in abortion.

We find the action by Congress particularly puzzling in view of its laudable decision to protect other child health programs such as immunization. It may be a simple lack of understanding of the health benefits of family planning.

The cuts in family planning programs are disproportionate—three times the 11 percent cut in foreign aid overall. In addition, agencies cannot get the funds until July 1, nine months into the fiscal year and five months after Congress appropriated the money. Therefore, the funds will be doled out at a rate of one-fifteenth of the appropriation each month.

As we were entering the village of Cuschandahy, the local health worker said to me, "In these villages, they say that only God and CARE come to visit." The truth is that God and CARE have relied on the compassion and enlightened self-interest of the American people to build the links between Atlanta and Cuschandahy.

International family planning programs are of virtually no budgetary significance, totaling only a few hundredths of 1 percent of the U.S. government budget. They also have been extraordinarily successful: In 1965, 10 percent of women in the developing world used contraceptives; today, more than 50 percent do.

Congress should rethink the excessive cuts and burdensome rules it has mandated and restore a program that reflects American interests and generosity.

Mr. HATFIELD. Mr. President, I yield back all the time of Senator McCONNELL at his direction, and I yield back whatever time I might have. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. DOLE], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is absent on official business.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

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

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—43

Abraham	Gorton	Mack
Ashcroft	Gramm	McCain
Bond	Grams	McConnell
Breaux	Grassley	Murkowski
Brown	Gregg	Nickles
Burns	Hatch	Pressler
Coats	Heflin	Santorum
Cochran	Helms	Shelby
Coverdell	Hutchison	Smith
Craig	Inhofe	Thomas
D'Amato	Johnston	Thompson
DeWine	Kempthorne	Thurmond
Faircloth	Kyl	Warner
Ford	Lott	
Frist	Lugar	

NAYS—52

Akaka	Feingold	Moseley-Braun
Baucus	Feinstein	Murray
Biden	Glenn	Nunn
Bingaman	Graham	Pell
Boxer	Harkin	Pryor
Bradley	Hatfield	Reid
Bryan	Hollings	Robb
Bumpers	Inouye	Rockefeller
Byrd	Jeffords	Roth
Campbell	Kassebaum	Sarbanes
Chafee	Kerrey	Simon
Cohen	Kerry	Simpson
Conrad	Kohl	Snowe
Daschle	Lautenberg	Specter
Dodd	Leahy	Wellstone
Domenici	Levin	Wyden
Dorgan	Lieberman	
Exon	Mikulski	

NOT VOTING—5

Bennett	Kennedy	Stevens
Dole	Moynihan	

So the amendment (No. 3500) was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, is there any order for offering amendments?

The PRESIDING OFFICER. Amendments will be laid aside to offer amendments.

If the Senator will withhold, the Senate is not in order. I ask Members of the Senate, those who have business, to

please do so off the Senate floor, so the Senator from Arkansas can be heard.

Mr. BUMPERS. Mr. President, I had understood that we were going back and forth. I do not think there are any takers on the Democratic side for an amendment right now. I may be mistaken. If there is an amendment over here, somebody should offer it right now. Otherwise, Senator COHEN and I have an amendment that we were supposed to offer at the earliest possible time, but I do not see him on the floor.

Mr. SANTORUM. The Senate is not in order.

Mr. BUMPERS. I am really talking, trying to take up time, hoping he will come to the floor and offer an amendment.

The PRESIDING OFFICER. The Senator from Arkansas has the floor. The Senate will please come to order so the Senator can be heard.

Mr. BUMPERS. 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. COHEN. Mr. 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. 3501 TO AMENDMENT NO. 3466

(Purpose: To permit recipients of Legal Services Corporation grants to use funds derived from non-Federal sources to testify at legislative hearings or to respond to requests for certain information)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] for himself and Mr. BUMPERS, proposes an amendment numbered 3501 to amendment No. 3466.

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

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

The amendment is as follows:

In section 504 under the heading "Administrative Provisions—Legal Service Corporation—

(1) redesignate subsection (e) as subsection (f); and

(2) insert after subsection (d), the following new subsection:

"(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made."

Mr. COHEN. Mr. President, the amendment that I am offering today with Senator BUMPERS is very simple and very straightforward. It would per-

mit legal services organizations across the country to use non-Federal funds to cover the costs of testifying at legislative hearings, commenting on administrative regulations, and responding to requests for information from public officials.

Mr. President, I find it ironic that as we are seeking to devolve more and more responsibility to the States, that we would preclude those organizations representing low-income individuals from testifying before legislative bodies, offering comment on regulatory proposals, or responding to inquiries from lawmakers.

We have a situation in the State of Maine in which the chairman of the Judiciary Committee, a Republican, has a very cooperative relationship with Pine Tree Legal Assistance. This Republican Senator has urged that the restriction on the use of non-Federal money be lifted so that Pine Tree can be called to testify before the committee.

I do not understand why we would seek to preclude non-Federal funds from being used in a way that will actually, hopefully, avoid lengthy court battles. We are talking about the possibility of turning Medicaid over to the States in the way of a block grant and reforming a host of critical social programs. During these reform efforts, the States will be adopting regulations and proposals that would have an impact upon the lives of those that the programs are designed to serve. Yet, the very lawyers who would be called upon to help the poor are relegated to bringing lawsuits or to representing them in court, when in fact their expertise would be helpful to legislators that formulate policies, to agencies that implement the programs, and to lawmakers who seek some clarification in fairly esoteric areas of the law.

This amendment is very simple. It says that legal services organizations across the country are not precluded from using non-Federal funds for the purposes of testifying at legislative hearings, commenting on administrative regulations, and responding to requests for information from public officials.

Mr. President, there have been a number of restrictions included in the bill to preclude activities which the Congress has decided that no longer should be carried out by legal services attorneys. But it seems to me that this list of restrictions should not include a blanket prohibition on the participation of attorneys representing the poor before legislative bodies.

So I hope that this amendment will be supported by a wide variety of our colleagues because it does not present a threat to the proponents of restricting activities of legal services lawyers. Rather, it will ultimately be beneficial to lawmakers and government officials who are seeking to craft programs that will have a direct impact upon the poorest of our society.

So I hope that my colleagues will join Senator BUMPERS and myself in supporting this legislation.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I was wondering if the Senator from Maine would be willing to enter into a time agreement and have a specific vote at 6:30 on this?

Mr. COHEN. What time?

Mr. GREGG. At 6:30.

Mr. COHEN. Does Senator BUMPERS have any objection to a time limitation on this?

Mr. BUMPERS. What was the request?

Mr. GREGG. A vote at 6:30.

Mr. BUMPERS. It is fine with me. We can probably do it in less time than that.

Mr. GREGG. Mr. President, I withdraw my request.

Mr. COHEN. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me begin by saying I hope the Senator from New Hampshire and the senior Senator from Texas will look very carefully at this amendment and accept it. It is not only a harmless amendment, it is a very beneficial amendment.

It is an amendment that corrects a problem that apparently was not foreseen. It would be difficult for me to believe that the Congress intended that Legal Services Corporation grant recipients not even to be permitted to testify if a congressional committee asked them to, or to respond to the committee's questions.

Let us assume that the Senator from New Hampshire wanted the answer to a question about a lawsuit brought in New Hampshire in which a Legal Services grantee was involved. They would not even be able to answer it. The Senator from Maine has crafted this amendment in a way that could offend nobody in Congress because it allows Legal Services grantees use only non-Federal funds to respond to inquiries. They can only use money that the grantee has received from non-Federal sources to answer specific questions in writing.

To me, what we have done to the Legal Services Corporation is a real travesty, but I am not here to reopen that debate. But, Mr. President, just to give you some idea of what we did, we put 19—count them—19 specific restrictions on the Legal Services Corporation of things that they have always done and can no longer do.

We had never before restricted the Legal Services Corporation on any of those things as long as they were using their own self-generated money. But now the way the bill is crafted, the Presiding Officer or any Member of the Senate or any of the committees of the Senate could call a Legal Services grantee and ask them for information,

and the way the bill is crafted now they could not answer it.

What kind of nonsense is that? This amendment simply says that the Legal Services professionals can respond to specific requests for comment on proposed rules, or legislative proposals, if they are asked and if they have comments to offer. We are a lot better hearing from them during the rule-making process than we are hearing their arguments later in the courtroom.

This amendment precludes lobbying. There are two things, it seems to me, that have really caught the attention and the exasperation of the Senate more than anything else—one is lobbying by the Legal Services Corporation and its grantees and the other are class actions.

I sit on the appropriations subcommittee that funds them, so I can tell you, it has been draconian what we have done to them. But consider the fact that unless this amendment is adopted, those Legal Services providers will be prohibited from responding even to congressional inquiries about their activities. Think about that. You cannot even ask them about their activities because they would be prohibited from answering. The way the law is drafted now, they will not be able to appear at hearings to answer questions.

So, Mr. President, the amendment permits only specific responses to specific written requests for information by State legislators, by Members of Congress and committees of Congress, or agency officials. And the response can be made only to the official who made the inquiry. I do not think I have ever argued for an amendment that was needed as badly as is this one. I cannot imagine it not being accepted. I hope it will be, and we can get on to another amendment. Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I support this amendment. It is a very modest amendment to allow legal service providers who receive non-Federal funds to participate in a very limited way in responding to areas which are of interest on the legislative process and representation of the poor.

The pendulum has swung very far in opposition to the representation of the poor from community legal services because of concerns which have arisen over their representation of plaintiffs in class actions or over other kinds of representation.

We have really come a long way, Mr. President, in our society in relatively few years. It has only been since 1963, in the landmark case of *Gideon v. Wainwright*, that an individual was entitled to representation in a criminal case, as Justice Hugo Black put it, before he was hauled into court.

Before that time, in a criminal case there was no requirement there be a defense counsel except in capital cases. Now we have seen evolve, with community legal services, broader legal representation of the poor, a much needed,

highly controversial subject which has occupied much floor time and debate here. By and large, we have maintained representation for the poor. Now there is a restriction which goes much, much too far.

To have an amendment that says a recipient may use funds derived from sources other than the Legal Services Corporation to comment on public rulemaking, which is a very limited matter, hardly inspiring litigation, or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of one of those entities, so long as the response is made only to the parties that make the request, and the recipient does not arrange for the request to be made, is extraordinarily limited and circumscribed.

I hope this amendment could be accepted; if not, that there be a very strong vote in support of this amendment. I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3502 TO AMENDMENT NO. 3466
(Purpose: To require that contracts to carry out programs of assistance for Bosnia and Herzegovina using funds appropriated for that purpose be entered into only with corporations and other organizations organized in the United States)

Mr. FAIRCLOTH. 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 North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 3502.

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

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

The amendment is as follows:

On page 751, line 7, insert after "1974:" the following: "Provided further, That contracts to carry out programs using such funds shall, to the maximum extent practicable, be entered into with companies organized under the laws of a State of the United States and organizations (including community chests, funds, foundations, non-incorporated businesses, and other institutions) organized in the United States:"

Mr. FAIRCLOTH. Mr. President, this amendment is very simple. The bill provides \$200 million in foreign aid for Bosnia. Much of the money will be used to reconstruct Bosnia. This amendment requires, to the maximum extent possible, any contract derived from the aid from this \$200 million should go to American businesses or organizations. It is not mandatory, but to the greatest extent possible, this money should come back to American businesses.

This amendment has been cleared on both sides. I am told the administra-

tion does not oppose it. I urge its adoption.

Mr. GORTON. Mr. President, I am informed that the amendment proposed by the Senator from North Carolina has been cleared by both sides. Both sides accept it, and it can be adopted by voice vote.

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

The amendment (No. 3502) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. FAIRCLOTH. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3503 THROUGH 3507, EN BLOC, TO AMENDMENT NO. 3466

Mr. GORTON. Mr. President, I send a package of five amendments to the desk and ask they be made in order, notwithstanding the fact, in one instance, one of the amendments amends an amendment already numbered.

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

The clerk will report the en bloc amendments.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] PROPOSES AMENDMENTS NOS. 3503 THROUGH 3507, EN BLOC, TO AMENDMENT NO. 3466.

Mr. GORTON. 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 (Nos. 3503 through 3507), en bloc, are as follows:

AMENDMENT NO. 3503
Purpose: To partially restore funds in the Department of the Interior's and the Department of Energy's administrative accounts
On page 405, line 17, strike "\$567,152,000" and insert in lieu thereof "\$567,753,000".
On page 412, line 23, strike "\$497,670,000" and insert in lieu thereof "\$497,850,000".
On page 419, line 22, strike "\$1,086,014,000" and insert in lieu thereof "\$1,084,755,000".
On page 424, line 21, strike "\$729,995,000" and insert in lieu thereof "\$730,330,000".
On page 428, line 6, strike "\$182,339,000" and insert in lieu thereof "\$182,771,000".
On page 447, line 7, strike "\$56,456,000" and insert in lieu thereof "\$57,340,000".
On page 447, line 13, strike "\$34,337,000" and insert in lieu thereof "\$34,516,000".
On page 474, line 21, strike "\$416,943,000" and insert in lieu thereof "\$417,092,000".
On page 475, line 21, strike "\$553,137,000" and insert in lieu thereof "\$553,240,000".
On page 440, line 19, strike "March 31, 1996" and insert in lieu thereof "September 30, 1996".

Mr. GORTON. Mr. President, the purpose of this amendment is to partially reinstate funds to the Department of the Interior and Department of Energy administrative accounts. Accounts within those departments were reduced to offset C&O Canal repair and park maintenance. Due to the lateness in the year, it is recognized that the Department of the Interior's Departmental Office account and the Office of

the Solicitor account need flexibility to move funds within those two offices. Therefore, the reduction areas for those two offices are not identified.

The amendment changes the availability of \$8 million of unobligated and unexpended funding within the Operation of Indian Programs from March 31, 1996. These funds would have otherwise expired as of September 30, 1995. The availability of the funding has been extended to help cover employee severance, relocation, and related expenses. The amendment is necessary because of the delay in the completion of the fiscal year 1996 Interior appropriations bill.

AMENDMENT NO. 3504

(Purpose: To provide emergency funding for the U.S. Fish and Wildlife Service to repair damage caused by flooding in Alaska)

On page 740, line 6 of the bill, strike "\$34,800,000" and insert "\$37,300,000" in lieu thereof.

Mr. GORTON. Mr. President, Senator STEVENS amendment provides an additional \$2.5 million to the Fish and Wildlife Service Construction account in the emergency supplemental appropriations title of this bill. These funds would be used to repair flood damage to Fish and Wildlife Service facilities along the Kenai River in Alaska. I have been informed by the Fish and Wildlife Service that these projects would have been included in the Department's emergency request to the Office of Management and Budget, but that the extent of the damages was not known in time.

AMENDMENT NO. 3505

On page 740 of the bill, insert the following after line 3:

RESOURCE MANAGEMENT

For an additional amount for Resource Management, \$1,600,000, to remain available until expended, to provide technical assistance to the Natural Resource Conservation Service, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers and other agencies on fish and wildlife habitat issues related to damage caused by floods, storms and other acts of nature: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. GORTON. Mr. President, Senator KEMPTHORNE's amendment provides \$1.6 million to the Fish and Wildlife Service's Resource Management account in the emergency supplemental appropriations title of this bill. These funds would enable the Fish and Wildlife Service to provide technical assistance on fish and wildlife issues to FEMA, the Natural Resources Conservation Service, the Corps of Engineers and other agencies involved in disaster response.

AMENDMENT NO. 3506

On page 480, line 14, after "*Provided*," insert "That of the funds provided, \$800,000 shall be used for inhalant abuse treatment programs to treat inhalant abuse and to provide for referrals to specialized treatment facilities in the United States: *Provided further*,".

AMENDMENT NO. 3507

On page 744, beginning on line 1, strike "emergency" through "Mine" on line 2, and insert in lieu thereof the following: "response and rehabilitation, including access repairs, at the Amalgamated Mill".

Mr. GORTON. These amendments, Mr. President, have also been cleared on both sides. They consist of a Gorton amendment restoring funds to administrative accounts within the Interior bill and changing the date for availability of Bureau of Indian Affairs funds that otherwise would expire on September 30, 1995; second, a Stevens amendment providing funds for flood damage to Fish and Wildlife Service facilities on the Kenai River; third, a Kempthorne amendment to provide emergency funds that will enable the Fish and Wildlife Service to provide technical assistance to other agencies involved in disaster response; a Daschle amendment providing funds to the Indian Health Service for inhalant abuse treatment; and a Hatfield amendment on an amalgamated mill site.

I ask they be adopted en bloc, with each description printed in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

So the amendments (Nos. 3503 through 3507), en bloc, were agreed to.

Mr. GORTON. I move to reconsider the vote, and I move to lay that motion on the table.

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. LOTT. 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. LOTT. Mr. President, after consultation with the Democratic leader, I ask unanimous consent that all remaining first-degree amendments in order to H.R. 3019 under the previous consent agreement must be offered by 8 p.m. this evening—I emphasize offered by 8 p.m. this evening—with the exception of the managers' package, two amendments by the majority leader, and two amendments by the Democratic leader, and one each for the managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

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

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his request?

The Senator from California.

PRIVILEGE OF THE FLOOR

Mrs. BOXER. First, Mr. President, I ask unanimous consent that Elyse Wasch of my staff be granted privilege of the Senate floor during the consideration of this amendment.

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

AMENDMENT NO. 3508 TO AMENDMENT NO. 3466

(Purpose: To permit the District of Columbia to use local funds for certain activities)

Mrs. BOXER. Mr. President, I discussed this with the manager, Senator GORTON. At this time I ask that the pending amendment be laid aside, and I will send to the desk an amendment.

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

Mrs. BOXER. 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 California [Mrs. BOXER], for herself and Mrs. MURRAY, proposes an amendment numbered 3508 to amendment numbered 3466.

On page 222, line 4, insert "Federal" before "funds".

Mrs. BOXER. Mr. President, thank you very much.

I am perfectly willing to agree to a short time agreement because I know the manager is anxious to move on. I would be happy to agree to 10 minutes on a side for this amendment. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, I think that the offer made by the Senator from California is an appropriate one as far as I can tell. As a consequence, we will agree to 20 minutes equally divided, 10 minutes on a side.

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

Mrs. BOXER. May I ask that there be no second-degree amendments permitted on my amendment. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, for the moment—because I know there is an opponent of this amendment—I am not going to be able to agree to that. I hope we will be able to do so very shortly.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. I do not believe anyone will, in fact, make a second-degree. I think there will be opposition. But it is very difficult for me to accept this time agreement where we will be able to just talk 10 minutes on each side, if I do not have an agreement about second-degree amendments, I am going to have a problem.

Mr. GORTON. Then I suggest that the Senator from California simply proceed with her argument, and we will see what we can do with that unanimous-consent request.

Mrs. BOXER. I thank the manager very much. I do not believe we are going to have a problem. It is a very straightforward amendment which I would like to explain.

As I understand the comments of the Senator from Washington, at this time we are not operating under a time agreement, and I will just proceed.

The PRESIDING OFFICER. The Senator from California should know that the Senate is still under a time agreement as a result of unanimous consent.

Mrs. BOXER. I ask unanimous consent that the unanimous consent be vitiated given the fact that we were not able to get agreement.

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

Mrs. BOXER. Thank you, Mr. President. I will not take a great deal of time. This is a very simple, straightforward amendment.

Mr. President, my amendment would restore the current law, the law that we have lived under since 1993, as it pertains to abortion funding policy for the District of Columbia.

In 1993, this body decided no Medicaid funding could be used for abortion but that, in fact, the District of Columbia was free to use its locally raised revenue as it saw fit. So that if women who did not have the ability to pay for an abortion—they were in trouble, they were in crisis, and they needed help—they would be able to get it. That policy has been overturned by this Congress in this continuing resolution, and it started in December.

So right now the District of Columbia is treated quite differently than any other city or State in this great country. It is the only jurisdiction, Mr. President, in the country which is told that it cannot use its locally raised funds as it sees fit.

All I do with this amendment is clarify that point by saying no Federal funding can be used for abortion in Washington, DC, except for rape, incest, and the life of the mother.

So there is still a very broad prohibition on Medicaid funding—which I have to say to my friend I certainly do not support, but I know that the votes are not here to change that prohibition on Medicaid funding.

So I am addressing this amendment just to the District's locally raised funds. What we say by way of my amendment is the District of Columbia should be treated as every other jurisdiction—have the right to make local funding decisions as it decides.

What we have here now is that none of the funds appropriated under the act shall be expended for any abortion, except where the life of the mother would be endangered if the fetus were carried to term, or if the pregnancy is a result of an act of rape or incest. What my amendment says is that none of the Federal funds—which means that the District of Columbia funds which are locally raised—could be used if the people in D.C. decide that is the proper policy.

I want my colleagues to understand that what I am offering is not a change really at all. It is going back to the way the law was since 1993.

I have stood on this floor, and I have listened to my friends on the other side of the aisle talk quite eloquently about the importance of letting State and local jurisdictions decide how to spend their own revenue. As a matter of fact, they talked about getting Federal funds as a block grant and deciding how to expend the Federal funds that are in a block grant. In other words, the virtue of local control seems to really be a strong point on the other side of the aisle except when it comes to women's reproductive health care. When they now say that the locally raised funds cannot be used for abortion, I think it is inconsistent at its best and I think it is mean spirited at its worst.

I want to quote one friend of mine, Senator GREGG, Republican Senator from New Hampshire, who said in another context—I am quoting directly from the RECORD:

Federal programs should be returned to the States to be operated as State programs with the flexibility being given to the State government where there is as much compassion as in Washington to deliver these services to the needy and to the more needy.

That is a statement from January 3, 1996, so here is a Senator from New Hampshire saying that the local people are just as compassionate and should make the decisions on how to serve the needy, and my amendment says you are right, Senator GREGG, that is what we ought to be doing. And that is in fact what the District of Columbia has been doing with its locally raised revenues since 1993. They have determined that since there is a ban on Medicaid funding for abortion except in rare circumstances, they would come to the rescue, if you will, when women find themselves in deep trouble, deep trouble, and make an agonizing choice, which is their own choice, and they will stand by their side. I think it is wrong for us to dictate to the District on this issue.

Again, I think it is most inconsistent. So if the Boxer amendment passes here, the District would have the ability to spend its own money the way it wishes in terms of providing reproductive health care services of abortion to low-income women.

Now, I have to say that in this bill we are denying abortion services to low-income women, and I think that simply stops them from exercising their right to choose. The right to choose means nothing, Mr. President, even with *Roe v. Wade* and subsequent decisions affirming *Roe v. Wade*, if you cannot afford to get an abortion and there is nobody there to help you.

In its wisdom, this Congress says no Medicaid funding may be used for abortion except in certain circumstances, in narrow circumstances. I oppose that. I do not have the votes to overturn that. Maybe someday I will have those

votes. Maybe someday we will have a pro-choice Senate and a pro-choice House. We do not have that right now. But, at the minimum, we should not be telling the District of Columbia what to do with its own funds.

So, Mr. President, I am going to hope that there will be no second-degree amendment to my amendment at this time. I urge my colleagues to accept my amendment and let the District of Columbia decide how to spend its locally raised revenues without congressional interference.

Mr. President, I would like to ask the manager of the bill what he has in mind in terms of how to deal with my amendment. I am anxious to get it voted on or set aside to be voted on. I do not think we need to have much debate unless there are many who wish to speak.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I appreciate the courtesy of the Senator from California in her desire to move this entire matter forward.

I see the Senator from Indiana is in the Chamber, and I say, Mr. President, that the Senator from California was willing to agree to 10 minutes to a side and no second-degree amendments. We did not want to make that agreement without the presence of the Senator from Indiana. And now, if the President will inquire of the Senator from Indiana, we will see if we can get an agreement on disposing of this amendment.

Mr. COATS. If the Senator will yield, I just walked in the Chamber and I am not 100 percent sure of even what the amendment says. I think I have the gist of what the amendment is, and I think that there are probably a number of Senators who may want to speak on the amendment. I could easily check that and try to find out within the next few minutes as to whether or not that is the case and whether or not a reasonable time limit would entertain. But I cannot speak for other Members. I would like to speak in opposition to this amendment, but I cannot speak for other Members, and I am not prepared to agree to a time limit at this particular point.

Mrs. BOXER. If I might take back my time.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. Mr. President, at the present time, as I understand it, there is no time agreement, so the Senator from California has not forfeited any rights to further time. And so I hope we are going to be able to arrange a time agreement relatively soon, but obviously we cannot do so right now.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the reason I obtained the floor—I just asked if the Senator would answer a question for me—is because I spoke to the Senator from Indiana yesterday about my

intention on this. I hope he realizes I am proceeding in good faith. I am trying to make the point that we should go back to the 1993 law that said that although Medicaid funding could not be used, no Federal funding could be used for abortion, that the District would have the ability to decide what they wanted to do with their local funds without being dictated to. In fact, we now change the law and we tell them they may not use their own funds.

I am very happy to agree to any time agreement that the Senator feels is reasonable, but I would like to at least get an agreement that there not be any second-degree amendments.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. As I said before—

Mrs. BOXER. I would yield to my friend for a question—or a comment.

Mr. COATS. I thank the Senator. I appreciate the Senator from California yielding.

As I indicated before, I can speak for myself. I cannot speak for others. It is true that the Senator spoke to me about offering the amendment. In the context of what we are doing here, a time limit is reasonable. It is just that I cannot speak for other Senators who I know would want to speak in opposition to the Senator's amendment. I would be happy to check with those Senators and try to get an answer back to the Senator from California and announce to the Senate a reasonable time agreement.

In answer to the Senator's other point, it appears to me that the Senator's amendment attempts to extend the rights that our States, 50 States do not have to the District of Columbia. This Senator is not prepared to do that. I do not know if other Senators are prepared to do that.

I think that question has to be addressed in the Chamber as well as the viability of the commingling, of extending the full abortion rights to the District of Columbia when we are not really certain how the funds are commingled between District funds and Federal funds. Everybody knows that the District of Columbia is bankrupt. We do not know how they are applying the funds or what Federal funds they are going to be getting or how the services would be funded or how the funds would be separated. I think there a number of questions that have to be asked.

In response to the Senator's question, I would be happy to try to ascertain what response other Senators might want to give.

Mrs. BOXER. I would like to take back my time and thank my colleague.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Clearly, there is much that could be debated on this. I, for one, do not see it as so complicated because every city and every county in America has the ability to use its own funds. When I am in working in Wash-

ington I have an apartment in the District of Columbia, where I stay. If I park in the District of Columbia and a meter runs out, I pay a fine to the District of Columbia, and therefore they clearly have their own locally raised funds.

My colleague is right. I do not believe that they should be treated differently than any other city, any other county, and any other State vis-a-vis the ability of any city, county, or State to use their own locally raised money as they will.

For example, I was on the board of supervisors of a county, a suburban county north of San Francisco, a beautiful place called Marin County, and the board of supervisors there quite unanimously—we came from different parties, different views—did give funding to Planned Parenthood for their clinic in which they, in fact, provided family planning services. They also provided abortions.

Now, that is a county. We do not stand up here and say that county cannot use its own legally raised funds in any way to assist Planned Parenthood.

If I might ask the manager, in an attempt to be as helpful as I can in moving the process, would it suit the manager's purposes if I asked unanimous consent to lay this amendment aside? If I can ask that question without losing my right to the floor, if that would help my friend, then I would be glad to ask that it be laid aside with no second-degree amendments allowed until we take it up again.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. The first part of the request by the Senator from California is perfectly acceptable. But as I heard the remarks from the Senator from Indiana, he is not prepared to say there will not, under any circumstances, be a second-degree amendment.

Certainly we can lay this amendment aside now while the contending parties try to reach an agreement on how it will be dealt with, and go on to something else. I have, for example, a short colloquy I would like to enter.

If the Senator from California would like to lay the amendment aside, recognizing she will certainly be recognized again to bring it back up and she has forfeited none of her rights?

Mrs. BOXER. Mr. President, I ask unanimous consent the amendment be laid aside until it is brought back.

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

The Senator from Washington.

Mr. GORTON. 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.

Ms. MIKULSKI. Mr. 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. 3509 TO AMENDMENT NO. 3466

Ms. MIKULSKI. Mr. President, I ask unanimous consent to lay aside the pending amendment so I may offer an amendment, which I send 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 Maryland [Ms. MIKULSKI] proposes an amendment numbered 3509 to Amendment No. 3466.

Ms. MIKULSKI. 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 page 692, line 21 through page 696, line 2, and insert:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), \$400,500,000, of which \$265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: *Provided*, That not more than \$25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): *Provided further*, That not more than \$2,500 shall be for official reception and representation expenses: *Provided further*, That not more than \$59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further*, That not more than \$215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program), of which not more than \$40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than \$5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): *Provided further*, That, to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than \$18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than \$43,000,000 shall be available for school-based and community-based

service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): *Provided further*, That not more than \$30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than \$5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to \$500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation replicability, and sustainability without Federal funds of such activities, and the Federal and non-federal cost of supporting participants in community service activities: *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Officer of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs.

SENSE OF SENATE

It is the Sense of the Congress that accounting for taxpayers' funds must be a top priority for all federal agencies and government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation's Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers' funds. Should the Chief Financial Officer determine that additional resources are needed to implement these recommendations, the Corporation should submit a reprogramming proposal for up to \$3,000,000 to carry out reforms of the financial management system.

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

On page 624 of the bill, line 10, strike "\$10,103,795,000" and insert "\$10,086,795,000", and on page 626, line 23, strike "\$209,000,000" and insert "\$192,000,000"

Ms. MIKULSKI. Mr. President, this is an amendment on national service, which we will not debate at this time. I wish to just file it while we are continuing our conversation with the subcommittee chairman, so I, therefore, ask unanimous consent the amendment be temporarily laid aside, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. 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. 3496 TO AMENDMENT NO. 3466

Mr. GORTON. Mr. President, I ask unanimous consent the pending amendment be laid aside and I call up amendment No. 3496.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself and Mrs. MURRAY, proposes an amendment numbered 3496 to Amendment No. 3466.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SECTION 1. DESIGNATION.

The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known and designated as the "Jonathan M. Wainwright Memorial VA Medical Center."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Walla Walla Veterans Medical Center referred to in section 1 shall be deemed to be a reference to the "Jonathan M. Wainwright Memorial VA Medical Center."

Mr. GORTON. Mr. President, as was the case with the distinguished Senator from Maryland, I simply want this amendment to be considered as proposed, against the unanimous consent that will limit amendments in the future, that I hope fervently soon will be adopted.

With that, it having been proposed, I ask unanimous consent it now be laid aside for consideration later.

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

Mr. GORTON. 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. GRAMM. 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. GRAMM. Mr. President, what is the pending business?

The PRESIDING OFFICER. All the amendments have now been temporarily set aside.

AMENDMENT NO. 3501

Mr. GRAMM. Mr. President, I would like to go ahead and speak in opposition to the Cohen-Bumpers amendment, while we are here waiting for some resolution on other issues.

Would that be in order?

The PRESIDING OFFICER. Yes, it would be in order.

Mr. GRAMM. Mr. President, we have had an amendment offered by Senator COHEN, on behalf of himself and Senator BUMPERS. What their amendment does is it seeks to empower the Legal Services Corporation to engage in commenting on public rulemaking, testifying before legislative committees, briefing regulators and legislators on pending bills and legislation. Let me try to give our colleagues a little history of where we have come from, because I think this is typical of the problem we have in dealing with an agency like the Legal Services Corporation.

When the Commerce, State, Justice bill was reported out of the Appropriations Committee, I am proud to say that we killed the Legal Services Corporation. In subcommittee, a level of funding for legitimate legal aid was entered into as a compromise, and the bill came to the floor. Then Senator DOMENICI, the Senator from New Mexico, offered an amendment to restore the Legal Services Corporation and provide more money for it, but as part of that amendment he restricted what the Legal Services Corporation could do. Those limitations were not as great as those that we had coming out of committee, but the point is, in that amendment he banned the Legal Services Corporation from lobbying and from engaging in the process of debating rulemaking.

I remind my colleagues, the objective of the Legal Services Corporation is to provide legal services to poor people. As we all know, the Legal Services Corporation has become very heavily involved in public policymaking. The Legal Services Corporation files lawsuits against election dates, they file lawsuits involving numerous areas where people are trying to engage in their relationship with each other, and they have become very heavily involved in lobbying and in testifying before committees and doing other things that have nothing to do with their narrow mandate.

Senator DOMENICI offered an amendment to raise their level of funding, which I opposed. I spoke against it. We had a long and spirited debate on it and I lost. Senator DOMENICI's provision prevailed. It provided more money, but with strict limits on what the Legal Services Corporation could do.

The appropriations bill that is before us adds \$22 million for the Legal Services Corporation above the level agreed to in conference. In addition, in the contingency section of the bill, the Legal Services Corporation would get another \$9 million.

Now we have an amendment by Senator COHEN and by Senator BUMPERS that seeks to lift the restrictions on the Legal Services Corporation.

Granted, there is a figleaf which seeks to differentiate between what Senator DOMENICI has done and what

they are doing, and that figleaf is that it allows them to do these things if anyone asks them to do it in a written request.

Mr. President, that is obviously going to happen. This amendment is going to eliminate the restrictions in the Domenici amendment, and my colleagues who offered this amendment both voted for the Domenici amendment.

So, what we are saying here is we had a debate about killing the Legal Services Corporation. That was successful in committee. An amendment was offered on the floor that said, "OK, we'll give them this money, but only under strict limitations to see that they do what their mandate is."

That amendment was adopted. As far as I know, all the supporters of this amendment voted for it.

Then we came in and added another \$31 million to Legal Services Corporation in this bill, and now we are going back and lifting the restrictions so that the Legal Services Corporation will be able to spend the money on lobbying largely unencumbered and can, in fact, get back into exactly the kind of activities that the Domenici amendment at least claimed to prohibit.

Could the Domenici amendment have been adopted had this provision been part of it? My guess is it could not.

I do not know where the votes are on this. I am opposed to the Legal Services Corporation because I think it is a runaway Government program which spends entirely too much time and energy and money promoting political and social causes that are not part of its mandate. We live in a great free country. If someone wants to promote their views and philosophy and values, they have a right to do it, but they do not have a right to do it with the taxpayers' money.

I thought we had restrictions that were reasonable under the Domenici amendment. We are now in the process of lifting those restrictions. I am strongly opposed to this amendment and hope to see it defeated.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am saddened by the position taken by the Senator from Texas.

Mr. President, was I recognized?

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. SIMON. Mr. President, I wonder if my colleague will yield so I may offer two amendments and ask unanimous consent that they be set aside.

Mr. BUMPERS. Absolutely.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENTS NOS. 3510 AND 3511 TO AMENDMENT NO. 3466

Mr. SIMON. Mr. President, I offer these two amendments, and I send them to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes amendments numbered 3510 and 3511 to amendment No. 3466.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3510

On page 771, below line 17, add the following:

SEC. 3006. (a) Subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding after paragraph (3), flush to the subsection margin, the following: "Notwithstanding any other provision of law, including the matter under the heading 'NATIONAL SECURITY EDUCATION TRUST FUND' in title VII of Public Law 104-61, the work of an individual accepting a scholarship or fellowship under the program shall be the work specified in paragraph (2), or such other work as the individual and the Secretary agree upon under an agreement having modified service requirements pursuant to subsection (f)."

(b) such section is further amended by adding at the end the following:

"(f) AUTHORITY TO MODIFY SERVICE AGREEMENT REQUIREMENTS.—The Secretary shall have sole authority to modify, amend, or revise the requirements under subsection (b) that apply to service agreements."

(c) Subsection (a) of such section is amended by adding at the end the following:

"(5) EMPLOYMENT OPPORTUNITY OUTREACH.—The Secretary shall take appropriate actions to make available to recipients of scholarships or fellowships under the program information on employment opportunities in the departments and agencies of the Federal Government having responsibility for national security matters."

AMENDMENT NO. 3511

On page 582, line 14, strike "\$1,257,134,000" and insert "\$1,257,888,000".

On page 582, line 16, before the semicolon insert the following: ", and of which \$5,100,000 shall be available to carry out title VI of the National Literacy Act of 1991".

On page 582, line 16, strike "\$1,254,215,000" and insert "\$1,254,969,000".

On page 587, line 15, strike "and III" and insert "III, and VI".

On page 587, line 17, strike "\$131,505,000" and insert "\$139,531,000".

On page 587, line 20, before the semicolon insert the following: ", and of which \$8,026,000 shall be available to carry out title VI of the Library Services and Construction Act and shall remain available until expended".

On page 591, between lines 3 and 4, insert the following:

SEC. 305. (a) Section 428(n) of the Higher Education Act of 1965 (20 U.S.C. 1078(n)) is amended by adding at the end the following new paragraph:

"(5) APPLICABILITY TO PART D LOANS.—The provisions of this subsection shall apply to institutions of higher education participating in direct lending under part D with respect to loans made under such part, and for the purposes of this paragraph, paragraph (4) shall be applied by inserting 'or part D' after 'this part'."

(b) The amendment made by subsection (a) shall take effect on July 1, 1996.

On page 592, line 7, strike "\$196,270,000" and insert "\$201,294,000".

On page 592, line 7, before the period insert the following: ", of which \$5,024,000 shall be

available to carry out section 109 of the Domestic Volunteer Service Act of 1973".

Mr. SIMON. Mr. President, I ask unanimous consent that the amendments be set aside.

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

Mr. SIMON. I thank my colleague.

AMENDMENT NO. 3501

Mr. BUMPERS. Mr. President, if I may have the attention of the Senator from Texas for a moment, there is no point belaboring this issue. I want to make three or four salient points.

First, the 19 restrictions that were put on the corporation's grantees are not touched in this amendment. They are still intact. Many of them deal with lobbying.

Second, no Federal funds can be used to carry out the actions permitted by this amendment. Only non-Federal funds received by a grantee may be used.

Third, the request has to come from a legislator, a Member of Congress, or an agency to a grantee. Let me give the Senator from Texas this illustration.

Let us assume that in the State of Texas the legislature thinks that the Legal Services Corporation's grantees in that State are doing a super job, but the Federal funds have been cut off, we have reduced Legal Services Corporation funding.

Let us assume the Texas State Legislature wants to give a few million dollars to some of the Legal Services Corporation grantees, but before doing so, they would like for some of those people to come in and testify as to what their activities have been and maybe limit the use to which they can put the money the legislators propose to give them.

First, they have to make a request, we will say, of the Dallas grantees, Legal Services of Dallas. If the State Legislature of Texas or a legislator or a committee wants to ask that grantee to come in, they would have to direct it in writing and the grantee would have to respond to that specific request, and only money that the grantee had generated on its own—not Federal money, money of its own—could be used to answer a written inquiry.

It seems to me almost ludicrous to say we are not going to allow a committee of Congress or a State legislative committee or a Senator or a State legislator to get information that they need to make these decisions, particularly when the grantees are using their own money.

What kind of a fix would we be in here? The Legal Services Corporation can come in and testify before the Senator's committee and tell him why they think they need more money, but a grantee could not. The Senator from Texas, as chairman of this committee, can write to the head of the local Legal Services provider in Dallas and say, "Please come forthwith before my committee and testify."

As the bill is drafted, even if he submitted it in writing, they could not honor that request.

I sit on the Appropriations Subcommittee that able Senator from Texas chaired. I was there when the debate took place about how much we were going to give the Legal Services Corporation, and I, indeed, did support Senator DOMENICI's amendment. I never heard of such unintended consequences.

All Senator COHEN and I are doing is trying to redress a problem that believe the Senate did not intend to cause. Our amendment does not in any way allow grantees or the corporation to do anything to avoid complying with those 19 specific restrictions. I hope the Senator from Texas will reconsider.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mr. GRAMM. Mr. President, let me remind my colleagues that the restrictions imposed in the Domenici amendment applied to all funds at the Legal Services Corporation, not just taxpayer funds. We have spent years debating this issue when the Legal Services Corporation has gotten involved in labor disputes, when the Legal Services Corporation has gotten involved in the politics of disputing election dates, when the Legal Services Corporation has become involved, basically, in political and partisan causes.

It has often reminded me of an analogy you might have of the pastor of the First Baptist Church going to the Baptist student union and he discovers a brothel in one of the back rooms. The argument that would be made by the Senator from Arkansas is, "Well, it just so happens that we didn't use the money from the Baptist Church for that room. Actually, only 80 percent of our budget comes from the Baptist Church, and that room was not part of the funds that came from the Baptist Church, and the electricity it used, and the natural gas for heating were not part of that budget."

The point is, no pastor would ever buy into that logic. So when the Domenici amendment was offered, it recognized this problem and said, "If you take taxpayer money, your job is to represent poor people, your job is not advocating political causes." That was the purpose of the Domenici amendment.

If our colleague from Arkansas was willing to limit this to simply appearing before committees to ask for money, I might be willing to agree to that. But clearly he is not going to agree to that limitation. When you allow the Legal Services Corporation to be involved in all of these activities based on a written request, what you are doing is circumventing the limitations that we imposed in the Domenici amendment.

So, we first get the money by saying we are going to restrict the activities, and then we come back in a second amendment and we take the restrictions off. It seems to me that those who voted for the Domenici amendment basically had put together a deal

that they wanted the money, the money was supposed to go to help poor people get legal services, and they were willing as part of that to have strict limits on what the Legal Services Corporation could do with its money. It could not lobby, it could not be involved in political activities. There were a series of other restrictions that were included, including restrictions not just on the Federal money but all money commingled with it. We are now seeing an effort to undo that. I am opposed to it. I think this is bad policy. I do not know where the votes are, but if this amendment is voted on, and I intend to vote against it.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that I may submit an amendment.

The PRESIDING OFFICER. The amendment will be submitted and numbered.

Mr. THOMAS. Mr. President, if none of my colleagues are asking for time, I wish to discuss the amendment.

The PRESIDING OFFICER. The Parliamentarian informs the Senator from Wyoming that he has not reserved the right to debate the submitted amendment pursuant to the unanimous-consent agreement at the desk.

Mr. THOMAS. Then, I guess I cannot do it. I ask the Presiding Officer what the arrangement is going to be now. We have a limited amount of amendments that can be proposed?

The PRESIDING OFFICER. Yesterday, there was a unanimous-consent agreement that was entered into reserving the right to offer amendments by certain named Senators. The name of the Senator from Wyoming was not included in that.

Mr. THOMAS. Mr. President, I ask unanimous consent to have it considered.

Mrs. BOXER. I object temporarily.

The PRESIDING OFFICER. Objection is heard.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, before I send an amendment to the desk and ask for its immediate consideration—well, I ask unanimous consent to temporarily set aside the current pending amendment.

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

Mr. COATS. Before I send this amendment to the desk and ask for its immediate consideration, might I inquire as to whether this Senator's name is on that list?

The PRESIDING OFFICER. The name of the Senator from Indiana is on the list.

Mr. COATS. This Senator is pleased to hear that information.

AMENDMENT NO. 3513 TO AMENDMENT NO. 3466

(Purpose: To amend the Public Health Service Act to prohibit governmental discrimination in the training and licensing of health professionals on the basis of the refusal to undergo or provide training in the performance of induced abortions)

Mr. COATS. 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 Indiana [Mr. COATS], for himself and Mr. GRAMM, proposes an amendment numbered 3513 to amendment No. 3466.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

Sec. . ESTABLISHMENT OF PROHIBITION AGAINST ABORTION-RELATED DISCRIMINATION IN TRAINING AND LICENSING OF PHYSICIANS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

"ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES REGARDING TRAINING AND LICENSING OF PHYSICIANS

"SEC. 245. (a) IN GENERAL.—The Federal Government, and any State that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

"(1) the entity refuses to undergo training in the performance of induced abortions, to provide such training, to perform such abortions, or to provide referrals for such training or such abortions;

"(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

"(3) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) require, provide or arrange for training in the performance of induced abortions, or make arrangements for the provision of such training.

"(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN TRAINING PROGRAMS.—

"(1) IN GENERAL.—With respect to the State government involved, or the Federal Government, restrictions under subsection (a) include the restriction that, in granting a legal status to a health care entity (including a license or certificate), or in providing to the entity financial assistance, a service, or another benefit, the government may not require that the entity fulfill accreditation standards for a postgraduate physician training program, or that the entity have completed or be attending a program that fulfills such standards, if the applicable standards for accreditation of the program include the standard that the program must require, provide or arrange for training in the performance of induced abortions, or make arrangements for the provision of such training.

"(2) RULES OF CONSTRUCTION.—

"(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

“(B) VOLUNTARY ACTIVITIES.—Nothing in this section shall be construed to—

“(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions;

“(ii) prevent an accrediting agency or a Federal, State or local government from establishing standards of medical competency applicable only to those individuals or entities who have voluntarily elected to perform abortions; and

“(iii) affect Federal, State or local governmental reliance on standards for accreditation other than those related to the performance of induced abortions.

“(c) DEFINITIONS.—For purposes of this section:

“(1) The term ‘financial assistance’, with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

“(2) The term ‘health care entity’ includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

“(3) The term ‘postgraduate physician training program’ includes a residency training program.”

Mr. COATS. Mr. President, I do not intend to debate this amendment at this particular time. I have been in negotiations with the Senator from California relative to her amendment. We are attempting to work out an agreement whereby we can offer our amendments for a limited period of debate and prevent second degrees from being offered so that the amendments can be dealt with on their merits and voted on an up-or-down basis. I want to put the amendment in place so that when we reach that agreement we can proceed on that basis. I will just very briefly describe this amendment, without debating it, for my colleagues' information.

Until January 1, 1996, the Accrediting Council for Graduate Medical Education did not require that a hospital train its residents to perform induced abortions. Such training, if it was necessary, was done on a voluntary basis. On January 1, 1996, the accrediting council changed its standards and now requires those facilities and residents to undergo training in induced abortion procedures in order to receive its accreditation.

As a consequence, most Federal Government rules regarding reimbursement to these hospitals and regarding grants and loans available to residents and resident training programs are pegged to the hospitals and training programs receiving the accreditation of the Accrediting Council for Graduate Medical Education. These facilities, if they choose not to require this abortion training, will lose their Federal funding.

It is important that they retain this. While there is a conscience clause exemption, obviously that does not apply to secular hospitals, most of which do not require mandated abortion training. That is the essence of the amendment. It is a nondiscrimination amend-

ment which would prevent any government, Federal or State, from discriminating against hospitals or residents that do not perform, train, or make arrangements for abortions. It would prevent, therefore, governments from denying these providers Medicare reimbursement, loans, or licenses to practice medicine.

It does not—it is important for my colleagues to understand this—this legislation does not prevent the accreditation council, a private, quasi-Government accrediting agency, the ACGME, it does not prevent them from promulgating any standard that they wish to promulgate regarding abortion. We are not telling them who to accredit and who not to accredit.

We are simply saying that if they did not accredit because a hospital, for whatever reason—conscience reasons, moral reasons, religious reasons, community standards reasons, business reasons—decided not to mandate the requirement of teaching their residents abortion procedures, that they will not be in a position of losing their funds.

That is a quick summary of the amendment. We probably will have time to debate it more at length, but I did want to offer it and will continue to work with the Senator from California in achieving some type of balanced approach to these two amendments.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I appreciate the fact that the Senator from Indiana and I are really working to try to expedite these issues. They are difficult issues. They are divisive issues in the Senate. We certainly disagree, but we are never disagreeable to each other. I think that if we can devise a way that we can debate the amendments and dispose of them and do it in a way where everybody gets a chance to explain the amendments, I will certainly be happy to agree to reasonable time limits.

Let me just say on the amendment by the Senator—and I am not going to debate at length, as he did not debate at length; I do not intend to do that—it gives me great concern because, in the end, I think what we are going to have is a situation where there will be enormous pressure on hospitals across this country not to teach their residents how to do surgical abortions. I just do not want to go back to the days of the back alleys. I feel this would lead us back to those very dangerous days.

I will not take the Senate's time at this point to debate this at length. I know we will have a chance to do that later.

At this time, I yield the floor.

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Oregon, notes the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENTS NOS. 3514 THROUGH 3517, EN BLOC,

TO AMENDMENT NO. 3466

Mr. BOND. Mr. President, I send four amendments to the desk en bloc: the first, on behalf of Senator PRESSLER; the second by me, relating to clarifying the rent-setting requirements on housing assistance under section 236; the third, for me, increasing the amount available under the HUD drug elimination grant program; the fourth, by me, to establish a special fund in the Department of Housing and Urban Development to meet milestones in restructuring its administrative organization.

I ask all four amendments be filed and set aside.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes amendments Nos. 3514 through 3517, en bloc, to amendment No. 3466.

Mr. BOND. Mr. President, I ask unanimous consent reading of the amendments be dispensed with.

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

The amendments (Nos. 3514 through 3517), en bloc, are as follows:

AMENDMENT NO. 3514

(Purpose: To provide funding for a Radar Satellite project at NASA)

Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

AMENDMENT NO. 3515

(Purpose: To clarify rent setting requirements of law regarding housing assisted under section 236 of the National Housing Act to limit rents charged moderate income families to that charged for comparable, non-assisted housing, and clarify permissible uses of rental income in such projects, in excess of operating costs and debt service)

On page 689, after line 26 of the Committee substitute, insert the following new section:

SEC. . (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended—

(1) by striking “or (ii)” and inserting “(ii)”; and

(2) by striking “located,” and inserting: “located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located.”

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase “on a unit-by-unit basis” after “collected”.

On page 631, after the colon on line 24 of the Committee substitute, insert the following:

“Provided further, That rents and rent increases for tenants of projects for which

plans of action are funded under section 220(d)(3)(B) of LIHPHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate):

Provided further, That the immediately foregoing proviso shall apply hereafter to projects for which plans of action are to be funded under such section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded.”.

AMENDMENT NO. 3516

(Purpose: To increase in amount available under the HUD Drug Elimination Grant Program for drug elimination activities in and around federally-assisted low-income housing developments by \$30 million, to be derived from carry-over HOPE program balances)

On page 637, line 20 of the Committee substitute, insert the following new proviso before the period:

“*Provided further*, That an additional \$30,000,000, to be derived by transfer from unobligated balances from the Homeownership and Opportunity for People Everywhere Grants (HOPE Grants) account, shall be available for use for grants for federally-assisted low-income housing, in addition to any other amount made available for this program under this heading, without regard to any percentage limitation otherwise applicable”.

AMENDMENT NO. 3517

(Purpose: To establish a special fund dedicated to enable the Department of Housing and Urban Development to meet crucial milestones in restructuring its administrative organization and more effectively address housing and community development needs of States and local units of government and to clarify and reaffirm provisions of current law with respect to the disbursement of HOME and CDBG funds allocated to the State of New York)

On page 779, after line 10, of the Committee Substitute, insert the following:

MANAGEMENT AND ADMINISTRATION DEPARTMENTAL RESTRUCTURING FUND

In addition to funds provided elsewhere in this Act, \$20,000,000, to remain available until September 30, 1997, to facilitate the down-sizing, streamlining, and restructuring of the Department of Housing and Urban Development, and to reduce overall departmental staffing to 7,500 full-time equivalents in fiscal year 2000: *Provided*, That such sum shall be available only for personnel training (including travel associated with such training), costs associated with the transfer of personnel from headquarters and regional offices to the field, and for necessary costs to acquire and upgrade information system infrastructure in support of Departmental field staff: *Provided further*, That not less than 60 days following enactment of this Act, the Secretary shall transmit to the Appropriations Committees of the Congress a report which specifies a plan and schedule for the utilization of these funds for personnel reductions and transfers in order to reduce headquarters on-board staffing levels to 3,100 by December 31, 1996, and 2,900 by October 1, 1997: *Provided further*, That by February 1, 1997 the Secretary shall certify to the Congress that headquarters on-board staffing levels did not exceed 3,100 on December 31, 1996 and submit a report which details obligations and expenditures of funds made available hereunder: *Provided further*, That if the certification of headquarters personnel

reductions required by this Act is not made by February 1, 1997, all remaining unobligated funds available under this paragraph shall be rescinded.

CLARIFICATION OF BLOCK GRANTS IN NEW YORK

(a) All funds allocated for the State of New York for fiscal years 1995, 1996, and all subsequent fiscal years, under the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnerships program, notwithstanding the Memorandum from the General Counsel of the Department of Housing and Urban Development dated March 5, 1996.

(b) The Secretary of Housing and Urban Development shall award funds made available for fiscal year 1996 for grants allocated for the State of New York for a community development grants program as authorized by title I of the Housing and Community Act of 1974, as amended (42 U.S.C. 5301), in accordance with the requirements established under the Notice of Funding Availability for fiscal year 1995 for the New York State Small Cities Community Development Block grant program.

Mr. BOND. I ask unanimous consent that the amendments be set aside.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 3518 TO AMENDMENT NO. 3466

Mr. LAUTENBERG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3518 to amendment No. 3466.

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

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

The amendment is as follows:

AMENDMENT NO. 3518

At the end of title III, insert:

SEC. . Section 347(b)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (P.L. 104-50), is amended to read as follows:

“(3) chapter 71, relating to labor-management relations.”.

Mr. LAUTENBERG. Mr. President, the amendment I have sent to the desk would serve to restore the basic right to organize to thousands of hard-working employees at the Federal Aviation Administration. As many Members are aware, the FAA is poised to announce a substantial restructuring of its personnel system. The authority allowing the FAA Administrator to reform the personnel system was granted as part of the fiscal year 1996 Transportation Appropriations Act. The Administrator was directed to have the new personnel system in place and functional on April 1, 1996.

Unfortunately, the legislative language enabling these reforms to be implemented had the unintended effect of taking away the right of FAA employees to be represented by a union and to have the terms and conditions of their employment negotiated by their union. Obviously, we did not intend this language to have that effect. I raised this concern during conference committee deliberations on the transportation bill. However, it was thought by the House subcommittee leadership that this problem could be addressed in the Statement of Managers. As such, the statement of managers accompanying this provision in the transportation appropriations conference report states unequivocally that, and I quote:

The conferees do not intend that the personnel management reforms included in this bill, force the disestablishment of any existing management-labor agreement, or lead to the dissolution of any union representing FAA employees.

Regrettably, since that time, our legislative language has been restrictively interpreted by the Federal Labor Relations Authority. Based on their reading, they are refusing to hear any FAA labor dispute cases, effectively leaving the FAA's thousands of employees without recourse or resolution in ongoing cases pertaining to pay and compensation, benefits, and discipline.

The April 1 deadline for implementation of the new personnel system is upon us. If this situation is not resolved by April 1, thousands of FAA employees will be left without the right to organize. As such, I am taking this opportunity to include this technical fix in the continuing resolution in order to ensure its timely passage and avert any further negative impact.

I am pleased to be joined in this amendment by the ranking member of the Senate Commerce Committee, Senator HOLLINGS, and the ranking member of the aviation subcommittee, Senator WENDELL FORD. The FAA reform bill, as reported by the Commerce Committee, would serve to correct this error. However, it is not clear at this time that the Commerce Committee bill can become law before April 1.

Mr. President, we need FAA reform. The procurement and personnel reforms contained in the appropriations bill will assist the FAA in meeting current and future responsibilities for the safety of our aviation system. However, other aspects of the reform agenda have yet to be addressed. Air traffic continues to rise while it becomes more and more difficult each year to fund all of the FAA's needs.

Everyone will be asked to make sacrifices as part of the process of reforming the FAA. And the FAA employees are willing to do their part. They are among the most dedicated employees in the Federal Service. But it is unfair in the extreme to deprive them of rights guaranteed to virtually all other Federal employees under Chapter 71, of title 5, United States Code—to organize

and be represented in collective bargaining. Rectifying this error will assure these dedicated employees of a fair process for negotiating their grievances and a structured process for resolving disputes.

I am not aware of any opposition to this restoration of rights for FAA employees and I would ask my colleagues to join Senator HOLLINGS, Senator FORD, and me in providing a just remedy by adopting this amendment.

Mr. President, I ask unanimous consent the amendment be set aside for consideration of it at a later time.

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

Mr. SANTORUM. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENTS NOS. 3484 THROUGH 3488, EN BLOC,
TO AMENDMENT NO. 3466

Mr. SANTORUM. I send en bloc amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes amendments Nos. 3484 through 3488, en bloc, to amendment No. 3466.

Mr. SANTORUM. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments (Nos. 3484 through 3488), en bloc, are as follows:

AMENDMENT NO. 3484

(Purpose: Expressing the Sense of the Senate regarding the budget treatment of federal disaster assistance)

SEC. . SENSE OF THE SENATE REGARDING THE THE BUDGET TREATMENT OF FED- ERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that the Conference on S. 1594, making Omnibus Consolidated Rescissions & Appropriations for Fiscal Year ending September 30, 1996, and for other purposes, shall find sufficient funding reductions to offset the costs of providing any federal disaster assistance.

AMENDMENT NO. 3485

(Purpose: Expressing the Sense of the Senate regarding the budget treatment of federal disaster assistance)

SEC. . SENSE OF THE SENATE REGARDING THE THE BUDGET TREATMENT OF FED- ERAL DISASTER ASSISTANCE.

SENSE OF THE SENATE.—It is the Sense of the Senate that Congress and the relevant committees of the Senate shall examine the manner in which federal disaster assistance is provided and develop a long-term funding plan for the budgetary treatment of any federal assistance, providing for such funds out of existing budget allocation rather than taking the expenditures off budget and adding to the federal deficit.

AMENDMENT NO. 3486

(Purpose: to require that disaster relief provided under this Act be funded through amounts previously made available to the Federal Emergency Management Agency, to be reimbursed through regular annual appropriations Acts)

(The text of the amendment numbered 3486 is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT 3487

(Purpose: To reduce all Title I discretionary spending by the appropriate percentage (.367%) to offset federal disaster assistance)

At the end of title II of the committee substitute, add the following:

SEC. . (a) Notwithstanding any other provision of this title, none of the amounts provided in this title is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Each amount provided in a nonexempt discretionary spending nondefense account covered by title I is reduced by the uniform percentage necessary to offset nondefense discretionary amounts provided in this title. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. SANTORUM. I ask unanimous consent that the amendments be set aside.

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. GRAMM. 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. GRAMM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so I might send an amendment to the desk.

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

AMENDMENT NO. 3519 TO AMENDMENT NO. 3466

Mr. GRAMM. 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 Texas [Mr. GRAMM] proposes an amendment numbered 3519 to amendment No. 3466.

Mr. GRAMM. I ask unanimous consent the 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 committee substitute, insert the following:

"Notwithstanding any other provision of this Act, no part of any appropriation contained in this Act which is subject to the provisions of section 4002 shall be made available for obligation or expenditure."

Mr. GRAMM. Mr. President, this appropriations bill has an extraordinary provision in it. In fact, I am not aware that a similar provision has ever been in a bill that I have seen considered in

the Congress. This is the contingency provision whereby we seek to bribe the President to enter into a budget by saying we will give him \$4.8 billion to spend if he will enter into any budget that we will agree to.

Mr. President, if such a proposal were made by a private party, they would be subject to being sent to the Federal penitentiary. I do not understand, if our objective is to lower spending and balance the budget, how bribing the President with additional funds will get us closer to home or closer to the achievement of that objective.

I know there are many people in this body who are committed to the principle that somehow if we will just give the President enough money to spend, he will do what we want him to do. It seems to me that he will take the money and spend it, and we will end up not doing what we want to do. The problem is, what I want to do is not spend the money.

We, in trying to bribe the President by giving him \$4.8 billion, are, in essence, using as the bribe the money that I want the President to help us save.

Now, we have adjusted this contingency fund because we decided on an amendment offered by Senator SPECTER to go ahead and give him \$2.7 billion now. So the contingency fund is actually substantially lower than the \$4.8 billion. The point remains: We need to be cutting spending, not increasing it.

While I am very much in support of working out a budget agreement, I do not believe that we are going to succeed by giving the President more money in return for reaching a budget agreement, when we hope the budget agreement will spend less money.

It seems to me a contradiction in terms, movement in the wrong direction, and wrongheadedness. Might I say, it shows how we have lost our way in this Congress. If anybody told me when the Contract With America was passed, when we sent it to the President, that we would be now, several months later, offering to give the President \$4.8 billion of new discretionary spending authority if he would simply agree to any budget—there is no requirement in this bill this budget be balanced that he would agree to. If he will just agree to any budget with us, we will give him \$4.8 billion.

As I said, the number has been slightly adjusted because we decided not to wait until the agreement. There was such excitement about spending this money that we took \$2.7 billion and decided to go ahead and spend it, not to even wait on the contingencies. I assume this amendment will not be adopted. But I want to give people an opportunity to vote to strike this contingency fund out. It seems to me that we ought to be cutting spending, not increasing it. And if we have trouble getting the President to agree to a budget, it seems that the solution is to make these temporary spending bills

tighter and tighter and tighter, until the President will finally realize that it is in his interest, as well as the country's interest, to agree to a budget.

So I urge my colleagues to vote for this amendment.

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. WELLSTONE. 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. WELLSTONE. Mr. President, in a moment, I am going to send an amendment to the desk. This is a sense-of-the-Senate amendment. I will read this:

To urge the President to release already-appropriated fiscal year 1996 emergency funding for home heating and other energy assistance, and to express the sense of the Senate on advanced-appropriated funding for fiscal year 1997.

I am working with colleagues on both sides of the aisle, and later on I think we will be able to work out an agreement, and I can summarize it at that point. My understanding is that we need to get amendments in.

I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3520 TO AMENDMENT NO. 3466

(Purpose: To urge the President to release already-appropriated fiscal year 1996 emergency funding for home heating and other energy assistance, and to express the sense of the Senate on advance-appropriated funding for FY 1997)

Mr. WELLSTONE. 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 Minnesota [Mr. WELLSTONE], for himself, Mr. JEFFORDS, Mr. KOHL, Mr. KERRY, Mr. LEAHY, Ms. SNOWE, Mr. SANTORUM, Mr. KENNEDY, Mr. GLENN, and Mr. PELL, proposes an amendment numbered 3520 to amendment No. 3466.

Mr. WELLSTONE. 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:

The Senate finds that:

Record low temperatures across the country this winter, coupled with record snowfalls in many areas, have generated substantial and sustained demand among eligible low-income Americans for home heating assistance, and put many who face heating-related crises at risk;

Home heating assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such help is a critical part of the social safety net in cold-weather areas;

The President has released approximately \$900 million in regular Low Income Home Energy Assistance Program (LIHEAP) fund-

ing for this year, compared to a funding level of \$1.319 billion last year, and a large LIHEAP funding shortfall remains which has adversely affected eligible recipients in many cold-weather states;

LIHEAP is a highly targeted, cost-effective way to help approximately 6 million low-income Americans to pay their energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than \$8000; more than one-half have annual income below \$6000.

LIHEAP program funding has been substantially reduced in recent years, and cannot sustain any further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income people in cold-weather states;

Traditionally, LIHEAP has received advance appropriations for the next fiscal year. This allows states to properly plan for the upcoming winter and best serve the energy needs of low income families.

Congress was not able to pass an appropriations bill for the Departments of Labor, Health and Human Services, and Education by the beginning of this fiscal year and it was only because LIHEAP received advance appropriations last fiscal year that the President was able to release the \$578 million he did in December—the bulk of the funds made available to the states this winter.

There is currently available to the President up to \$300 million in emergency LIHEAP funding, which could be made available immediately, on a targeted basis, to meet the urgent home heating needs of eligible persons who otherwise could be faced with heating-related emergencies, including shut-offs, in the coming weeks;

Therefore, it is the sense of the Senate that:

(a) the President should release immediately a substantial portion of available emergency funding for the Low Income Home Energy Assistance Program for FY 1996, to help meet continuing urgent needs for home heating assistance during this unusually cold winter; and

(b) not less than the \$1 billion in regular advance-appropriated LIHEAP funding for next winter provided for in this bill should be retained in a House-Senate conference on this measure.

Mr. SARBANES. Mr. President, I rise today to express my support for the amendment offered by the Senator from Minnesota, Senator WELLSTONE. This amendment reiterates the Senate's strong commitment to maintaining funding for the Low Income Home Energy Assistance Program [LIHEAP] despite efforts in the House of Representatives to terminate this program and urges House and Senate conferees to continue to fund LIHEAP at the Senate level of \$1 billion.

Congress first authorized the Low-Income Home Energy Assistance Program in 1981 at a time of unprecedented energy costs in order to help low-income households maintain an adequate level of heat in their homes to ensure their health and safety. This program helps an approximate 6.1 million households each year in the 50 States, the District of Columbia, and the U.S. commonwealths and territories. For many of these households, which represent the most vulnerable segment of the population, including the elderly, the disabled, the working poor and children, the assistance they receive

through LIHEAP can mean the difference between having to choose between heating their home in the cold winter months or other vital needs such as food, warm clothing, and medical care.

Mr. President, a recent study by the National Consumer Law Center indicated that there is a widening gap between the level of LIHEAP funding and the total heating and cooling costs for low-income families. While the LIHEAP benefits provided to these needy families can not meet their entire energy costs, the average benefit of \$216 per household for heating assistance can prove critical to the efforts of senior citizens and working poor families on a fixed income to stay safely in their homes.

In my own State of Maryland, LIHEAP funds cover only about 20 percent of the cost of the average heating bill for eligible recipients. The Maryland Energy Assistance Program, which administers the LIHEAP program, draws on support from other public sector sources, non-profit agencies, private industry and public utilities in order to best meet the compelling energy needs of approximated 90,000 low-income Marylanders.

This collaboration between public and private sector entities has resulted in a number of innovative programs to make home energy more affordable to the most vulnerable group of Maryland citizens. Special payment arrangements with utilities, expanded public education and energy conservation programs, including weatherization assistance, and direct access to other energy-related programs, serve to make the LIHEAP program in Maryland a successful coordinated effort.

Mr. President, this winter has seen record snowfalls in the Mid-Atlantic region and bitterly cold temperatures across much of the country. This severe winter weather threatened the safety of millions of Americans and strained States' ability to help needy families at a time when the budgetary impasse made the very future of the LIHEAP program uncertain. This program is effective and over the years has helped many families in need with their energy bills. Support of Senator WELLSTONE's amendment will send a strong message to the House of Representatives that the Senate will persist in its efforts to maintain adequate funding for the Low-Income Home Energy Assistance Program and I urge my colleagues to join me in supporting it.

SYMPATHIES TO THE PEOPLE OF SCOTLAND

Mr. WELLSTONE. Mr. President, while I have the floor, I do not want to interrupt if there are other Senators with amendments. I want them to have an opportunity to offer them. If not, let me just take a moment to read a resolution that has been accepted on both sides extending sympathies to the people of Scotland: