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Senate

The Senate met at 5 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Give to the Lord the glory due His name, bring an offering, and come before Him. Oh, worship the Lord in the beauty of holiness!—I Chronicles 16:29.

Sovereign God, gracious Father, blessed Redeemer, inspiring Spirit, we worship You for Your faithfulness, loving kindness, justice, and mercy. The offering we bring to our worship of You is ourselves. Nothing in our hands we bring; simply to Your grace we cling. We worship You in awe and wonder, joy and gladness, delight and dependence. The blessing of belonging to You is the only beauty of holiness we have to offer. All that we have and are belongs to You. The Nation that You have called us to lead is Your Nation. Our greatness in the past is because of Your goodness; our triumph in the future is assured only as we trust in You.

May all of life express our worship of You. We seek to express our worship of You in our work, our relationships, our responsibilities. We commit ourselves to practice Your presence in the sublime and in the simple, with people of great and of no reputation, in duties that bring us recognition and those only You can see. To God be the glory. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. This afternoon, the Senate will be in session for a period of morning business. There will be no

rollcall votes during today's session. The Senate may consider any legislative items that can be cleared for action by unanimous consent. All Senators should be reminded the continuing resolution expires Friday of this week. It is therefore expected the Senate will consider a new continuing resolution when one becomes available from the House. The Senate may also consider the Department of Defense authorization conference report as well as the START II Treaty.

I yield the floor, Mr. President.

RECOGNITION OF THE MINORITY LEADER

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

Mr. DASCHLE. I thank the President.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. DASCHLE. Mr. President, I want to compliment the President of the United States on his State of the Union Message last night. I think the reaction today is certainly an indication of the degree to which the President succeeded in articulating his message last night. He discussed, as he can so ably, his record for the last 3 years, reminding us that the economy is much stronger than it was when he took office, reminding us that we have reduced the Federal work force by 200,000 personnel, reminding us that the growth in the economy itself is as strong as it has been in the past 30 years, and recognizing that we have made substantial progress in reducing the deficit.

So, indeed, from the perspective of the Government, as well as from the point of view of the economy, America is strong and the State of the Union reflects that strength, as he reminded us last night.

He also sought to challenge us in seven very specific ways. I think his

challenge was appropriate. Indeed, our country expects us to meet the challenges of education, a stronger economy, the need for health care reform, and a whole range of issues that the President addressed so ably and articulately last night.

Most importantly perhaps, he reminded us that the effort over the last several weeks to achieve meaningful deficit reduction has indeed, to at least a certain extent, succeeded. The fact is, as the President indicated last night, if you take the lesser of the amounts agreed to on either side in the most recent offers by both the Republicans and the Democrats, we could achieve deficit reduction totaling more than \$700 billion.

Mr. President, that is a very significant achievement. He challenged us last night, to continue the effort to find common ground, to reach out across the aisle to establish a meaningful dialog, to continue to build on what we have already achieved, and to continue to find ways in which to make the common ground more meaningful. In so doing we can realize a balanced Federal budget in 7 years using the Congressional Budget Office figures.

In that regard, Mr. President, I was extremely pleased with the announcement this morning by the Speaker that he, too, felt that common ground efforts ought to be sought, and that we ought to continue to find ways in which to build upon the common agreement that we have reached thus far in achieving a meaningful balanced budget.

In my view, that is a breakthrough. When you have the President of the United States and the Speaker of the House, the most prominent Democrat and one of the most prominent Republicans, agreeing in public that indeed

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



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there is a real possibility of achieving meaningful progress in this effort to reach common agreement on a balanced budget, that is a breakthrough.

This is no time to abolish or to abandon our goal of attempting to reach a balanced budget. A piecemeal approach, Mr. President, is unnecessary. We can do it now. We can take that \$711 billion in mutually agreed to savings and find the kind of long-term resolution to this balanced budget challenge that we have now faced for many months.

So it is our opportunity. Apparently the Speaker now agrees that achieving that in a meaningful way is possible, using the common ground approach. Let us not abandon that goal. Let us not take anything less than a balanced budget over that 7-year period. Let us do it now.

I think it is very important that we also recognize that to do it in the context of either a debt limit or a continuing resolution is not practical. We recognize that by encumbering and perhaps endangering either the continuing resolution or the debt limit resolution we may again find ourselves in a complex series of difficulties and crises that neither side wants.

We need a clean continuing resolution. We need a clean resolution on the debt limit. And we can work simultaneously in continuing our negotiations to find a clean budget agreement that achieves the meaningful deficit reduction that we want using the common ground proposals that both the Speaker and the President have now accepted.

Mr. President, I think the last critical issue to recognize is the importance of the next several weeks. It is very important that we not let this opportunity slip, that we not wait until the last moment to resolve these issues. We cannot afford to wait until the 27th or 28th or 29th of February. We cannot wait until that very crisis moment to resolve all these issues relating to the debt limit.

Let us use the 28th and 29th and 30th of January. Let us use the first few weeks of February to resolve these issues. Let us, in other words, stay here and do our work. Let us not take the chance that we will not be able to solve these problems at the end of February when the crisis truly looms.

So let us stay here, let us do what we must, let us recognize the opportunity that is before us, let us accept the challenges the President has now laid out so articulately and so clearly last night. Let us do that, recognizing that there are common goals and much common ground upon which to base our progress. With that, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Mississippi.

CONSIDERING THE DEPARTMENT OF DEFENSE AUTHORIZATION CONFERENCE REPORT

Mr. LOTT. First, Mr. President, if I might expand just a bit on the opening announcement. I understand now that we are in the process of receiving the House-passed Department of Defense authorization conference report that passed overwhelmingly, I believe something like 287 to 129, something of that magnitude. So we hope that we will be able to get an agreement to get the Defense Department authorization conference report up shortly, tomorrow or Friday.

I know the chairman is very anxious for us to get that done tomorrow if at all possible. We will be working to see if we can come to an agreement on that. We have worked across the aisle with the distinguished chairman from South Carolina and the distinguished ranking member from Georgia, Senator NUNN. I believe he would like to see us get that done as soon as possible, and we will continue to work in that effort.

BALANCED BUDGET AND DEBT CEILING LIMIT

Mr. LOTT. Mr. President, in response to the comments from the distinguished Democratic leader, certainly we should continue to find a way to move toward a balanced budget agreement. The President said last night he wanted to do that, and even though he vetoed the balanced budget when we sent it to him, that should not deter our efforts.

I believe from what I saw last night that the majority leader, Senator DOLE, indicated we are, in fact, going to continue to pursue this, and he intends for us to send balanced budget legislation to the President.

So we need to think about how we do that. The Senator from South Dakota mentioned, even though we want to avoid, if we can, a protracted, cumbersome process, perhaps we can have an agreement that would allow us to avoid that. But we will continue to have that as our goal. We are going to work to give the President an opportunity to, in fact, sign bills along the lines of what he said he wanted to sign last night.

I know that the House, where continuing resolutions must begin, is in the process of developing a continuing resolution, or a balanced budget downpayment is the way I think it should be appropriately described. They will be acting on that, I believe, on Thursday, and then we will have that legislation before us. I certainly hope and expect it is going to be legislation that the Senate will be able to pass and that will go to the President.

With regard to the debt ceiling extension, there, again, I believe the history of that has been the House will act first. I know the House is thinking about that and is working on it.

With regard to it being a clean debt ceiling, I went back and checked the

record in 1990 and 1989 and 1987, back to 1984, and found that in most years debt ceilings did, in fact, have riders on them. Those were put on by a Democratic-controlled Congress when we had a Republican President, so it would not be anything out of the ordinary if it worked the other way this time.

I must say, as a Senator who has voted in the Senate and in the House both ways on debt ceiling—sometimes for them, sometimes against them, and not just when there was a Republican President, sometimes Democratic Presidents—sometimes my vote has been influenced by the riders. Quite often, they are agreed-to things, things that need to be done. I hope that we will wait and see exactly what will be the best way to proceed on that, keeping in mind the House will act on it, and we will certainly be communicating with them.

I have said publicly that I think we should do that, and I fully expect that we will. The timing, of course, will be determined by a whole series of meetings that will be underway. I assure the Senator from South Dakota that we are going to be very busy during the next few days and weeks, and we have a lot of work to do. We have to begin on the next fiscal year. Hearings must begin soon on budgets and appropriations bills and even authorizations. We certainly intend to begin that process.

With that, Mr. President, I yield the floor for others who might have comments.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

BALANCED BUDGET AND THE STATE OF AGRICULTURE

Mr. HEFLIN. Mr. President, I feel like we ought to start negotiations again in regard to the budget. I think there is an opportunity to get a balanced budget now and in the immediate future. I think if we have a long recess that we will stand a chance of losing what momentum there is, and it may well be that in the near future, we can narrow the issues by adopting some of the various issues that have been agreed upon.

Mr. President, for the first time in over 40 years, farm programs have been allowed to expire. As of December 31, with a few exceptions, the authority for farm programs has run out.

It is the responsibility of this Congress, to pass a farm bill every 5 years or so, and create stability and certainty in rural America. Instead, with the failure of passing a farm bill, there is uncertainty, frustration and confusion in the agriculture producing areas of the country. Congress has failed in its responsibility to rural America and we must, therefore, act now to resolve this situation.

What can be done at this late date, what are our options? As I see it, we have three options: First, we can do nothing and allow the Secretary of Agriculture to implement the Agriculture

Act of 1949, second, we can pass a stand-alone farm bill, as we should have done in the first session, or third, we can pass an extension of the 1990 farm bill, thus providing rural America with much needed certainty and allow Congress more time to write a farm bill this year.

If Congress does not act, then the Secretary of Agriculture will have to exercise his responsibility to implement the Agriculture Act of 1949. Currently, market prices for wheat, corn, feed grains, and cotton are at all-time highs. However, under the 1949 act, the Secretary will be forced to implement parity prices for wheat, corn, and feed grains. For instance, wheat prices which are currently trading at \$4.92 per bushel, the support price would jump to \$7.82 a bushel. For corn, which is trading at \$3.60 per bushel, the parity price could go as high as \$5.30 per bushel.

Alabama's primary crops do not include wheat or corn. However, if parity prices are implemented, Alabama and the whole Nation will also be greatly effected. Alabama is one of the leading States in poultry and catfish production. With corn and feed grain prices potentially rising as high as they are projected, it will have the effect of sending livestock feed prices through the roof. Also at stake in Alabama are dairy, beef cattle, and hog producers who will be forced to pay higher prices for their feed. This increasing cost of production does not stop with the producers. Consumers will shortly feel the effect of the failure to pass a farm bill in the form of much higher beef, poultry, pork, and fish prices at the supermarket. These examples do not even address the effects that the 1949 act and parity prices will have on the Federal Treasury. As a result, I do not support this course of action, despite its very real possibility given Secretary of Agriculture hands being tied.

The second option that we have before us, is to pass a stand-alone farm bill. I am still puzzled as to why we did not pursue this course of action this time last year, rather than allowing farm policy to become embroiled in the budget reconciliation bill. I, along with my Democratic colleagues have sent a letter to the majority leader, Senator DOLE, requesting that farm policy come to the floor and be debated on its own merits so that we can pass a farm bill without getting caught in the web of budget politics. I have long stated that I believe that the current structure of farm programs have served rural America, and consumers everywhere, extremely well. Therefore, it is my belief that farm programs should only be finely tuned. I do recognize that some of my less fortunate regional colleagues feel that farm programs that effect their States need greater changes than those that effect the South. The ability to resolve these differences is the purpose of debate on farm programs, which to this point there has been very little in com-

mittee, and virtually none by the full Senate. Therefore, I recommend that we return to committee and discuss the farm bill as we always have in the past. We would then be able to bring a bill to the floor that addresses all of our needs and concerns, and pass a bill that serves our agricultural producers, rural America, and consumers alike.

The budget reconciliation bill contained agriculture provisions. However, the provisions contained in the reconciliation bill were never debated in committee, were not passed as part of the Senate reconciliation bill, but instead were approved in conference. Furthermore, the provisions known as freedom to farm, that ultimately ended up in the reconciliation bill, were defeated in the House Agriculture Committee.

I believe that the provisions of the so-called freedom to farm bill are seriously flawed. The freedom to farm bill makes guaranteed payments to farmers whether they produce a crop or not. The freedom to farm bill offers producers a bonus check in times of high market prices, and then is not sufficient in times of low market prices. It is unconscionable to make payments to producers in times of high market prices, such as we are currently experiencing, when at the same time, we are reducing school lunches and other essential nutrition programs. Essentially, the freedom to farm bill as a phase-out of farm programs. By repealing the permanent authority for farm programs, the freedom to farm bill ends all farm programs after 7 years.

I strongly believe that the core component of sound farm policy should be an adequate and certain safety net, one that provides support when market prices are low, and one that does not need to make payments when the market is up. This is how current farm programs are structured, and they work. For evidence of this, we need look no further than the recent CBO adjustment of its agriculture baseline. The CBO, after analyzing what they believe to be the future trend in agriculture prices, has determined that they expect commodity prices to remain high for at the least the next few years. As a result, the CBO has adjusted its baseline downward by \$8 billion. I believe that this is evidence that farm programs work as they are designed to: provide support at times of need, and no support when it is not warranted.

Therefore, while there may be an effort to resurrect the freedom to farm bill, I believe the policy contained within is inherently flawed. However, a full and open debate on farm policy will allow us to debate, consider and resolve these outstanding issues pertaining to the farm bill. This is the course of action that I strongly support.

To this point in time, however, we have not been allowed to debate farm policy. Yet, farmers do not stop when the Government shuts down; they rely more heavily on Mother Nature's time-

tables than they do Congress' continuing resolutions. However, despite the failure to pass a farm bill, farmers must continue to prepare for the upcoming planting season. Farmers, bankers, and other support industry such as fertilizer and seed suppliers, farm implement dealers, and processors must have some certainty as to the laws that they will be farming under.

In the event that we are not allowed to consider and implement a farm bill this year, and time is quickly running out, I then support the third course of action that Congress has before it: a 1-year extension of current farm policy. Extending farm programs for a period of 1 year will give rural America the much needed certainty that it deserves and allow time for Congress to act responsibly and write a farm bill this year. It is the responsibility of this Congress to let America's agriculture producers know what the program is for 1996, and we must not delay action.

Cotton and peanut producers in my State of Alabama can take comfort in knowing that they will not be held hostage to the ongoing budget negotiations and Government shutdowns. The cotton and peanut programs were extended for the 1996 and 1997 crops. While I support some fine-tuning of these programs, these commodity programs will work essentially the same as they have over the past 5 years. This is certainty that producers can take to the bank. Now, all producers should quickly be given the same measure of certainty.

THE FARM BILL

Mr. GRASSLEY. Mr. President, I want to visit about the agricultural issue, but I have two friends from agricultural States and members of the Agriculture Committee on the other side of the aisle. I am not here to counteract anything they have said. I want to make that very clear. I want to make it clear, though, that while there is from the other side of the aisle admonitions of what we ought to do to solve the agricultural bill problem that we have before us, there are other approaches that ought to be used.

I am here to advocate a position that is not favored on the other side of the aisle. I will also bring to the attention of the agricultural community, who is concerned about this issue, that yesterday the majority party of the U.S. Senate offered a unanimous-consent motion to bring up the very provisions that were in the Balanced Budget Act of 1995, which the President vetoed, and if he had not vetoed that, we would not have any commodity policy problems for this Congress to settle for the next 7 years. We would not be here today talking about what ought to be done for the 1996 crop year as we get up to the very planting deadlines that are so close and are probably already in place in the State of Alabama and other areas of the South.

Every farmer of the United States would know what the policy for the next 7 years would be if the President had not vetoed that bill. Every farmer would know the amount of money that would be spent on agriculture from the U.S. Treasury over the next 7 years—that would be \$43.5 billion—with \$6 billion being spent in 1996. Without this legislation this money will not be spent and if the proposals from the other side of the aisle were adopted, there would not be \$6 billion going into agriculture in 1996. So the certainty of the money going there, it seems to me, ought to be pretty enticing to everybody on the other side of the aisle to back our proposal, plus the fact that there would be certainty in agriculture policy for the next 7 years.

Somewhat unrelated to the immediate problem we have before us but directly related to the fact that the other side is, in a sense, rejecting \$6 billion going into agriculture in 1996 and rejecting the proposal of this side of the certainty of \$43.5 billion going into agriculture over the next 7 years is the fact that—this may not apply to my three friends who are sitting over there from agriculture states, there are some prominent people on the other side of the aisle who have voted against past farm bills because they did not put enough money into agriculture. I am speaking specifically of the 1990 farm bill and the 1985 farm bill.

How ironic that those very same people are going to oppose what we are trying to do because somehow it puts too much money into agriculture this crop year. Is that not ironic. People on the other side of the aisle who voted against the 1990 farm bill, the 1985 farm bill because it did not put enough money into agriculture, are objecting to Republican efforts that has a farm bill that would put \$6 billion into agriculture and a certainty of \$43.5 billion over the next 7 years. And \$43.5 billion might sound like a lot of money. But it is less than half what has been spent on agriculture in recent years. The farm bill is about the only program in the Balanced Budget Act of 1995 that actually was cut. Most of the other programs in that Balanced Budget Act were slowing the rate of growth.

I want to move on and say it would have also given—what we proposed to do yesterday, and the very same thing that the President vetoed in December would have set a policy that every farmer in America would have the opportunity to plant according to the marketplace, not according to policy decisions made in Washington. Furthermore, every acre would be planted. I think that is a sound agricultural policy, and it was rejected by the other side yesterday.

When we are up to these planting deadlines you may not get exactly what you want, I may not get exactly what I want, but let me say this: Every major farm organization in the United States supports the Freedom To Farm Act. Every major commodity group in

the United States supports what was in that bill. Yet there are some who would take the view that at this last minute that is not good enough for them. Or in some cases, ironically, it might be too much. But what is ironic about that, some of the very same people said in past years we were not doing enough for agriculture.

I will yield the floor, although I hope we can have some more discussion on this if the people want to discuss it. I think it is such an important issue that we have to proceed and we have to reach an agreement on this.

SUMMARY OF EVENTS

Mr. DORGAN. Mr. President, I listened with interest to my colleague from Iowa and I want to make a couple of rejoinders and a couple of other additional comments.

I was on the floor yesterday, as a matter of fact. So, I well understand what happened yesterday. The Senator from Idaho brought a bill to the floor by unanimous consent to take the so-called Freedom To Farm Act out of the budget reconciliation bill and deem it passed by itself on the floor. I objected to that.

I then offered a unanimous-consent request on the floor to take the piece of legislation I had introduced extending the current farm program for 1 year. It would also provide enormous planting flexibility so farmers can plant any crop within their base acres, and provide some forgiveness of the advance deficiency agreement. And, the majority party objected to that.

Then the majority party, by the Senator from Idaho, offered a unanimous-consent request to abolish the 1949 Permanent Farm Act. I do not understand why the majority party would put itself in a position of coming to the floor of the Senate to say "We would like to go on record saying we want no farm policy." I puzzled over that last evening, wondering why would the majority party be out here with that message? Why would they say, "If we cannot get the Freedom To Farm Act, we want nothing. We want to abolish the 1949 act."

Then I offered a second unanimous-consent request in which I said, "Well, if you do not agree with extending the program for one year with the other provisions I included, then would you at least agree with forgiving the advance deficiency payments, because you said you agreed with that. I will make a unanimous-consent request that we bring that up and deem that to have passed." The majority party objected to that. So that is what happened yesterday.

This is not just a chapter. This is a novel. One has to read all the chapters to understand the story line of this novel. This is not, however, entertainment reading for farmers in our country.

We are at the end of January. Congress has a responsibility to have a

farm program and we do not have one. Some might say, "Well, you do not have one because you would not swallow what we tried to shove down somebody's throat." I heard from others yesterday, "Well, gee, nobody tried to shove anything down anybody's throat."

The Senator from Alabama is on the committee. There was not a markup in which there was full discussion. We should have all reasoned together in a bipartisan way the way we have always done it on a 5-year farm bill. There was none of that.

There was not a bipartisan approach to a farm bill. It was, "Here it is, swallow it or leave it. And, by the way, we will put it into the budget reconciliation bill for the first time in history." We have never done that before. The strategy was, "That is where we will put it and we know the President will veto the bill. Then after he vetoes it we will feign surprise that we do not have a farm policy."

I am puzzled. We must on every day in every way decide to give farmers an answer. What will the policy be? We must find a way to agree on common elements. I think there are areas where we have common agreement. We agree with substantial flexibility. We agree on that. There are a number of areas we agree. Forgiveness on some of the advance deficiencies.

Farmers do not have the luxury of saying, "It is spring. The sun is shining. We have just had some rain but I decided to defer my planting until July."

Congress ought not have the luxury of deciding it can wait until Friday, the next Friday, or the next spring to decide what the farm policy ought to be. If farmers do not have the luxury not to plant or harvest, we ought not have the luxury to decide not to give farmers an answer of what the farm policy ought to be in this country.

We have a responsibility to pass a 5-year farm plan. It has not been done. Somebody said, "Well, but we did it." Yes, it was stuck into a reconciliation bill. But, the fact is it did not get passed. Everybody knew it would not get signed by the President and so we are left with nothing.

It seems to me we have a responsibility now to make something out of this mess. All of us from farm country need to come together here. This is not a joke or a laughing matter or amusing to any farmer in this country. They want to know under what conditions will they plant this spring.

Farmers face twin risks of planting a seed, not knowing whether it will grow, and then, if it grows, not knowing whether there will be a price at the marketplace. Family size farms wash away when international prices go down and stay down. That is why we have a safety net. That safety net is what we should be debating here in this Congress. Farmers deserve an answer, and we are going to keep pushing day after day to give them an answer.

Let me comment on the \$6 billion my colleague mentioned. It is simply not the case that people over here say we do not want to spend enough on agriculture. That is not the case. My colleague knows that is not the case. The fact is, we are not debating the baseline for the 7-year period on agriculture. If we were debating that, the debate on the baseline is that the majority party's budget cut far more than twice as much from the baseline than the budget cuts that we had offered. If we are going to debate baselines, that is what we ought to debate. And I would be glad to do that, but I also want to go on to another brief subject.

A WAY TO BALANCE THE BUDGET

Mr. DORGAN. Mr. President, I was very heartened a few minutes ago by the discussion of the Senator from Mississippi, Senator LOTT, in which he talked about something that a number of us had advocated and the President advocated last evening.

In fact, Senator EXON and I were in a press conference about a week or so ago. At that time we said one idea about resolving the budget issue is to package up each side's offer, take the lower spending cut on each of the offers. When you add all that up you reach \$711 billion in spending cuts and you reach savings sufficient so you can balance the budget. Why do we not do that?

The President came to the floor of the Chamber of the House last evening and said let us do that. Let us at least do that. We can just take the lower of the two offers from the Republicans and the Democrats. We can take the lower in each spending category of the two offers of saving money in every category. Then you have \$711 billion, which is sufficient to balance the budget.

What I heard this morning is that the Speaker of the House suggested that might be a good thing. Senator LOTT indicated that makes a lot of sense. If we are moving in that direction, I am enormously heartened by that. It is a way to move towards a balanced budget, do it with the right priorities and do it in the right way.

If we can do that, we can solve the problems of the CR, the debt limit. We can have a clean appropriations extension, pass a clean debt limit and agree on taking \$711 billion of savings. As a result we can balance this Federal budget. Then we will have done something, I think, of substantial good for this country.

So I would just say that I feel heartened by at least the little snippets I have heard today, first on television this morning by the Speaker, and next in a discussion by Senator LOTT. Maybe there is a formula here for breaking this gridlock and actually reaching results with respect to a 7-year balanced budget plan.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The distinguished Senator from Nebraska.

Mr. EXON. Mr. President, we are in morning business as I understand it?

The PRESIDING OFFICER. Morning business expired at 5:30, but the Senator may request to proceed under morning business.

Mr. EXON. Has time been limited for Senators in morning business when we were in morning business?

The PRESIDING OFFICER. We had been under a 5-minute guideline.

Mr. EXON. Mr. President, I ask I may be allowed to proceed under the same rules for 5 minutes.

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

THE FARM BILL

Mr. EXON. Mr. President, there are two things I want to talk about. First, I have heard some of the discussion with regard to farm policy by some of my closest friends and colleagues on both sides of the aisle today. It is a pretty sad situation when I see that the usual farm coalition between Democrats and Republicans is obviously breaking down. I think it is a tragedy of major proportions.

I would simply say, there are those of us who feel we should stay in session for lots of reasons, not the least of which is to pass a farm bill. If we cannot come to some kind of an agreement, I hope the majority leader will simply call up the farm bill for discussion, debate it on the floor of the U.S. Senate, pass something, and send it to the President and see if he will sign it.

The President, I might add, has been very supportive of the position for funding of agriculture that this Senator, as the lead Democrat on the Budget Committee, has been for a long, long time. We have a profarm advocate sitting at 1600 Pennsylvania Avenue, the President of the United States of America. We should continue to build and work with him.

The various moves that have been made with regard to the Freedom To Farm Act that I do not agree with I will not vote for. I will simply correct something I thought I heard, that all major farm organizations have supported the Freedom To Farm Act. The Farmers Union is a major farm organization in the State of Nebraska. The Farmers Union is not only against the Freedom To Farm Act, it thinks it is folly.

I would say to all of my colleagues, this Senator yesterday had printed in the RECORD some true facts with regard to how far down the welfare road we are going under the Freedom To Farm Act. In summarizing what I put in the RECORD yesterday on page S 321 under Exhibit 1, for a 500-acre farm, 120 bushels to the acre in corn yield, the present cash price is in the vicinity of \$3.10. That would be \$186,000 gross—not net, gross—that the farmer would receive.

On top of that, under the Freedom To Farm Act, there is a welfare payment that goes to corn farmers. I think, when all the corn farmers found out about this, and especially when the public found out about it, there would be a revolution, and the Freedom To Farm Act would fall by the wayside, because, in the example that I have just given, a farmer would receive a check from the Federal Government for 1996 of \$16,200 on top of the \$186,000 gross that he got from his crop.

That might not be so bad. You might argue that is still a good thing, at \$3.10 a bushel for corn. But most people in and outside the business recognize that \$3.10 a bushel for corn is a pretty good price and one we can be satisfied with. The point is, if it were \$5 a bushel or \$7 a bushel, which I do not think it will ever go to, but whatever the price of corn would be under the Freedom To Farm Act, this typical farmer, and every farmer who is in a similar situation, which is typical, would receive a check from the Government regardless of the price of corn in the marketplace. That is welfare. That is an excessive amount of money.

I am for freedom-to-farm principles, giving them the decisions they can make out there on the farm. I am for simplifying. But I simply say there is a fault here in the Freedom To Farm Act that is a giveaway.

DO NOT RECESS THE SENATE

Mr. EXON. Mr. President, I wanted to make just a few comments, if I might, with regard to what I consider to be a very ill-advised move, and that is the consideration that maybe, after Friday, we are going to recess the U.S. Senate, right in the middle of very important negotiations. I would simply say, Mr. President, we should stay here, work on the farm bill, work on the debt ceiling, work on the budget, and come up with a compromise. Certainly I, too, was pleased with the President's address last night and the acceptance, generally, as I understand it, of Speaker GINGRICH and leading Republicans in the U.S. Senate that says to take this \$711 billion and balance the budget in 7 years, with CBO scoring, which we have all been for.

We cannot do those things, we cannot solve the crisis in the debt ceiling, by leaving here and not coming back until 2 or 3 days before we would have default. I hope, and I appeal, for both the House and the Senate to remain in session and do our work, especially at this critical time with regard to the farm bill and the other important matters that we have on our plate.

I thank the Chair and I yield the floor.

REPORT OF THE INTERNATIONAL BODY ON NORTHERN IRELAND

Mr. KENNEDY. Mr. President, last November, the British and Irish Governments acted jointly to create an innovative three-member committee,

called the International Body, to assess an extremely difficult issue that had become a serious obstacle to the peace process in Northern Ireland—how to remove all arms from Irish politics.

Our former colleague, Senator George Mitchell, agreed to serve as chairman of the International Body, and he was joined by two other distinguished international leaders, Gen. John de Chastelain of Canada and former Prime Minister Harri Holkeri of Finland.

The International Body issued its report earlier today, and I welcome it as a reasonable way forward for all sides in Northern Ireland. I hope all sides will make the fair and modest concessions needed to enable the peace process to move ahead.

I commend Senator Mitchell, General de Chastelain, and Prime Minister Holkeri for their sensible approach to the difficult problem of decommissioning weapons. The International Body did its work well. Reasonable people who genuinely want peace have a priceless opportunity now to make the kind of progress needed to end the current impasse. It is time for all-party talks to begin.

I believe that all of us in Congress concerned about Northern Ireland will find this report of great interest, and I ask unanimous consent that it be printed in the RECORD.

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

REPORT OF THE INTERNATIONAL BODY,
JANUARY 22, 1996

(By George J. Mitchell, Chairman, John de Chastelain, and Harri Holkeri)

I. INTRODUCTION

1. On 28 November 1995, the British and Irish Governments issued a Communiqué which announced the launching in Northern Ireland of a "twin track" process to make progress in parallel on the decommissioning issue and on all-party negotiations."

2. One track was "to invite the parties to intensive preparatory talks with a remit to reach widespread agreement on the basis, participation, structure, format and agenda to bring all parties together for substantive negotiations aimed at a political settlement based on consent." This has become known as the political track.

3. The other track concerned the decommissioning of arms and was set forth as follows in the Communiqué:

"5. In parallel, the two Governments have agreed to establish an International Body to provide an independent assessment of the decommissioning issue.

"6. Recognising the widely expressed desire to see all arms removed from Irish politics, the two Governments will ask the International Body to report on the arrangements necessary for the removal from the political equation of arms silenced by virtue of the welcome decisions taken last Summer and Autumn by those organisations that previously supported the use of arms for political purposes.

"7. In particular, the two Governments will ask the Body to:

—identify and advise on a suitable and acceptable method for full and verifiable decommissioning; and

—report whether there is a clear commitment on the part of those in possession of

such arms to work constructively to achieve that.

"8. It will be for the International Body to determine its own procedures. The two Governments expect it to consult widely, to invite relevant parties to submit their analysis of matters relevant to the decommissioning issue and, in reaching its conclusions within its remit, to consider such evidence on its merits."

4. We are that Body. This is our report. We have no stake in Northern Ireland other than an interest in seeing an end of the conflict and in the ability of its people to live in peace. Our role is to bring an independent perspective to the issue. We are motivated solely by our wish to help. This assessment represents our best and our independent judgement. We are unanimous in our views. There are no differences of opinion among us.

5. To provide us with sufficient information to meet our remit, we held two series of meetings in Belfast, Dublin and London: the first, 15 through 18 December 1995; the second, 11 through 22 January 1996. In addition, we held an organisational meeting in New York on 9 December 1995.

6. In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organizations and institutions. We received hundreds of letters and telephone calls from members of the public and met with many others. We thank all for their submissions. Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving. All the submissions have been carefully reviewed and considered.

II. DISCUSSION

7. Our examination of the issues and of the facts, and the perspectives brought to us by those who briefed us or who made written representations to us, convince us that while there is no simple solution to the conflict in Northern Ireland, the factors on which a process for peace must be based are already known. We can indicate the way we believe these factors should be addressed so that decommissioning of arms and all-party negotiations can proceed, but only resolute action by the parties themselves will produce progress.

8. That noted, we are aware of the enormous contribution already made by individuals and groups in advancing the process of peace in Northern Ireland to its current stage. The tireless and courageous efforts of Prime Minister John Major and *Taoiseach* John Bruton (and before him Albert Reynolds) have been essential to the peace process. They have been joined by other political leaders, institutions, organisations and individuals in the promotion of peace.

9. We consider our task in the light of our responsibility to all of the people of Northern Ireland; the need for the people to be reassured that their democratic and moral expectations can be realised; and in the spirit of serious efforts made by the British and Irish Governments to advance the peace process.

10. For nearly a year and a half, the guns have been silent in Northern Ireland. The people want that silence to continue. They want lasting peace in a just society in which paramilitary violence plays no part. That was the dominant theme expressed in the many letters and calls we received from those in the North and South, Unionist and Nationalist, Catholic and Protestant, Loyalist and Republican.

11. Notwithstanding reprehensible "punishment" killings and beatings, the sustained observance of the cease-fires should not be

devalued. It is a significant factor which must be given due weight in assessing the commitment of the paramilitaries to "work constructively to achieve" full and verifiable decommissioning.

12. Since the cease-fires, the political debate has focused largely on the differences that have prevented the commencement of all-party negotiations intended to achieve an agreed political settlement. This circumstance has obscured the widespread agreement that exists—so widespread that it tends to be taken for granted. In fact, members of both traditions may be less far apart on the resolution of their differences than they believe.

13. No one should underestimate the value of the consensus for peace, and the fact that no significant group is actively seeking to end it.

14. In paragraph five of the Communiqué we were asked "to provide an independent assessment of the decommissioning issue." It is a serious issue. It is also a symptom of a larger problem; the absence of trust. Common to many of our meetings were arguments, steeped in history, as to why the other side cannot be trusted. As a consequence, even well-intentioned acts are often viewed with suspicion and hostility.

15. But a resolution of the decommissioning issue—or any other issue—will not be found if the parties resort to their vast inventories of historical recrimination. Or, as it was put to us several times, what is really needed is the decommissioning of mind-sets in Northern Ireland.

16. We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families should never be forgotten. But if the focus remains on the past, the past will become the future, and that is something no one can desire.

17. Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context—indeed, those differences led to the creation of this Body—but they should not obscure the nearly universal support which exists for the total and verifiable disarmament of all paramilitary organizations. That must continue to be a principal objective.

18. However the issue of decommissioning is resolved, that alone will not lead directly to all-party negotiations. Much work remains on the many issues involved in the political track. The parties should address those issues with urgency.

III. RECOMMENDATIONS: PRINCIPLES OF
DEMOCRACY AND NON-VIOLENCE

19. To reach an agreed political settlement and to take the gun out of Irish politics, there must be commitment and adherence to fundamental principles of democracy and non-violence. Participants in all-party negotiations should affirm their commitment to such principles.

20. Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

a. To democratic and exclusively peaceful means of resolving political issues;

b. To the total disarmament of all paramilitary organizations;

c. To agree that such disarmament must be verifiable to the satisfaction of an independent commission;

d. To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;

e. To agree to abide by the terms of any agreement reached in all-party negotiations

and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and

f. To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.

21. We join the Governments, religious leaders and many others in condemning "punishment" killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.

22. Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, or threaten to use force, to influence the negotiations, or to change any aspect of the outcome of negotiations with which they disagree. Given the history of Northern Ireland, this is not an unreasonable concern. The principles we recommend address those concerns directly.

23. These commitments, when made and honoured, would remove the threat of force before, during and after all-party negotiations. They would focus all concerned on what is ultimately essential if the gun is to be taken out of Irish politics: an agreed political settlement and the total and verifiable disarmament of all paramilitary organisations. That should encourage the belief that the peace process will truly be an exercise in democracy, not one influenced by the threat of violence.

IV. COMMITMENT TO DECOMMISSIONING

24. The second of the specific questions in paragraph seven of the Communiqué asks us "to report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve" full and verifiable decommissioning.

25. We have concluded that there is a clear commitment on the part of those in possession of such arms to work constructively to achieve full and verifiable decommissioning as part of the process of all-party negotiations; but that commitment does not include decommissioning prior to such negotiations.

26. After careful consideration, on the basis of intensive discussions with the Governments, the political parties, religious leaders, the security forces, and many others, we have concluded that the paramilitary organisations will not decommission any arms prior to all-party negotiations. That was the unanimous and emphatically expressed view of the representatives of the political parties close to paramilitary organisations on both sides. It was also the view of the vast majority of the organisations and individuals who made oral and written submissions. It is not that they are all opposed to prior decommissioning. To the contrary, many favour it. But they are convinced that it will not happen. That is the reality with which all concerned must deal.

27. Competing views were advanced on prior decommissioning. One was that decommissioning of arms must occur prior to all-party negotiations. We were told that the clearest demonstration of adherence to democratic principles, and of a permanent end to the use of violence, is the safe removal and disposal of paramilitary arms, and that at this time only a start to decommissioning will provide the confidence necessary for all-party negotiations to commence. In this view, all parties were aware of the need for prior decommissioning before the cease-fires were announced and should not now be able to avoid that requirement.

28. In the competing view we were told that decommissioning of arms prior to all-

party negotiations was not requested before the announcement of the cease-fires, and that had it been, there would have been no cease-fires; that those who entered into cease-fires did so in the belief they would lead immediately to all-party negotiations; and that the request for prior decommissioning, seriously pursued for the first time months after the cease-fires were declared, is merely a tactic to delay or deny such negotiations. In this view, the cease-fires having been maintained for nearly a year and a half, all-party negotiations should begin immediately with no further requirements.

29. We believe that each side of this argument reflects a core of reasonable concern which deserves to be understood and addressed by the other side.

30. Those who insist on prior decommissioning need to be reassured that the commitment to peaceful and democratic means by those formerly supportive of politically motivated violence is genuine and irreversible, and that the threat or use of such violence will not be invoked to influence the process of negotiations or to change any agreed settlement.

31. Those who have been persuaded to abandon violence for the peaceful political path need to be reassured that a meaningful and inclusive process of negotiation is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

32. Clearly, new approaches must be explored to overcome this impasse. That is the purpose of the six principles we recommend. They invoke a comprehensive commitment to democracy and non-violence that is intended to reassure all parties to the negotiations.

V. DECOMMISSIONING DURING ALL-PARTY NEGOTIATIONS

33. One side has insisted that some decommissioning of arms must take place before all-party negotiations can begin. The other side has insisted that no decommissioning can take place until the end of the process, after an agreed settlement has been reached. This has resulted in the current impasse.

34. The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

35. In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence.

VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING

36. The first of the specific questions in paragraph seven of the Communiqué asks us "to identify and advise on a suitable and acceptable method for full and verifiable decommissioning."

37. We recommend the following guidelines on the modalities of decommissioning. These recommendations are realistic in light of the nature and scale of the arsenals in question, estimates of which were provided to us by the Governments and their security forces. We believe these estimates to be accurate.

38. Decommissioning should receive a high priority in all-party negotiations. The de-

tails of decommissioning, including supporting confidence-building measures, timing and sequencing, have to be determined by the parties themselves.

The decommissioning process should suggest neither victory nor defeat.

39. The cease-fires and the peace process are products not of surrender but rather of a willingness to address differences through political means. This essential fact should be reflected clearly in the modalities of the decommissioning process, which should not require that any party be seen to surrender.

The decommissioning process should take place to the satisfaction of an independent commission.

40. The decommissioning process should take place to the satisfaction of an independent commission acceptable to all parties. The commission would be appointed by the British and Irish Governments on the basis of consultations with the other parties to the negotiating process.

41. The commission should be able to operate independently in both jurisdictions, and should enjoy appropriate legal status and immunity.

42. In addition to having available to it independent sources of legal and technical advice and adequate field resources to receive and audit armaments and to observe and verify the decommissioning process, the commission should be able to call upon the resources and the relevant technical expertise of the British and Irish Armies, when it is appropriate.

The decommissioning process should result in the complete destruction of armaments in a manner that contributes to public safety.

43. The decommissioning process should result in the complete destruction of the armaments. Procedures for destruction would include the cutting up or chipping of small arms and other weapons, the controlled explosion of ammunition and explosives, and other forms of conventional munitions disposal.

44. The decommissioning process could encompass a variety of methods, subject to negotiation, including:

The transfer of armaments to the commission or to the designated representatives of either Government, for subsequent destruction;

The provision of information to the commission or to designated representatives of either Government, leading to the discovery of armaments for subsequent destruction; and,

The depositing of armaments for collection and subsequent destruction, by the commission or by representatives of either Government.

Parties should also have the option of destroying their weapons themselves.

45. Priority should be accorded throughout to ensuring that armaments are safely handled and stored, and are not misappropriated.

The decommissioning process should be fully verifiable.

46. Whatever the options chosen for the destruction of armaments, including the destruction of weapons by the parties themselves, verification must occur to the satisfaction of the commission.

47. The commission would record information required to monitor the process effectively. The commission should have available to it the relevant data of the *Garda Síochána* and the Royal Ulster Constabulary. It would report periodically to relevant parties on progress achieved in the decommissioning process.

The decommissioning process should not expose individuals to prosecution.

48. Individuals involved in the decommissioning process should not be prosecuted for

the possession of those armaments; amnesties should be established in law in both jurisdictions. Armaments made available for decommissioning, whether directly or indirectly, should be exempt under law from forensic examination, and information obtained as a result of the decommissioning process should be inadmissible as evidence in courts of law in either jurisdiction.

49. Groups in possession of illegal armaments should be free to organise their participation in the decommissioning process as they judge appropriate, e.g. groups may designate particular individuals to deposit armaments on their behalf.

The decommissioning process should be mutual.

50. Decommissioning would take place on the basis of the mutual commitment and participation of the paramilitary organisations. This offers the parties another opportunity to use the process of decommissioning to build confidence one step at a time during negotiations.

VII. FURTHER CONFIDENCE-BUILDING

51. It is important for all participants to take steps to build confidence throughout the peace process. In the course of our discussions, many urged that certain actions other than decommissioning be taken to build confidence. We make no recommendations on them since they are outside our remit, but we believe it appropriate to comment on some since success in the peace process cannot be achieved solely by reference to the decommissioning of arms.

52. Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.

53. Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.

54. Different views were expressed as to the weapons to be decommissioned. In the Communiqué, the Governments made clear their view that our remit is limited to those weapons held by paramilitary organisations. We accept and share that view. There is no equivalence between such weapons and those held by security forces. However, in the context of building mutual confidence, we welcome the commitment of the Governments, as stated in paragraph nine of the Communiqué, "to continue to take responsible measures, advised by their respective security authorities, as the threat reduces."

55. We share the hope, expressed by many on all sides, that policing in Northern Ireland can be normalised as soon as the security situation permits. A review of the situation with respect to legally registered weapons and the use of plastic bullets, and continued progress toward more balanced representation in the police force would contribute to the building of trust.

56. Several oral and written submissions raised the idea of an elected body. We note the reference in paragraph three of the Communiqué to "whether and how an elected body could play a part." Elections held in accordance with democratic principles express and reflect the popular will. If it were broadly acceptable, with an appropriate mandate, and within the three-strand structure, an elective process could contribute to the building of confidence.

57. Finally, the importance of further progress in the social and economic development of Northern Ireland and its communities was emphasised time and again in our meetings, in the context of building confidence and establishing a lasting peace.

VIII. CONCLUDING REMARKS

58. Last week we stood in Belfast and looked at a thirty foot high wall and at barriers topped with iron and barbed wire. The wall, which has ironically come to be known as the "peace line," is a tangible symbol of the division of the people of Northern Ireland into two hostile communities. To the outsider both are warm and generous. Between themselves they are fearful and antagonistic.

59. Yet, it is now clear beyond doubt that the vast majority of the people of both traditions want to turn away from the bitter past. There is a powerful desire for peace in Northern Ireland. It is that desire which creates the present opportunity.

60. This is critical time in the history of Northern Ireland. The peace process will move forward or this society could slip back to the horror of the past quarter century.

61. Rigid adherence by the parties to their past positions will simply continue the stalemate which has already lasted too long. In a society as deeply divided as Northern Ireland, reaching across the "peace line" requires a willingness to take risks for peace.

62. The risk may seem high but the reward is great: a future of peace, equality and prosperity for all the people of Northern Ireland.

CHINA—TAIWAN DEVELOPMENTS

Mr. PRESSLER. Mr. President, I urge my colleagues to take a moment to read a story in today's New York Times on proposed military actions by the People's Republic of China [PRC] against the Republic of China on Taiwan. I ask unanimous consent that this article appear in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PRESSLER. According to the story, the People's Republic of China has finished plans for a limited missile attack on Taiwan—an attack that could come following Taiwan's first Presidential election, which is scheduled for March 23.

This revelation is the latest in a series of intimidating tactics that work to threaten Taiwan and destabilize East Asia. Between July 21 and July 26, the PRC conducted a series of ballistic missile test firings 85 miles off the coast of Taiwan. All the missiles were modern, mobile and nuclear capable. No country ever has held this level of field tests for nuclear capable missiles before.

The results of that action were predictable—the stock market and the local currency in Taiwan plunged. These ballistic missile exercises resumed on August 15, and continued through the fall leading up to last December's elections in Taiwan for the 164-seat Legislature.

Now comes word that the PRC has done more than just test its military capability. It has matched its hardware testing with military planning—a plan that calls for one ballistic missile to be launched each day for 30 days.

As was the case with the missile tests, this recent report can be seen as a blatant attempt to influence the outcome of the upcoming Presidential elections in Taiwan. There could be more to this story. I believe this is an attempt to intimidate the Clinton administration and test our Nation's resolve in the Taiwan Straits. The fact that the PRC has advanced a limited but sustained missile attack plan indicates that it believes the Clinton administration may do nothing to strengthen Taiwan's defenses or come to its aid in the event of an attack.

It is not hard to understand why the PRC has come to this conclusion. The Clinton administration's policy with respect to the Taiwan-Mainland China issue is nothing short of confusing. The administration claims to be advancing a policy of deliberate ambiguity. For example, high level administration officials recently have been asked if the United States would come to Taiwan's defense in the event of an attack from the PRC. Their responses were consistently and ominously vague.

The administration seems to believe that this ambiguity will be enough to deter Beijing. Today's report indicates that the exact opposite has occurred. I believe this policy of strategic ambiguity is wrong and has failed. It is not just dangerous for the people of Taiwan, it is potentially destabilizing for the entire East Asia region. It is an approach that clearly advances the PRC's interests and not our own. The administration's ambiguity policy has fueled the belief within the PRC that the United States will look the other way if PRC missiles are launched. Because of our ambiguity, the PRC believes that it can achieve its policy goals at the very least through intimidation and military posturing. Even if the PRC privately has no intention for a direct military confrontation against Taiwan, our ambiguity gives the PRC's military maneuvers greater credibility. It sends a signal of weakness. It fosters a belief that we can be pushed around by the PRC. It is a belief shared by many in Taiwan as well. Indeed, this ambiguity has troubled other Asian democracies in the region, compelling many—from Japan to the Philippines—to increase their defense budgets.

Mr. President, as I said last August, in response to the PRC's first ballistic missile exercise, the United States is faced with three choices: First, we can do nothing, which appears to be the present course. I believe that is not in the national security interest of the United States. We must not allow Asia—a region of many thriving free market, democratic societies—to be dominated by an aggressive, nondemocratic power.

Second, at the other extreme, we could intervene should the moment of conflict become imminent by interposing the United States Pacific fleet in the Taiwan straits. President Truman did so in 1950. This, again, is an extreme course and thus, should only be

considered as a last resort. It is a course that could result in a direct military confrontation with the People's Republic of China.

Finally, we can take what I believe is the wisest course, which is a clear and unambiguous demonstration of political and military support so that Asian democracies, including Taiwan can resist aggression. In short, a clear statement of U.S. policy goals and conditions in the region will promote peace and stability far better than the administration's deliberate vagueness. Both houses of Congress have come to this conclusion as well. Both the House and Senate versions of the State Department authorization bill contain identical language that would amend the Taiwan Relations Act [TRA] to supersede restrictions on United States arm sales to Taiwan. These restrictions were imposed in a August 1982 communiqué between the People's Republic of China and the United States. The amendments to the TRA represent a clear statement by Congress that the TRA requires the United States to provide Taiwan with the appropriate means to defend itself.

This latter course achieves a number of important policy goals. First, it demonstrates to all democracies in Asia that the United States intends to work with them to ensure peace and stability in the region. Second, it demonstrates support for the continued political liberalization in Taiwan. Third, it sends a clear signal to the People's Republic of China that the United States will not accept the reunification of Taiwan with the mainland by force.

This latter point is important. Since President Nixon's overtures to Communist China, this Nation has taken a one China policy. The advent of that policy, coupled with the passage of the TRA, was designed to foster a strong diplomatic and economic relationship with the People's Republic of China, while sending a clear signal that our Nation would defend against any forced reunification of Taiwan by the People's Republic of China. Reunification, if it is to occur, must be done through diplomatic means.

I have said before on the Senate floor that our relationship with Taiwan is one of the ironies of history. Taiwan is a democracy and a growing economic power. The United States is Taiwan's primary foreign investor and trader. About 25 percent of Taiwan's exports go to United States markets. Many of Taiwan's business, academic and cultural leaders have studied in the United States. Yet, we do not have diplomatic ties with Taipei.

We must not add tragedy to this irony. In the midst of all its posturing, the People's Republic of China's real intentions are not clear. Most experts are divided on the question of whether or not the People's Republic of China actually will put its military plans into action. We must leave nothing to chance. Regardless of the People's Republic of China's intentions or its

goals, the Clinton Administration has to recognize that its current policy of strategic ambiguity has failed. The United States needs to maintain a positive, constructive relationship with both the People's Republic of China and Taiwan. It is time we recognize that this triangular relationship can only be furthered if all sides of this triangle understood United States policy goals in the region.

It is time this Nation make very clear that we will not ignore direct or indirect intimidation against an Asian democracy. It is time that the administration not engage in any sales of advanced telecommunications technology that could be used to further the People's Republic of China's military capability. It is time that the administration came to the conclusion that any military attack by the People's Republic of China against any Asian democracy directly threatens the crucial regional and national security interests of the United States. It is time that we reassert that any reunification of Taiwan with the mainland must not be done through military aggression.

Mr. President, when Congress returns next month, it is my hope that Congress will take the opportunity to take a step toward a clear definition of United States policy in the region, and demonstrate its clear support for the democratic process underway in Taiwan. Given the strong support for amending the Taiwan Relations Act, we may want to consider making these changes through legislation independent of the State Department authorization bill, and to pass this legislation before the upcoming March 23 elections. That's one possible option. Wherever democracy may emerge, the United States should demonstrate its support for such efforts. I believe we should do so, hopefully with the administration's cooperation, but if necessary, without it.

EXHIBIT 1

[From the New York Times, Jan. 24, 1996]

AS CHINA THREATENS TAIWAN, IT MAKES SURE U.S. LISTENS

(By Patrick E. Tyler)

BEIJING, January 23.—The Chinese leadership has sent unusually explicit warnings to the Clinton Administration that China has completed plans for a limited attack on Taiwan that could be mounted in the weeks after Taiwan's President, Lee Tenghui, wins the first democratic balloting for the presidency in March.

The purpose of this saber-rattling is apparently to prod the United States to rein in Taiwan and President Lee, whose push for greater international recognition for the island of 21 million people, has been condemned here as a drive for independence.

While no one familiar with the threats thinks China is on the verge of risking a catastrophic war against Taiwan, some China experts fear that the Taiwan issue has become such a test of national pride for Chinese leaders that the danger of war should be taken seriously.

A senior American official said the Administration has "no independent confirmation or even credible evidence" that the Chinese are contemplating an attack, and spoke almost dismissively of the prospect.

"They can fire missiles, but Taiwan has some teeth of its own," the official said. "And does China want to risk that and the international effects?"

The most pointed of the Chinese warnings was conveyed recently through a former Assistant Secretary of Defense, Chas. W. Freeman Jr., who traveled to China this winter for discussions with senior Chinese officials. On Jan. 4, after returning to Washington, Mr. Freeman informed President Clinton's national security adviser, Anthony Lake, that the People's Liberation Army had prepared plans for a missile attack against Taiwan consisting of one conventional missile strike a day for 30 days.

This warning followed similar statements relayed to Administration officials by John W. Lewis, a Stanford University political scientist who meets frequently with senior Chinese military figures here.

These warnings do not mean that an attack on Taiwan is certain or imminent. Instead, a number of China specialists say that China, through "credible preparations" for an attack, hopes to intimidate the Taiwanese and to influence American policy toward Taiwan. The goal, these experts say, is to force Taiwan to abandon the campaign initiated by President Lee, including his effort to have Taiwan seated at the United Nations, and to end high-profile visits by President Lee to the United States and to other countries.

If the threats fail to rein in Mr. Lee, however, a number of experts now express the view that China could resort to force, despite the enormous consequences for its economy and for political stability in Asia.

Since last summer, when the White House allowed Mr. Lee to visit the United States, the Chinese leadership has escalated its attacks on the Taiwan leader, accusing him of seeking to "split the motherland" and undermine the "one China" policy that had been the bedrock of relations between Beijing and its estranged province since 1949.

A Chinese Foreign Ministry spokesman, asked to comment on reports that the Chinese military has prepared plans for military action against Taiwan, said he was awaiting a response from his superiors. Last month, a senior ministry official said privately that China's obvious preparations for military action have been intended to head off an unwanted conflict.

"We have been trying to do all we can to avoid a scenario in which we are confronted in the end with no other option but a military one," the official said. He said that if China does not succeed in changing Taiwan's course, "then I am afraid there is going to be a war."

Mr. Freeman described the most recent warning during a meeting Mr. Lake had called with nongovernmental China specialists.

Participants said that Mr. Freeman's presentation was arresting as he described being told by a Chinese official of the advanced state of military planning. Preparations for a missile attack on Taiwan, he said, and the target selection to carry it out, have been completed and await a final decision by the Politburo in Beijing.

One of the most dramatic moments came when Mr. Freeman quoted a Chinese official as asserting that China could act militarily against Taiwan without fear of intervention by the United States because American leaders "care more about Los Angeles than they do about Taiwan," a statement that Mr. Freeman characterized as an indirect threat by China to use nuclear weapons against the United States.

An account of the White House meeting was provided by some of the participants. Mr. Freeman, reached by telephone, confirmed the gist of his remarks, reiterating

that he believes that while "Beijing clearly prefers negotiation to combat," there is a new sense of urgency in Beijing to end Taiwan's quest for "independent international status."

Mr. Freeman said that President's Lee's behavior "in the weeks following his re-election will determine" whether Beijing's Communist Party leaders feel they must act "by direct military means" to change his behavior.

In recent months, Mr. Freeman said he has relayed a number of warnings to United States Government officials. "I have quoted senior Chinese who told me" that China "would sacrifice 'millions of men' and 'entire cities' to assure the unity of China and who opined that the United States would not make comparable sacrifices."

He also asserted that "some in Beijing may be prepared to engage in nuclear blackmail against the U.S. to insure that Americans do not obstruct" efforts by the People's Liberation Army "to defend the principles of Chinese sovereignty over Taiwan and Chinese national unity."

Some specialists at the meeting wondered if Mr. Freeman's presentation was too alarmist and suggested that parliamentary elections on Taiwan in December had resulted in losses for the ruling Nationalist Party and that President Lee appeared to be moderating his behavior to avoid a crisis.

"I am not alarmist at this point," said one specialist, who would not comment on the substance of the White House meeting. "I don't think the evidence is developing in that direction."

Other participants in the White House meeting, who said they would not violate the confidentiality pledge of the private session, separately expressed their concern that a potential military crisis is building in the Taiwan Strait.

"I think there is evidence to suggest that the Chinese are creating at least the option to apply military pressure to Taiwan if they feel that Taiwan is effectively moving out of China's orbit politically," said Kenneth Lieberthal, a China scholar at the University of Michigan and an informal adviser to the Administration.

Mr. Lieberthal, who also has traveled to China in recent months, said Beijing has re-deployed forces from other parts of the country to the coastal areas facing Taiwan and set up new command structures "for various kinds of military action against Taiwan."

"They have done all this in a fashion they know Taiwan can monitor," he said, "so as to become credible on the use of force."

"I believe there has been no decision to use military force" he continued, "and they recognize that it would be a policy failure for them to have to resort to force; but they have set up the option, they have communicated that in the most credible fashion and, I believe, the danger is that they would exercise it in certain circumstances."

Several experts cited their concern that actions by Congress in the aftermath of President Lee's expected election could be a critical factor contributing to a military confrontation. If President Lee perceives that he has a strong base of support in the United States Congress and presses forward with his campaign to raise Taiwan's status, the risk of a military crisis is greater, they said. A chief concern is that Congress would seek to invite the Taiwan leader back to the United States as a gesture of American support. A Chinese military leader warned in November that such a step could have "explosive" results.

In recent months, American statements on whether United States forces would come to the defense of Taiwan if it came under attack have been deliberately vague so as to

deter Beijing through a posture of what the Pentagon calls "strategic ambiguity."

Some members of Congress assert that the Taiwan Relations Act of 1979 includes an implicit pledge to defend Taiwan if attacked, but Administration officials say that, in the end, the decision would depend on the timing, pretext and nature of Chinese aggression.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal Government is, as the saying goes, living on borrowed time, not to mention borrowed money—nearly \$5 trillion of it. As of the close of business yesterday, Tuesday, January 23, the Federal debt stood at \$4,987,963,203,048.04. On a per capita basis, every man, woman, and child in America owes \$18,932.74 as his or her share of the Federal debt.

MARY BRENNAN'S PUBLIC SERVICE

Mr. PELL. Mr. President, I rise to share with my colleagues the wonderful example of Mary P. Brennan, an extraordinary woman who combined the best qualities of politics and public service.

Mary Brennan, who retired last month as marketing director for Green State Airport after an extraordinary career in politics and public service, lost her battle with breast cancer earlier this month.

In a time when politicians and public servants are the targets of unusually harsh criticism, Mary was a sterling example of how some people were created to ennoble both politics and public service.

If you knew Mary, you felt special. It did not matter if your station were high or low, you received the warmth of her charm, the depth of her compassion and the inspiration of her "can do" spirit.

When she retired after 11 years as marketing director at Green State Airport, it was noted that often she would take 30 minutes to make her way across the airport terminal because she would bump into so many people she knew.

All who knew her, whether in her earlier job as executive aide to former Gov. J. Joseph Garrahy or her most recent job as marketing director, knew that she would put in 150 percent effort.

When asked why she worked so hard for so many people, Mary replied: "If you care about people, you want to service them to the utmost. You start something right, you finish it right."

She was loyal to public service and she valued loyalty above all other virtues. "When you make a commitment to someone," she said, "you keep it."

Mr. President, we will miss Mary tremendously in Rhode Island. I will think of her when I fly into Rhode Island. It also is easy to hark back to an earlier decade and picture her hard at work in the Rhode Island State House.

Governor Garrahy delivered a heartfelt eulogy that I would like to share with my colleagues. I ask unanimous consent that his remarks and obituaries from the Providence, RI, Journal and the Woonsocket, RI, Call be printed in the RECORD as if read.

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

REMARKS BY FORMER RHODE ISLAND GOV. J. JOSEPH GARRAHY

Mary Brennan—say her name and you are guaranteed to smile. That's because her warmth, her care, her enthusiastic approach to life was contagious. She touched us all.

I can think of no higher honor than to have been asked to speak about my friend, our friend, Mary. My single regret is that I have to do this so soon, so early.

Like all of you, I have a special place in my heart reserved for Mary. She caught my attention 30 years ago and will forever hold it.

To know Mary was to know all the Brennans and the Partingtons, because special above everyone was her family. She came from such solid stock—Bumpsie and Mumsie. At the wonderful age of 91, it was Mumsie who cared for the daughter who loved her so. And boy if there were ever two peas in a pod, it was Mary and Mumsy. We admire your strength Mumsy and your faith. A faith that Mary carried with her throughout her life.

And Mary had a special sisterly bond with her brothers Bill and John. She would defend and care for them and they for her.

Her pride and joy were her two sons—Brian and Sean. She used to say how much like John, Brian was. And boy was she beaming last April at his and Sally's wedding. Sean was with her every step of the way—she was so proud of his work in Alaska and Hawaii and encouraged him to follow his dream. Typical Mary—always selfless.

They were blessed to have her. And, we were all blessed because Mary made us part of her extended family. She adopted each of us and we were better for it. A special thanks to Little Lynne who adopted Mary and was a great comfort in her final days.

All of us could easily be overwhelmed by grief of our great loss. Or we can proceed as Mary would have us—remembering our special times together and understanding what a special woman she was.

Mary has affected more lives than any newspaper report can ever catalogue. Each of us carries memories and stories of how Mary affected us. Every one of my days as Governor could be footnoted with a Mary Brennan story. Whether it was the difficult days of the oil crisis or celebrating RI's true ethnic diversity at one heritage celebration or another, or planning a President's visit, welcoming the most needy citizen in the State Room or working hour after hour during the Blizzard to get food and heat to the stranded, Mary was always there. She could even convince a group of angry voters that I was good, even if I wasn't right!

And I am convinced that were it not for Mary's wise counsel to Lynne Ryan—she and Michael would not be raising a family today. I can hear her words of advice, "Lynne, be patient. He's Irish!"

Service to others was Mary's hallmark. An honorable devoted, and selfless public servant. From her early days running her own travel agency to the Heritage years and nearly a decade in the Governor's Office to her airport, travel and tourism time, Mary continuously served others. She would say "if you care about people, you want to service them to the utmost." We all have a story of how Mary extended herself to each of us.

It didn't matter who you were, if you needed help, she was there. Her generosity knew no bounds.

All of us here today are a testimony to her life. Mary was as at ease with Governors, Bishops and Generals as she was with the regular folk. Individually, each of us represents a part of her life.

Well Mary, you have made our lives richer—serving as a teacher of how to treat people and have a passion for life. You made the world better because you have passed through it.

Although most didn't have a chance to say goodbye, every time you left Mary, your heart was a little warmer because you left with a piece of her heart.

As we help Mary to her rest today—close your eyes and think of how good Mary always made you feel about yourself.

Think of how Mary made you feel as if no one else in the world mattered but you.

Think of how Mary helped to make us work harder and be better than we ever thought we could be.

Close your eyes and think of how many times Mary got you to do the right thing—even when you didn't want to do it—and then made you believe it was your idea all along.

How fortunate are we, each one of us, to have been a part of Mary Brennan's life. We always felt safe with Mary. We knew that if anything went wrong Mary was there to fix it—to insure that things worked smoothly.

Now we are on our own. Sadness fills us today. But we are better because of Mary. We have smiled more because of Mary. And we will carry forward because that's what Mary would want.

And we can be happy for Mary that she is reunited with her Johnny. John Brennan who Mary so cherished.

Mike Ryan and I visited with Mary last Friday and she recalled the last book that John was working on before he passed away. She said she had to finish it to make the collection complete. Some of you may know that during my years as Governor, John Brennan painstakingly cut and catalogued a newspaper history of my terms of office.

Well John's been hard at work; cutting and cataloguing Mary's good deeds, her kindness, her courage and her love for her family. And John will make certain that St. Peter reads every single volume.

We love you Mary and we thank God for giving you to us.

[From the Providence Journal, Jan. 12, 1996]

MARY P. BRENNAN, FORMER DIRECTOR OF AIRPORT MARKETING, DIES AT 62

CUMBERLAND.—Mary P. Brennan, 62, who retired last month as marketing director for Green State Airport, died yesterday in Rhode Island Hospital.

Mrs. Brennan, who lived at 2 Hewes St., had been suffering from breast cancer.

She was the wife of the late John P. Brennan and the daughter of Mae Partington of Cumberland and the late Willard Partington.

Eugene Tansey, director of the state Airport Corporation, recalled on the occasion of Mrs. Brennan's retirement that it often would take her 30 minutes to make her way across the terminal because she would bump into so many people she knew.

"She knows everybody," Tansey remarked. "You can hear people yelling across the floor, 'Mary, Mary!'"

Linda Fischer worked with Mrs. Brennan when the two were executive aides to Gov. J. Joseph Garrahy. She recalled Mrs. Brennan as a stickler for detail.

"You'd always turn to her and you knew exactly what you asked would be done," Fischer said in an interview last month with M. Charles Bakst, Journal-Bulletin political

columnist. "There was never a time limit to the hours she would put in."

Mike Ryan, who served Garrahy as press secretary, said Mrs. Brennan always put in 150 percent of effort.

When asked why she worked so hard for so many years, she said, "If you care about people, you want to service them to the utmost." She said also that if "you start something right, you finish it right."

She said she valued loyalty above all other virtues. "When you make a commitment to someone, you keep it," she said.

Garrahy said her loyalty was to public service, and people came to depend upon her for that. "She was a public servant," the former governor said.

Mrs. Brennan was appointed to the Greater Providence-Warwick Convention & Visitors Bureau, but her tenure there fell prey to politics in November when both Mayor Vincent A. Cianci Jr. of Providence and Governor Almond sought her vote to break a tie in a struggle over whether Cianci or Almond would control the panel.

Mrs. Brennan was a state employee, but her brother, John J. Partington, was director of public safety for Cianci. She resolved the matter by resigning.

She also leaves another brother, Bill Partington, also of Cumberland, and two sons, Brian Brennan of Warwick and Sean Brennan of Cumberland.

The J.J. Duffy Funeral Home, 757 Mendon Rd., Cumberland, is handling funeral arrangements, which were incomplete last night.

[From the Woonsocket, RI, Call, Jan. 12, 1996]

MARY P. BRENNAN; LEADER IN STATE, CHARITY CONCERNS

CUMBERLAND.—Mrs. Mary P. (Partington) Brennan, 62, of 75 Hewes St., an executive in state positions for 25 years, died yesterday in Rhode Island Hospital, Providence. She was the wife of the late John P. Brennan.

Born Sept. 24, 1933, in Cumberland, a daughter of Mary C. (Hogan) Partington of Cumberland and the late Willard F. Partington, she was a lifelong town resident. She graduated from St. Xavier's Academy, Providence, in 1951 and the Ward Finishing School, Worcester, in 1954.

Mrs. Brennan was the marketing director for 11 years for the Rhode Island Airport Corp. at T.F. Green State Airport, Warwick, retiring last month.

Before that she was a station manager for Mohawk-Allegheny (USAir)—the first woman to hold that position in the country—at Logan Airport, Boston, from 1954 to 1960; owner of the Tradewinds Travel Agency, Providence, from 1960 to 1963; state coordinator of the Bicentennial celebration from 1971 to 1976; and an executive aide to Gov. J. Joseph Garrahy until 1984.

Mrs. Brennan recently was chairwoman of the Rhode Island Infrastructure Committee of the White House Conference on Travel/Tourism. She had served as chairwoman of the Governor's Advisory Council on Tourism, Discover New England and the Foundation for the Promotion of State Cultural Heritage; vice chairwoman of the Rhode Island Heritage Commission; vice president of New England USA Travel and Tourism; and a member of several other tourism organizations and commissions. She received the Governor's Award on Tourism in 1987.

She also contributed her time and experience to the Rhode Island 350th Celebration, Tall Ships Task Force, America's Cup Task Force, National and New England Governors conferences, Rhode Island Historical Society, Save the Bay and the January 1995 Inaugural Committee. She was president of the Rhode Island Heritage Hall of Fame.

Active in health and charity concerns, Mrs. Brennan led the Catholic Charity Fund Appeal for the state in 1988 and held memberships in numerous groups, including the Muscular Dystrophy Association, Leukemia Society, Rhode Island Cancer Coalition, Rhode Island Lung Association and Rhode Island Blood Center.

She was a member of the parish council at St. Patrick Church and past president of its Women's Club. She was a member of the Cumberland Crime Stoppers, Greater Providence Chamber of Commerce and the Girl Scouts of Rhode Island fundraising program.

Mrs. Brennan's wide-ranging efforts were recognized with many awards. In 1983 she received the Cumberland Business Association's Person of the Year award, the Italian Historical Society's Citizen award and the City of Newport's Civitas award.

The Papal Medal of the Cross was conferred on her in 1989, and the YWCA of Rhode Island deemed her its Outstanding Woman of 1995. She also has been cited by the Muscular Dystrophy Association, Leukemia Society, American Association of Retired Persons and the National Federation of the Blind.

She also is survived by two sons, Brian Brennan of Warwick and Sean Brennan of Cumberland; and two brothers, Providence Commissioner of Public Safety and former Cumberland Police Chief John J. Partington and Willard F. "Bill" Partington, both of Cumberland.

A Mass will be celebrated tomorrow at 11 a.m. at the Cathedral of SS. Peter and Paul, Cathedral Square, Providence. Burial will be in Resurrection Cemetery. Arrangements are under the direction of the J.J. Duffy Funeral Home, 757 Mendon Road.

ORPHANAGES IN CHINA

Mr. PELL. Mr. President, our attention should be drawn to a horrifying report issued this month by the respected human rights organization, Human Rights Watch/Asia, titled "Death by Default: A Policy of Fatal Neglect in China's State Orphanages." The allegations raised in "Death by Default" are more than a little disturbing; they are shocking. Mr. President, I ask that the report's "Summary and Recommendations" be submitted for the RECORD.

The report paints a grim picture of the lives of China's youngest, least fortunate citizens. With well-documented details from one institution—the Shanghai Children's Welfare Institute—and publicly available statistics for orphanages nationwide provided by China's Ministry of Civil Affairs, the report indicates that orphans in most of China's state-run institutions are living in horrible conditions with little hope for survival. Statistics provided by the Ministry allow Human Rights Watch to conservatively estimate a national death rate in China's orphanages of 25 percent. Critics of the report charge that terrible conditions and high death rates are to be expected in a developing country because of a lack of adequate funding, but "Death by Default" again uses official documents to show otherwise. The report shows, for example, that from 1989 to 1992 employees' salaries at state-run orphanages nationally increased at close to twice the rate of expenditures for the children. The question does not seem to be

one of having funding, but one of how that funding is used.

This report relies heavily on documents and pictures taken by a former doctor and a former inmate at the Shanghai Children's Welfare Institute for its most harrowing sections. It provides pictures of emaciated children and children tied to their beds, and stories of medical neglect, dying rooms, beatings and rapes by orphanage officials, and children carrying the corpses of other children to the orphanage's morgue. These nightmarish allegations are made worse by documented accounts of how the doctor and others tried in vain to raise the issue of conditions at the orphanage with city government officials. An investigation into the situation was apparently stonewalled and later stopped completely by senior officials. The report notes that conditions at the Shanghai Children's Welfare Institute have since improved remarkably and it is now open to visitors, even foreigners. But the report strongly indicates that the Shanghai No. 2 Social Welfare Institute, which is not open to the public, may be carrying on many of these same abuses.

Mr. President, I have not visited either of these institutes in China and cannot personally vouch for the accuracy of "Death by Default." But I can say that the evidence it presents to support its allegations is compelling enough for me to join Human Rights Watch/Asia in calling on government officials in Beijing to reopen the investigation into the Shanghai Children's Welfare Institute and to review conditions at state-run institutions nationally. I also urge the U.S. Embassy in Beijing to raise the issue of child welfare with Chinese Government officials at the highest levels. The U.S. Government cannot credibly claim to champion human rights issues globally if it ignores the brutal treatment of young children documented by this report.

This is not the first public report on the state of China's orphanages. The British Broadcasting Corporation and other media organizations have looked at conditions in them before. But I want to commend Human Rights Watch/Asia for again bringing this serious matter to public attention with such a carefully researched document. I hope it is widely read and its recommendations taken in Beijing.

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

DEATH BY DEFAULT: A POLICY OF FATAL
NEGLECT IN CHINA'S STATE ORPHANAGES

I. SUMMARY AND RECOMMENDATIONS

China's Orphans and Human Rights

In response to widespread criticism of its human rights record, the Chinese government has frequently argued that the international community places too much emphasis on civil and political rights, while neglecting the more basic rights to food, shelter, and subsistence—rights which China claims to have secured for its citizens more effectively than some democratic countries. In accordance with the country's post-1949

political tradition, China's leaders assert that economic well-being forms the basis for the enjoyment of all other rights, and that the protection of economic rights can therefore justify restrictions on civil liberties.

In some important respects, China's record in protecting social and economic rights may serve as a model for the rest of the developing world. Levels of well-being, as measured by social indicators such as literacy and life expectancy, are considerably higher in China than in other countries at comparable stages of development, and in some cases higher than those in much wealthier nations.

But China's claim to guarantee the "right to subsistence" conceals a secret world of starvation, disease, and unnatural death—a world into which thousands of Chinese citizens disappear each year. The victims are neither the political activists nor the religious dissidents who dominate the international debate over human rights in the People's Republic; they are orphans and abandoned children in custodial institutions run by China's Ministry of Civil Affairs. This report documents the pattern of cruelty, abuse, and malign neglect which has dominated child welfare work in China since the early 1950s, and which now constitutes one of the country's gravest human rights problems.

Human Rights Watch/Asia has now pieced together at least a fragmentary picture of conditions for abandoned children throughout China, including staggering mortality rates for infants in state institutions and the persistent failure of official statistics to track the vast majority of orphans, whose whereabouts and status are unknown.

The evidence—largely official documents cited in detail below—indicates that the likelihood of survival beyond one year, for a newly admitted orphan in China's welfare institutions nationwide, was less than 50 percent in 1989. The documents also show that overall annual mortality at many of China's orphanages is far higher than that documented in any other country. In Romania in December 1989, for example, when foreigners first visited the grim state orphanages housing abandoned and handicapped children and were outraged by what they found there, a representative of the France-based humanitarian group Médecins du Monde stated that the 1989 death rate from infectious disease and neglect was 40 percent, in one home that was particularly abusive. In the Chinese provinces of Fujian, Shaanxi, Guangxi and Henan, overall annual mortality among institutionalized orphans that year ranged from 59.2 percent to 72.5 percent.

When sustained over an extended period, moreover, any of the above annual rates means far higher actual mortality. We estimate that in China's best-known and most prestigious orphanage, the Shanghai Children's Welfare Institute, total mortality in the late 1980s and early 1990s was probably running as high as 90 percent; even official figures put the annual deaths-to-admissions ratio at an appalling 77.6 percent in 1991, and partial figures indicate an increase in 1992. Neither institutional welfare policy nor the size of the orphanage system have changed notably since then, while the crisis of abandoned children continues unabated, due in part to China's one-child policy. In the case of Shanghai, there have been cosmetic improvements at the orphanage itself since 1993, designed to encourage foreign adoption, but there is evidence that many disabled infants and children are now simply transferred to a facility outside the city, where access for outsiders is extremely rare and where, according to numerous reports received by Human Rights Watch/Asia, the children are grossly mistreated.

Unlike their Romanian counterparts, the management and staff of China's orphanages cannot claim that their shortcomings result from a lack of funding or from inadequately paid employees. Dispelling a misconception reflected in nearly all Western media coverage of the issue to date, Human Rights Watch/Asia's research confirms that many Chinese orphanages, including some recording death rates among the worst in the country, appear to enjoy more than sufficient budgets, including adequate wages, bonuses, and other personnel-related costs. Expenses for children's food, clothing, and other necessities, however, are extremely low in institutions throughout the country.

The crisis, both nationwide and in Shanghai, is known to the top leadership of China's Ministry of Civil Affairs. Conditions at the Shanghai orphanage are well known to the local political elite and by members of the Politburo. But the government reaction has been to maintain a facade of normalcy, to punish dissenters who have sought to expose abuses and, in certain crucial cases, to promote those responsible for the abuses.

A Nationwide Crisis

Abandonment of children surged in China during the 1980's, in part due to the one-child population control policy and in part due to policies restricting adoption by Chinese couples who are not childless. The national statistics on mortality cited in this report do not contain a gender breakdown, but anecdotal and journalistic reporting on orphanages nationwide reveals that the vast majority of children in orphanages are, and consistently have been during the past decade, healthy infant girls; that is, children without serious disabilities who are abandoned because of traditional attitudes that value boy children more highly. The financial and social problems that these children are perceived to constitute are made more acute by the fact that Chinese couples are not permitted to adopt them, for the most part.

Reports of inhumane conditions in Chinese orphanages have attracted growing international concern in recent years, prompted chiefly by the country's greater openness to foreign press coverage and charitable work financed from abroad, as well as a dramatic increase in overseas adoptions from the People's Republic. Although some scattered allegations have succeeded in bringing to light grave abuses against China's orphans, there has been virtually no effort to place these charges in context through systematic research on the country's institutional welfare system.

The Chinese government's own statistics reveal a situation worse than even the most alarming Western media reports have suggested. In 1989, the most recent year for which nationwide figures are available, the majority of abandoned children admitted to China's orphanages were dying in institutional care. Many institutions, including some in major cities, appeared to be operating as little more than assembly lines for the elimination of unwanted orphans, with an annual turnover of admissions and deaths far exceeding the number of beds available.

In any case, the majority of abandoned children in China never reach the dubious security of a state-run orphanage. Many are sent instead to general-purpose state institutions, where they are confined indiscriminately with retarded, disabled, elderly, and mentally disturbed adults. Although the statistical evidence is unclear, the limited eyewitness information available suggests that death rates among children held in these facilities may be even higher than in China's specialized orphanages.

In addition, Chinese official records fail to account for most of the country's abandoned

infants and children, only a small proportion of whom are in any form of acknowledged state care. The most recent figure provided by the government for the country's orphan population, 100,000 seems implausibly low for a country with a total population of 1.2 billion. Even if it were accurate, however, the whereabouts of the great majority of China's orphans would still be a complete mystery, leaving crucial questions about the country's child welfare system unanswered and suggesting that the real scope of the catastrophe that has befallen China's unwanted children may be far larger than the evidence in this report documents.

Evidence From Shanghai

In addition to nationwide statistics on the condition of China's institutionalized children, Human Rights Watch/Asia has recently obtained a large quantity of internal documentation from one of the most prominent specialized orphanages in the country, the Shanghai Children's Welfare Institute. Based on these documents, which include medical records and other official files recording the deaths of hundreds of children, and on the testimony of direct witnesses who left China in 1995, Human Rights Watch/Asia has concluded that conditions at the Shanghai orphanage before 1993 were comparable to those at some of the worst children's institutions in China, several of which have already been exposed in journalistic accounts in the West. Since 1993, a program of cosmetic "reforms" has transformed the Shanghai Children's Welfare Institute into an international showcase for China's social policies, while an administrative reorganization of the city's welfare system has largely concealed the continuing abuse of infants and children.

Ironically, the Chinese government has praised Shanghai's municipal orphanage extensively as a national model for the care of abandoned and disabled children. In addition to frequent flattering coverage in China's official media, the Shanghai Children's Welfare Institute receives considerable financial support from Chinese and international charities and hosts a steady stream of private and official visitors. Behind the institution's glossy official image, however, lies a pattern of horrifying abuse. The brutal treatment of orphans in Shanghai, which included deliberate starvation, torture, and sexual assault, continued over a period of many years and led to the unnatural deaths of well over 1,000 children between 1986 and 1992 alone. This campaign of elimination could be kept secret through the complicity of both higher- and lower-level staff, and because the city's Bureau of Civil Affairs, responsible for the orphanage, also runs the crematoria, where starved children's corpses were disposed of with minimum oversight, often even before a death certificate has been filled out by the attending physician. In addition, officials of various Shanghai municipal agencies knowingly suppressed evidence of child abuse at the orphanage, persistently ignored the institute's high monthly death figures, and in 1992, quashed an investigation into orphanage practices.

Conditions in the Shanghai orphanage came close to being publicly exposed in the early 1990s as a result of pressure by concerned orphanage employees, local journalists and sympathetic Shanghai officials. By 1993, however, virtually all the critical staff members were forced out of their positions and silenced. The orphanage leadership was assisted in its efforts to cover up the truth by three of the city's top leaders: Wu Bangguo, Shanghai's Communist Party secretary; Huang Ju, the city's mayor; and Xie Lijuan, deputy mayor for health, education, and social welfare. Wu, Huang, and Xie were

fully informed of the abuses occurring at the Children's Welfare Institute, but took no action to halt them or to punish those responsible, acting instead to shield senior management at the orphanage and to prevent news of the abuses from reaching the public. Meanwhile, Wu Bangguo and Huang Ju have risen to positions of national prominence in China's ruling Politburo.

The cosmetic changes at the Shanghai orphanage since 1993 have been engineered by Han Weicheng, its former director. Although he was a major perpetrator of abuses there, Han was promoted to an even more senior position within the municipal welfare bureaucracy. At about the same time, the orphanage was opened to visitors and large numbers of children from the city's orphanage began to be transferred to another custodial institution, the Shanghai No. 2 Social Welfare Institute. Located on Chongming Island, a remote rural area north of Shanghai, the No. 2 Social Welfare Institute, which is ostensibly a home for severely retarded adults, has been transformed since 1993 into a virtual dumping ground for abandoned infants delivered to the orphanage. While the city government has aggressively promoted the adoption of healthy or mildly disabled orphans by visiting foreigners, reports from visitors to the orphanage in 1995 indicate that infants with more serious handicaps are generally diverted to the Chongming Island institution within weeks or months of their arrival. Human Rights Watch/Asia has not been able to ascertain the mortality rates of children at the No. 2 Social Welfare Institute, but has collected credible reports of severe mistreatment and of staff impunity. Extreme secrecy surrounds the functioning of the Chongming Island institution, raising serious suspicions and fears as to the likely fate of children transferred there.

Perversion of Medical Ethics

Some Western observers have charged that the phenomenally high death rates among China's abandoned children result from neglect and lack of medical training on the part of orphanage employees. Anecdotal evidence from foreign charity workers and adoptive parents has painted a grim picture of decrepit and poorly financed institutions run by demoralized and unskilled nursing staff.

However, medical records and testimony obtained by Human Rights Watch/Asia show that deaths at the Shanghai orphanage were in many cases deliberate and cruel. Child-care workers reportedly selected unwanted infants and children for death by intentional deprivation of food and water—a process known among the workers as the "summary resolution" of children's alleged medical problems. When an orphan chosen in this manner was visibly on the point of death from starvation or medical neglect, orphanage doctors were then asked to perform medical "consultations" which served as a ritual marking the child for subsequent termination of care, nutrition, and other life-saving intervention. Deaths from acute malnutrition were then, in many cases, falsely recorded as having resulted from other causes, often entirely spurious or irrelevant conditions such as "mental deficiency" and "cleft palate."

The vast majority of children's recorded at the Shanghai orphanage thus resulted not from lack of access to medical care but from something far more sinister: an apparently systematic program of child elimination in which senior medical staff played a central role. By making unfounded diagnoses of mental retardation and other disorders, these doctors have helped to disseminate the widespread belief—which appears to be quite inaccurate—that virtually all of China's

abandoned children are physically or mentally handicapped. Worse, the Shanghai orphanage's medical staff then used these supposed disabilities as a justification for eliminating unwanted infants through starvation and medical neglect. Such unconscionable behavior by doctors in China's most advanced and cosmopolitan city points to an ethical crisis of immense proportions in the country's medical profession.

This corruption of medical ethics reflects broader trends in Chinese law and health policy, including recent debates in the National People's Congress, the country's nominal legislature, on legalizing euthanasia for the incapacitated elderly. Official press reports indicate that the Chinese government may also have given serious consideration to allowing euthanasia for handicapped children, but has declined to do so for fear of the international repercussions. The medical evidence suggests, however, that just such pseudo-eugenic practices may have been carried out at the Shanghai Children's Welfare Institute. At the very least, the city's abandoned infants, even when not genuinely disabled, became the victims of a policy of deliberate and fatal neglect resulting in their wholesale death by default.

Reports from the Shanghai orphanage also indicate that medical staff there misused their authority in other ways. In several cases, children who were accused of misbehavior or were in a position to expose abuses at the orphanage were falsely diagnosed as "mentally ill" and transferred to psychiatric hospitals against their will; in one case, a teenage girl named Chou Hui was imprisoned for four months to prevent her from testifying that she had been raped by orphanage director Han Weicheng. Many other children were given powerful drugs without any apparent medical justification, in order to control their behavior. Human Rights Watch/Asia calls on the leaders of the Chinese medical profession to denounce these gross ethical violations and to take urgent steps to improve standards of medical ethics in China.

The Need For A Worldwide Response

The enormous loss of life occurring in China's orphanages and other children's institutions calls for immediate action by the international community. The United Nations and its specialized agencies must take the lead in investigating conditions in China's child welfare system and in bringing these abuses to an end. Governments throughout the world must make the treatment of China's abandoned children one of their highest priorities as they continue to press for improvements in the country's human rights record.

The People's Republic of China ratified the United Nations Convention on the Rights of the Child in December 1991, and submitted its first implementation report to the U.N. Committee on the Rights of the Child in 1994. The Chinese government has thus submitted itself voluntarily to international monitoring on the treatment of its minor citizens. Nevertheless, the evidence compiled in this report shows that China's policies towards abandoned infants and children are in clear violation of many articles of the convention. Human Rights Watch/Asia urges the Committee on the Rights of the Child to place conditions in the Chinese child welfare system at the top of its agenda for the coming year. Specialized agencies working on children's issues in China, such as the United Nations Children's Fund (UNICEF) and the World Health Organization, should also make a thorough reform of the country's orphanage system their highest priority. We further call for an immediate investigation into abuses against institutionalized children in China by the Special Rapporteur on

Extrajudicial Executions, who investigates patterns of deliberate state action resulting in death.

Action by the United Nations and its agencies must be accompanied by a strong response from national governments. Bilateral pressure on China to ensure the rights of abandoned infants and children should be given at least as high a priority as demands to free political and religious detainees or to end torture and ill-treatment in the country's prisons. Protecting the lives of China's orphans must remain at the top of the agenda in any future human rights dialogue with the Chinese authorities.

Despite the Chinese government's generally hostile attitude towards Western human rights organizations, Human Rights Watch/Asia believes that many government and Communist Party officials will recognize the need for immediate action to resolve this humanitarian crisis. Other branches of the Chinese government must hold the Ministry of Civil Affairs and its officials fully accountable for the atrocities being committed against China's orphans. Human Rights Watch/Asia calls on the authorities to take immediate steps to bring an end to these abuses and offers its full cooperation to the Chinese authorities in formulating the necessary reforms. A list of the organization's recommendations follows.

Ending Impunity in Shanghai

Most Chinese citizens familiar only with official media reports on the Shanghai Children's Welfare Institute accept the authorities' claim that conditions for the city's orphans are exemplary. This report shows that the fate of most abandoned children in Shanghai is, in fact, much the same as elsewhere in China. Until 1993, the majority of infants brought to the institute died there within a few months of arrival, and the minority who survived to older childhood were subject to brutal abuse and neglect.

Indeed, the only genuinely unique feature of the Shanghai orphanage appears to be its success since 1993 at generating revenue for the municipal Civil Affairs Bureau. The city's newly reorganized child welfare system now presents the municipal orphanage as its acceptable public face, serving as an advertisement for both charitable giving and profitable foreign adoptions, and a ban on negative media coverage of the Children's Welfare Institute has been in force since 1992.

Human Rights Watch/Asia believes that the spectacular financial success of the Shanghai policies is the real motive behind official praise of the city's child welfare system as a national model. We fear that efforts to duplicate the Shanghai experience elsewhere in China are likely to further worsen conditions for the country's abandoned children, and to strengthen the vested interest of the Ministry of Civil Affairs in obstructing genuine reforms.

Any attempt to improve the treatment of Chinese orphans must therefore begin by reopening the official investigation into misconduct within the Shanghai Civil Affairs Bureau, launched in 1991 and abruptly terminated the following year. Above all, such an inquiry would seek the widest possible publicity for any evidence of wrongdoing uncovered and would pursue appropriate legal sanctions against bureau employees found responsible for abusing children and causing avoidable deaths.

Such an inquiry will confront the fact that a number of people associated directly or indirectly with abuses at the Shanghai orphanage continue to hold positions of authority, and many have since been promoted or otherwise risen in status. The beneficiaries of this apparent impunity range from ordinary staff members such as the child-care worker

Xu Shanzhen, certified as a "model worker" in early 1995 despite her brutal abuse of a retarded child, to the former Communist Party secretary of Shanghai, Wu Bangguo, who reportedly ordered media coverage of the scandal suppressed and has since been appointed vice-premier of China.

However, these obstacles make it all the more imperative that swift action be taken at the most senior levels to break the cycle of impunity. Human Rights Watch/Asia urges the Chinese authorities to take the following immediate steps:

(1) The highest government and Communist Party officials in the country should publicly state their determination to investigate unnatural deaths and abuse of children in welfare institutions run by the Shanghai Civil Affairs Bureau.

To demonstrate this commitment, the authorities should immediately reopen the 1991 inquiry into conditions at the Shanghai Children's Welfare Institute. The leadership of the new investigation should be entirely independent of both the Shanghai municipal government and the Ministry of Civil Affairs. Such an inquiry could be led by a specially appointed committee of delegates to the National People's Congress or the Chinese People's Political Consultative Conference. Members of the committee should include medical and legal professionals and should be drawn from throughout the country.

Pending the outcome of the investigation, all management personnel at the institution should be suspended from their positions and replaced by an independent leadership group, preferably including a number of qualified medical doctors, which would aid the authorities in gathering evidence about conditions at the orphanage. Administrative authority over the city's custodial welfare system should be temporarily transferred from the Shanghai Civil Affairs Bureau to another government department, possibly the Shanghai Public Health Bureau.

(2) The authorities should emphasize that institute staff members implicated in criminal offenses against children, including murder, rape, assault, sexual abuse, and financial corruption, will be tried and punished according to Chinese law. Criminal penalties should be applied as well to those responsible for administrative violations, such as falsification of medical records and unlawful disposal of corpses, which constitute, among others, the crime of "dereliction of duty" (*duzhi zui*) under China's Criminal Code.

In reopening the investigation, the authorities should place particular emphasis on the practices of "summary resolution" before 1993, whereby children were intentionally killed through deprivation of food and medical care. Public statements by senior officials should stress that all such incidents, where they can be verified, will be prosecuted to the full extent under Chinese law.

(3) The scope of the investigation should be extended beyond the original terms of the inquiry launched in 1991, and should examine evidence of complicity by senior Shanghai officials in shielding the management of the Children's Welfare Institute. Criminal charges of "dereliction of duty" should be brought against present and former city officials who appear to have knowingly suppressed evidence of child abuse at the orphanage. Among the officials so implicated, in official documents cited in this report, are Wu Bangguo, the former Communist Party secretary of Shanghai; Huang Ju, Shanghai's former mayor; Xie Lijuan, the city's deputy mayor, and Sun Jinfu, director of the Shanghai Civil Affairs Bureau.

(4) The investigation should also examine the legal culpability of other official bodies

in Shanghai which helped to conceal misconduct within the Civil Affairs Bureau, in the process implicating their own officials in possible criminal acts. At a minimum, these include:

The Shanghai Public Security Bureau, for allowing the Children's Welfare Institute to disobey regulations governing the reporting of unnatural deaths; for unlawfully detaining and intimidating Chou Hui, the plaintiff in a rape case against the then-director of the orphanage, Han Weicheng; and for failing to investigate the orphanage employees accused of assaulting Chen Dongxian, a driver at the Shanghai orphanage;

The Shanghai Public Health Bureau, for failing to investigate the extremely high monthly death figures reported from the Children's Welfare Institute over a period of years;

The Shanghai Supervision Bureau, for suppressing evidence obtained during an eight-month-long inquiry that it carried out into conditions at the children's Welfare Institute in 1991 and 1992.

(5) The investigation should urgently examine the present situation at the Shanghai No. 2 Social Welfare Institute, including evidence of unlawful practices such as the detention of mentally normal adults against their will, and, the use of disciplinary measures constituting torture or ill-treatment. Special attention should also be paid to conditions for infants and young children secretly transferred to the Chongming Island institute since 1993, and should seek to determine whether the killing of infants through "summary resolution" or other similar methods is presently occurring there. A criminal investigation should be opened into the alleged rape and murder of a twenty-nine-year-old woman, named Guang Zi, at the facility in August 1991.

(6) The municipal Propaganda Department should lift its present ban on critical coverage of events at the Children's Welfare Institute, and invite journalists familiar with conditions at the orphanage to publish any information which might assist the authorities in their investigation. The progress of the official inquiry, including any resulting criminal prosecutions, should be publicized without restraint by local and national media.

Public Accountability

Despite the urgent need to resolve these outstanding problems in Shanghai, the above measures represent only the first stage of what should be a nationwide campaign to improve conditions for children in China's welfare institutes. A critical factor in the success of any such effort will be the Chinese government's willingness to expose these institutions to intensive public scrutiny, not only from concerned foreigners but, even more importantly, from China's own citizens. The deceptive policy of "openness" introduced by the Shanghai Children's Welfare Institute in 1993 must be replaced by genuine transparency in order to prevent future abuses from going undetected.

Human Rights Watch/Asia believes the following measures are likely to produce immediate and substantial improvements in the quality of care for children in state custody, even without fundamental reforms in management and law:

(1) The Ministry of Civil Affairs should immediately publish comprehensive statistics on the scale of China's child abandonment problem. These should give detailed figures on the number of abandoned infants and children discovered in each Chinese province in recent years, as well as the number of such children offered up for legal adoption, fostered with private families, and placed in institutional care.

The ministry should also publish a list of all custodial institutions in China which care for unsupported minors, including specialized orphanages, urban "social welfare institutes," and collectively run "respecting-the-aged homes" in rural areas. The list should include the location of each institution and its population on a specified date, as well as all available statistics on child intake and mortality rates in recent years. In future, such basic population statistics for each institution should be published on an annual basis.

Since most abandoned infants and children in China are delivered to the civil affairs authorities by local police departments and hospitals, the Ministry of Public Security and the Ministry of Public Health should begin compiling and publishing regular statistics on child abandonment, including the sex and estimated age of each child discovered. This will provide an independent check on the accuracy of intake figures submitted to the Ministry of Civil Affairs by individual institutions, and will prevent the under-reporting of intakes which allegedly took place in Shanghai during the 1980s.

(2) The Ministry of Civil Affairs should make public its policy on "fostering" orphans and abandoned children in private family care, including details of the screening process, if any, for prospective foster parents, and of monitoring procedures aimed at ensuring that fostered children are treated humanely.

(3) The propaganda organs of the Communist Party should publicize the severe problems in Shanghai's child welfare system, and instruct the state-controlled media throughout China to investigate conditions for children in welfare institutions within their own area of coverage. The Ministry of Civil Affairs should ensure that journalists participating in these investigations receive full cooperation from institute staff, including unrestricted access to all children in each institution. Any abusive or negligent conditions uncovered during the course of journalists' inquiries should be publicly exposed and promptly remedied. Objective reporting on conditions in China's child welfare system should remain a priority indefinitely.

Welfare institutes should permit unscheduled visits by local residents, including both Chinese and foreign nationals. Local civil affairs authorities should encourage public involvement in the care of orphans, particularly by qualified medical personnel.

The United Nations Children's Fund (UNICEF) and established private children's charities from overseas should be granted access on a regular basis to all welfare institutions holding minors.

Management Reforms

Although the steps outlined above are likely to bring about a sharp reduction of some of the worst abuses within the child welfare system, basic changes in institutional management are equally important in order to guarantee that these initial improvements last. These include administrative measures to strengthen the outside monitoring of children's treatment, as well as improvements in the selection, training and discipline of institute staff. Human Rights Watch/Asia recommends that the Chinese authorities undertake the following reforms:

The leadership of the Ministry of Civil Affairs should publicly state its commitment to improving conditions for institutionalized children, and should emphasize that the directors of welfare institutes and other management-level staff will be evaluated primarily on their success in reducing children's death rates to an absolute minimum. The directors of welfare institutes where

child mortality rates appear to be higher than expected, given normal levels of care, should be subject to investigation and dismissed if mismanagement is shown to be a contributing factor.

The Ministry of Civil Affairs should immediately begin reorganizing its custodial welfare system to ensure that minors and adults are kept in separate institutions. The use of all-purpose "social welfare institutes" to warehouse orphans and other incapacitated persons should be ended as soon as practically possible.

(3) The Ministry of Civil Affairs should cooperate with the Ministry of Public Health and the Ministry of Public Security to ensure that staff of welfare institutions strictly follow all rules and other legal requirements regarding the reporting of inmates' deaths. All deaths of minors in institutional care should be treated as potentially unnatural, and hence subject to reporting, investigation and documentation requirements of the Public Security Bureau, as well as independent autopsies by qualified medical personnel affiliated with the Bureau of Public Health. Local health bureaus which are notified of a significant number of children's deaths in welfare institutions within their jurisdiction should immediately call for an investigation by local authorities.

(4) The Ministry of Civil Affairs should promulgate strict rules prohibiting the abuse of children in welfare institutions, such as excessive corporal punishment, tying of children's limbs, medically unjustified use of drugs to control children's behavior, and all forms of paid or unpaid child labor. The ministry should also promulgate a formal disciplinary policy to be applied by institute management in cases of misconduct by junior staff.

(5) All staff at custodial welfare institutes should undertake a period of formal training, aimed at impressing on newly assigned employees that the protection of inmates' well-being is of paramount importance. Ordinary child-care workers should be trained in basic first-aid techniques, particularly to respond to cases of choking and accidental injuries, and in appropriate feeding methods for infants and small children, especially those with disabilities.

(6) Welfare institutes should be staffed with, or (where personnel shortages cannot be resolved) be provided with full and regular outside consultancy services by, an adequate number of fully qualified medical professionals, including specialists in pediatrics. Doctors whose medical educations were interrupted, for example during the Cultural Revolution, should not be employed as institute medical staff unless they have completed the necessary remedial coursework.

(7) The surgical repair of harelips, cleft palates and other correctable birth defects should be one of the highest medical priorities for welfare institutes and cooperating local hospitals. Abandoned infants requiring these relatively inexpensive procedures should receive them as soon as medically advisable, and should be given individual attention in the meantime to ensure that they remain adequately nourished.

(8) Infants and small children should not be classified as "mentally retarded" until they are old enough to undergo appropriate psychological tests. Training programs for child-care workers should emphasize the importance of individual care, attention and stimulation for infants' normal mental development.

Legislative Reforms

The phenomenon of child abandonment is not unique to China, and many of the factors which lead parents to abandon their children are beyond the government's power to rem-

edy, at least in the short term. Rural poverty, prejudice against the disabled, traditional attitudes towards female children, and the pressures generated by the country's stringent population policy all contribute to the problem. It must be stressed, however, that whatever the reasons for the orphanhood or abandonment, once such children are accepted into state care, the government has an unshirkable duty to provide them with adequate care and protection.

For the foreseeable future, China will need to maintain a system of state-run foster care for some orphans, particularly the severely disabled. However, Human Rights Watch/Asia believes that relatively minor legislative changes would enable most children now living in welfare institutions to be placed for adoption with Chinese families. An effective domestic adoption program would eliminate the need for institutional care for virtually all of China's abandoned children.

Human Rights Watch/Asia urges the Chinese authorities to take the following steps:

(1) China's "Adoption Law" and its implementing regulations should be amended to abolish the legal distinction between "orphans" and "abandoned infants." The provisions of the adoption law which prohibit adults under age thirty-five and couples with children from adopting abandoned infants without handicaps, and which prohibit foster parents from adopting more than one abandoned child, should be repealed.

(2) The State Commission for Family Planning should issue instructions to local family planning authorities, expressly prohibiting any interference in the adopting of children from welfare institutions.

(3) The propaganda organs of the Communist Party should publicize changes in the country's adoption policy through the official media. Both the media and the State Commission for Family Planning should actively promote the adoption of orphans as an alternative for couples seeking larger families than China's population policies allow.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting five withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has passed the following bills, in

which it requests the concurrence of the Senate:

H.R. 2567. An act to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances.

H.R. 2657. An act to award a congressional gold medal to Ruth and Billy Graham.

H.R. 2726. An act to make certain technical corrections in law relating to Native Americans, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2567. An act to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. HARKIN):

S. 1524. A bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. HARKIN):

S. 1524. A bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment intrastate, interstate, or foreign air transportation.

THE AIRLINER CABIN AIR QUALITY ACT OF 1996

Mr. LAUTENBERG. Mr. President, I am introducing the Airliner Cabin Air Quality Act of 1996, which would prohibit smoking on international flights to and from the United States by domestic and foreign carriers.

Mr. President, more than 50,000 studies have established the scientific evidence incriminating cigarette smoking as a direct cause of death and disability. Volumes of evidence also document similar health effects as a result of exposure to environmental tobacco smoke. For example, in 1991, the National Institute for Occupational Safety and Health placed environmental tobacco smoke in its most significant category of human carcinogens.

The Environmental Protection Agency estimates that environmental tobacco smoke causes some 3,000 lung cancer deaths and 12,000 other cancer deaths each year. In addition, the EPA believes that 70 percent of the lung cancer deaths attributable to environmental tobacco smoke are due to exposures outside of the home.

Environmental tobacco smoke exposure leads to coughing, chest discom-

fort, and reduced lung function in non-smoking adults. While these symptoms may seem minor in nature, their effects on individuals can have permanent health and financial consequences. It is estimated that flight attendants lose about \$10,000 per year in salary if they are unable to work on international flights on which smoking is still allowed.

Mr. President, in September 1992, the International Civil Aviation Organization [ICAO] passed a nonbinding resolution urging governments to take the necessary steps to ban smoking on all international flights as a safety and health measure. The resolution calls for the ban to be in place no later than July 1, 1996. I am hopeful, but not confident, that the ICAO resolution will be successful.

This past summer, ICAO released a working paper on the progress being made toward the implementation of its international smoking ban resolution. While developing the working paper, ICAO asked its more than 300 members to indicate their intentions with respect to implementation of the smoking ban. Of the 67 replies, 34 countries gave either no indication of their intentions or indicated they were going to delay implementation. Another 10 countries indicated implementation plans were under study. Only 24 countries stated that they would implement the smoking ban. Based upon replies to this questionnaire, some have estimated that just 13 percent of all ICAO members will take the steps necessary to ban smoking on international flights.

Mr. President, from the perspective of the United States, the potentially low rate of participation of other countries in an international smoking ban should be unacceptable. The United States and its carriers have repeatedly demonstrated their support for an international smoking ban. As the result of an agreement between the United States, Canada, and Australia, passengers traveling between these countries need not suffer through a smoke-filled flight.

About a year ago, the Department of Transportation provided eight U.S. carriers with an antitrust waiver so they could discuss implementing a voluntary transatlantic smoking ban. Despite their unanimous resolve to move toward a smoke-free environment, the participating carriers were unable to reach an agreement. Many were unwilling to ban smoking because of perceptions about competitive pressures from foreign carriers who are unwilling to voluntarily ban smoking.

Mr. President, I have been active for many years in efforts to ensure clean cabin air for airline passengers. In 1988, I sponsored legislation that banned smoking on domestic flights of 2 hours or less. This law protected approximately 80 percent of all domestic passengers from the documented effects of environmental tobacco smoke. In 1989, based upon the success and popularity

of the 2-hour smoking ban, Congress expanded the ban to include nearly all domestic flights.

Mr. President, this legislation would extend the protection now enjoyed by domestic passengers and flight attendants to those who fly into and out of this country. I wish other countries would enter into multilateral smoking-ban agreements on their own so this bill would be unnecessary. However, that does not seem likely. Therefore, this bill is needed to demonstrate the U.S. Congress' resolve and continued leadership on this issue. The bill would create a level competitive playing field for carriers utilizing our market. And, most importantly, it would protect the health and safety of all those who fly internationally.

I urge my colleagues to support this legislation.

ADDITIONAL COSPONSORS

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1295

At the request of Mr. HELMS, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1295, a bill to prohibit the regulation of any tobacco products, or tobacco sponsored advertising, used or purchased by the National Association of Stock Car Automobile Racing, its agents or affiliates, or any other professional motor sports association by the Secretary of Health and Human Services or any other instrumentality of the Federal Government, and for other purposes.

S. 1418

At the request of Mr. PRESSLER, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1418, a bill to provide for the more effective implementation of the prohibition against the payment to prisoners of supplemental security income benefits under title XVI of the Social Security Act or monthly benefits under title II of such Act, and to deny such supplemental security income benefits for 10 years to a person found to have fraudulently obtained such benefits while in prison.

S. 1421

At the request of Mr. SIMON, the name of the Senator from Illinois [Ms.

MOSELEY-BRAUN] was added as a cosponsor of S. 1421, A bill to amend the Internal Revenue Code of 1986 to treat as a zone business an otherwise qualified business dissected by a census tract boundary line of a designated empowerment zone or enterprise community.

S. 1519

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1519, a bill to prohibit United States voluntary and assessed contributions to the United Nations if the United Nations imposes any tax or fee on United States persons or continues to develop or promote proposals for such taxes or fees.

S. 1520

At the request of Mr. HELMS, the names of the Senator from Kansas [Mr. DOLE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Georgia [Mr. COVERDELL], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1520, a bill to award a congressional gold medal to Ruth and Billy Graham.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENTS SUBMITTED

THE HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1995

D'AMATO (AND OTHERS) AMENDMENT NO. 3118

Mr. LOTT (for Mr. D'AMATO, for himself, Mr. MACK, and Mr. BOND) proposed an amendment to the bill (S. 1494) to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes; as follows:

On page 2, line 5, strike "During fiscal year 1996" and insert the following: "To the extent that amounts are made available in advance in any appropriations act for contract renewals under section 8 of the United States Housing Act of 1937 for fiscal year 1996".

On page 2, line 11, insert "project-based" after "for".

On page 5, between lines 7 and 8, insert the following new sections:

SEC. 7. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a)—

(A) by striking "Initiative to develop" and inserting the following: "Initiative—

"(1) to develop";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(2) for national or regional organizations or consortia, including Habitat for Humanity International, that have experience in providing or facilitating self-help housing homeownership opportunities.";

(2) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) innovative homeownership opportunities for the acquisition and rehabilitation of single family housing through the provision of self-help housing, under which the homeowner contributes a significant amount of sweat equity toward the construction of the new dwelling; and"; and

(3) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 1996, of which \$25,000,000 shall be made available to Habitat for Humanity International for activities under this section."

SEC. 8. THE NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM.

Section 930(c) of the Housing and Community Development Act of 1992 (Public Law 102-550, 106 Stat. 3887) is amended to read as follows:

"(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 1996."

SEC. 9. AMENDMENTS TO THE UNITED STATES HOUSING ACT OF 1937 FOR SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING.

(a) CONTRACT PROVISIONS AND REQUIREMENTS.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (k), by striking "on or near such premises" and inserting "on or off such premises"; and

(2) in subsection (l)(5), by striking "on or near such premises" and inserting "on or off such premises".

(b) AVAILABILITY OF CRIMINAL RECORDS FOR SCREENING AND EVICTION; EVICTION FOR DRUG-RELATED ACTIVITY.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsections:

"(q) AVAILABILITY OF RECORDS.—

"(1) IN GENERAL.—

"(A) PROVISION OF INFORMATION.—Notwithstanding any other provision of law, except as provided in subparagraph (B), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction.

"(B) EXCEPTION.—Except as provided under any provision of State, tribal, or local law, no law enforcement agency described in subparagraph (A) shall provide information under this paragraph relating to any criminal conviction if the date of that conviction occurred 5 or more years prior to the date on which the request for the information is made.

"(2) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance under this title on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

"(3) FEE.—A public housing agency may be charged a reasonable fee for information provided under paragraph (1).

"(4) RECORDS MANAGEMENT.—Each public housing agency shall establish and implement a system of records management that ensures that any criminal record received by the public housing agency is—

"(A) maintained confidentially;

"(B) not misused or improperly disseminated; and

"(C) destroyed, once the purpose for which the record was requested has been accomplished.

"(5) DEFINITION.—For purposes of this subsection, the term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

"(r) EVICTION FOR DRUG-RELATED ACTIVITY.—Any tenant evicted from housing assisted under this title by reason of drug-related criminal activity (as that term is defined in section 8(f)(5)) shall not be eligible for housing assistance under this title during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the public housing agency (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist)."

(c) LIMITATION ON OCCUPANCY IN ELDERLY AND DISABLED HOUSING.—

(1) IN GENERAL.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by adding at the end the following new subsection:

"(h) LIMITATION ON OCCUPANCY IN DESIGNATED PROJECTS.—

"(1) OCCUPANCY LIMITATION.—Notwithstanding any other provision of law, a dwelling unit in a public housing project (or portion of a project) that is designated under subsection (a) shall not be occupied by any person whose illegal use (or pattern of illegal use) of a controlled substance or abuse (or pattern of abuse) of alcohol provides reasonable cause for the public housing agency to believe that such occupancy could interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project.

"(2) REQUIRED STATEMENT.—A public housing agency may not make a dwelling unit in a public housing project (or portion of a project) designated under subsection (a) available for occupancy to any family, unless the application for occupancy by that family is accompanied by a signed statement that no person who will be occupying the unit illegally uses a controlled substance, or abuses alcohol, in a manner that would interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project."

(2) LEASE PROVISIONS.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(1)) is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) provide that any occupancy in violation of section 7(h)(1) or the furnishing of any false or misleading information pursuant to section 7(h)(2) shall be cause for termination of tenancy; and"

(d) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS FOR ASSISTED HOUSING.—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by adding at the end the following new subsection:

"(e) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall establish standards for occupancy in public housing dwelling units—

“(A) that prohibit occupancy in any such unit by any person—

“(i) who the public housing agency determines is illegally using a controlled substance; or

“(ii) if the public housing agency determines that it has reasonable cause to believe that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, could interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project; and

“(B) that allow the public housing agency to terminate the tenancy in any public housing unit of any person—

“(i) if the public housing agency determines that such person is illegally using a controlled substance; or

“(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency to interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project.

“(2) INAPPLICABILITY TO INDIAN HOUSING.—This subsection does not apply to any dwelling unit assisted by an Indian housing authority.”.

SEC. 10. ELIGIBLE HOME EQUITY CONVERSION MORTGAGES.

Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z-20(d)(3)) is amended to read as follows:

“(3) be secured by a dwelling that is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units;”.

On page 5, strike line 8, and insert the following:

SEC. 11. APPLICABILITY.

ADDITIONAL STATEMENTS

WAR ON DRUGS

• Mr. DOLE. Mr. President, last night, President Clinton announced his intention to reenlist in the war against drugs. It is an announcement that is long overdue.

For 3 years, the Clinton administration has failed to provide any leadership in this battle. And one of the results has been a dramatic increase in drug use among America's youth.

One of the most eloquent and effective soldiers in the war against drugs is former First Lady Nancy Reagan. Throughout the 1980's Mrs. Reagan devoted her tremendous energy to leading the “Just Say No” campaign—a campaign that is credited with dramatically lowering this Nation's tolerance and use of illegal drugs.

Like countless other concerned citizens, Mrs. Reagan is concerned with the recent increase in drug use. And a column she wrote in yesterday's Wall Street Journal should be required reading for all Americans.

I salute Mrs. Reagan for her commitment to this most important issue, and I ask that her column be printed in the RECORD.

The column follows:

JUST SAY “WHOA”

(By Nancy Reagan)

Statistics released last fall from the annual Household Survey of Drug Use and, more recently, from the 21st annual Moni-

toring the Future Survey show that marijuana use among teenagers was up again last year. Where is the public outrage over this finding? When will this country realize that as long as we don't wake up and adopt a zero tolerance for drug use, we are heading down a path of no return? Most we lose another generation of children to the horrors of crack addiction? Must the statistics soar to all-time highs before we bother to take notice?

Last March I was invited to testify before a congressional committee, at which time I said: “I am not here to criticize or place blame, but after the great strides that we made just a few years back, I'm worried that this nation is forgetting how endangered our children are by drugs. I'm worried that for the first time in many years, tolerance for drugs and the mistaken perception that ‘everyone is doing it’ is creeping back into our national mentality. And I am worried that the psychological momentum we had against drug use has been lost.

“[Y]et it's more than worry,” I pleaded. “This weakening vigilance against the drug threat can have a tragic effect on this country for many years to come. . . . How could we have forgotten so quickly? Why is it we no longer hear the drumbeat of condemnation against drugs coming from our leaders and our culture? Is it any wonder drug use has started climbing again, and dramatically so?”

Regarding the drug use survey, NBC News reported: “‘Just Say No’ was an effective message in the ‘80s . . . in the ‘90s much more will be needed.” Denver drug counselor Bob Cota emphasized, “Kids have to be shown why they need to learn it early, in the third and fourth grades—and it has to be repeated often.”

Repeated often—like in the ‘80s when the national leadership was vigilant and visible. And yes, we do need even more now. In response to the 1994 Monitoring the Future Survey, Joseph Califano Jr., chairman and president of the Center on Addiction and Substance Abuse at Columbia University (CASA), warned: “If historical trends continue, the jump in marijuana use among America's children (age 12–18) from 1992 to 1994 signals that 820,000 more of these children will try cocaine in their lifetime. Of that number, about 58,000 will become regular cocaine users and addicts.” In a 1995 survey by CASA, adolescents said that drugs were their “number one” problem. Our children are crying out for help.

While drug use is on the rise, the perceived risk of drug use is on decline. The two go hand in hand. Only a few short years ago, the constant message to young people—in the media, in their classrooms, and in their homes—was that drugs lead to destruction. But where are those messages today? Those messages, those lessons, are what change perceptions, change attitudes, change lives. Each of us has a responsibility to bring back those messages—loud and clear.

Before the drug-use increases of the past three years, we really had seen marked progress. As I told the members of the committee: “A decade of effort was beginning to pay off. Attitudes were being changed. I don't mean to sit here and say that we had won the battle against drugs. I think it's plain we had not.” However, between 1985 and 1992, monthly cocaine use declined 78%, or to an annual rate of 3.1% from its peak of 13.1% in 1985. It's the same story with other numbers: Annual use of any illicit drug by high school seniors dropped to 27.1% in 1992 from 54.2% in 1979. “The battle was going forward one child at a time,” I said in March. “There was momentum, unity, intolerance of the exaggeration and glorification of drug use by the media—we were building peer sup-

port for saying ‘no.’ Children were being taught resistance skills—in short, there was progress.”

Now there is silence—and not without consequence. In 1994, twice the number of eighth-graders were experimenting with marijuana as did in 1991, and daily use of marijuana by high school seniors in 1994 was up by half from 1993. The 1995 Monitoring the Future Survey shows that daily use has made another jump.

We should all, as citizens of this great nation, be frightened by the latest drug statistics. We should all question what they mean to our futures and those of our children. We should all resolve not to be silent any longer. By the latest drug statistics and the renewed calls for legalization of marijuana, it is painfully obvious that our “letting up” is going to let down the young people of this country. It's time to just say “Whoa!” •

STUDENT LOANS AND CORPORATE WELFARE

• Mr. SIMON. Mr. President, in his State of the Union Address, President Clinton made a reference to the successful effort to streamline the college student loan process and make repayment easier.

Some of my colleagues may be surprised to learn that much of the credit for these improvements should go to a conservative Republican from Wisconsin, Representative TOM PETRI. He developed one of the earliest models for a direct loan program and for income-contingent repayment, and he has been a consistent proponent over the years.

Earlier this month, Congressman PETRI appealed to fellow conservatives to help save the direct loan program, which has come under attack by banks and agencies that do not want to lose their Government-guaranteed income.

I urge my colleagues to read Mr. PETRI's article which appeared in the Washington Times on January 9. I ask that the article be printed in the RECORD.

The article follows:

STUDENT LOANS: DIRECT LENDING VS. SPECIAL PLEAS

(By Thomas E. Petri)

How's this for a switch? The Clinton administration stands firm for private enterprise and competition, against Republican attempts to stomp out a successful competitor and perpetuate an inefficient monopoly.

That's exactly what's occurring in the ongoing student loan debate. Administration officials accuse congressional Republicans of caving in to loan-industry lobbyists by eviscerating the Direct Student Loan program. And on this issue, the administration actually occupies the conservative high ground.

The loan industry (banks, secondary markets and guaranty agencies) wants to protect its lucrative, fraud-infested, no-risk student loan program from any meaningful competition. It's losing in the marketplace; so it mounted a multi-million-dollar lobbying campaign this year to persuade Congress to eliminate direct student loans.

By casting the debate in simple, ideological terms, the loan lobbyists have won some allies. They've equated the Department of Education's Direct Student Loan (DSL) program with Big Government—and they've successfully portrayed it as a Clinton initiative. That guarantees enmity from conservative Republicans.

Unfortunately, it's a hoax. One creator of the DSL program was a Republican with solid fiscal conservative credentials—me. It was developed not by the reviled liberal Clinton, but by the Bush administration.

And there is far more free enterprise in DSL—and less bureaucracy—than in the bloated Guaranteed Student Loan (GSL) program. I dislike the term "corporate welfare," but if any program deserves that title, it's guaranteed student loans.

Here are conservative principles I believe in: substituting market forces for political forces; simplifying programs and cutting bureaucracy; saving taxpayers money.

On all counts, killing the DSL program goes in the wrong direction.

All major functions under DSL are run through private sector services under competitively bid contracts. This competition is bringing down the cost of those contracts via market forces.

Under the guaranteed student loan program, all payment levels are determined politically by Congress—not by the free market. Here's just one example of the resulting built-in profits: While the student is in school or during the six-month grace period following school (a period averaging 2.5 years for each loan), the lender does nothing but collect interest directly from the government at 2.5 percent above the Treasury-bill rate on paper that's as good as a Treasury bill. It's a system of political entitlements, and any conservative ought to prefer the competitive bidding system under direct loans.

The Education Department says it can manage all direct loans with only 400 employees. All important business functions—loan origination, servicing, debt collection—are handled by private firms, with Education Department supervision.

But overseeing 7,100 guaranteed bank lenders takes 525 Education Department employees and another 5,000 employees in 41 federally subsidized guaranty agencies. It's a bureaucratic nightmare.

Congress can easily oversee the direct program because it involves relatively few contractors, all of whom have incentives to do a good job in order to win additional contracts.

But there's little supervision of the guaranteed program's guaranty agencies. Congress isn't looking over their shoulders because they're not federal entities. State legislatures aren't interested because the guaranty agencies aren't state-funded. And they have no stockholders to answer to. Unsurprisingly, the result is abuse.

In one case, a guaranty agency's chief executive officer earns \$700,000 a year plus untold benefits. Some 15 other employees in the same agency earn more than the U.S. secretary of education. In another, board members set up a for-profit corporation to provide services to the guaranty agency that they controlled. More taxpayer money goes largely unchecked in these agencies for platinum parachutes, perks, lavish pensions, executive cadillacs and dining rooms and retreats at posh resorts.

Little wonder the lending moguls want to kill direct lending. Their cause is helped by various scoring errors (including some they lobbied for) that make direct lending look more expensive than guaranteed. The worse is the assumption of a high long-term interest rate as the cost of the federal funds used to make the direct loan. That would be appropriate if the interest rate that student borrowers paid were fixed, but it's not. It's variable, based on 91-day Treasury bills; so these loans do not carry the kind of interest-rate risk that a long-term rate discounts. Indeed, no private bank treats variable-rate loans the way the Congressional Budget Office treats direct student loans.

In general, it's inconceivable that a simpler program based on competitive bidding could be more expensive than a vastly more complex one based on politically negotiated entitlements. Especially when the complex one actually encourages defaults—because guaranty agencies get to keep 27 cents of every dollar they collect after a default and their costs for those collections average only 13 cents on the dollar.

Some Republicans believe that if President Clinton supports a program, that program must be opposed. Right now, Mr. Clinton is telling the American people that the GOP Congress is trying to shut down a conservative reform effort, which is good for both students and schools, in order to keep the gravy flowing to powerful special interests.

In this case, the president is right.●

DAPCEP

● Mr. LEVIN. Mr. President, the Detroit Area Pre-College Engineering Program, Inc. [DAPCEP], is celebrating its 20th anniversary in this year. The organization was founded in 1976 with a grant from the Alfred P. Sloan Foundation. DAPCEP's mission is "to increase the number of minority students who are motivated and academically prepared to choose careers in science, engineering and technical fields."

In its first year, 245 students took DAPCEP enrichment courses offered through 1 high school and 2 universities. Today, the organization serves more than 5,000 sixth through twelfth graders each year, through a collaboration with 8 universities, 64 Detroit public middle schools and high schools, 30 local corporations, and an active parent group. DAPCEP also receives funding from the National Science Foundation, the State of Michigan, and the city of Detroit. Current DAPCEP programs include an in-school component with hands-on research, experiments and science fairs; Saturday morning classes; and summer enrichment programs. DAPCEP also offers mentoring, tutoring, summer jobs, scholarships, and teacher training.

DAPCEP was featured on the NBC "Nightly News" in April 1995 in a story highlighting successful extracurricular enrichment programs. DAPCEP students captured 62 percent of the top awards given at the 1995 Metropolitan Detroit Science and Engineering Fair, one of the largest and most successful fairs in the Nation. Recognized nationally as a model for pre-college programs, DAPCEP was named by Crain's Detroit Business as the 1995 Best-Managed Nonprofit for nonprofits having budgets larger than \$2.5 million.

Through working to further the study of science and engineering for all, DAPCEP has made a great contribution to our local community and our country as a whole. I know that my Senate colleagues join me in congratulating the Detroit Area Pre-College Engineering Program on its 20th anniversary.●

AUTISM AWARENESS MONTH

● Mr. DOMENICI. Mr. President, I have long been active in issues of impor-

tance for individuals suffering from a mental illness or disability. Through my efforts in this area, I have become familiar with the vast spectrum of these disorders, and I have found that we as a society have much to learn about both the causes and cures for these illnesses. Knowledge of the medical conditions underpinning these disorders has only recently begun to make progress by leaps and bounds, and I fear that public awareness and knowledge has not grown in step. Because society is still unfamiliar with these advances, an aura of fear and suspicion persists with regard to any one of the illnesses or disorders which afflict so many Americans. It is because of this widespread lack of knowledge and understanding that I add my support in recognition of the National Autism Society's designation of January as "National Autism Awareness Month."

Autism is a neurological disorder that interrupts the brain's ability to process and understand information. Nearly 400,000 Americans suffer from this disorder, making it more prevalent than Down's syndrome or muscular dystrophy.

Autism is a complex, spectrum disorder that manifests itself in many ways. Symptoms and characteristics present themselves in a variety of combinations, and no two children or adults are affected in the same way.

Autism is not curable, but it is treatable. Many types of treatments have proven effective in combating this disorder, and improvements are being discovered every day.

A generation ago, nearly 90 percent of those suffering from autism were placed in an institution. Today, group homes, assisted living arrangements, and home care are much more common. Thanks to the Individuals With Disabilities Education Act, many children with autism receive appropriate education and go on to become contributing members of the work force.

In April 1995, in response to direction from Congress, the National Institutes of Health [NIH] held a State-of-the-Sciences Conference on Autism. Conference participants included scientists, clinicians, and parents. The conference highlighted how far we have come in diagnosing and treating autism, but also illuminated how far we have yet to go. National Autism Month is designed to bring attention to these issues, and seeks to further the Nation's understanding of this complicated and debilitating disorder. I fully support the National Autism Society's designation of January as "National Autism Awareness Month." I share their goal of teaching America more about this disorder, and I welcome my colleagues' support as well.●

ORDER OF BUSINESS

Mr. GRASSLEY. 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. 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.

HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1995

Mr. LOTT. Mr. President, I ask unanimous consent that the Banking Committee be immediately discharged from further consideration of S. 1494, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1494) to provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I urge support for the Housing Opportunity Program Extenders Act of 1995. This legislation is designed to provide HUD and Farmers Home with authority to continue certain housing programs which are strongly supported by the American public.

Most importantly, similar to the VA/ HUD fiscal year 1996 appropriations bill, this bill would require HUD to renew expiring section 8 project-based contracts for fiscal year 1996 for 1 year at current rents. There are some 900,000 FHA-insured units with section 8 project-based assistance expiring over the next 10 years. Many of these section 8 contracts are oversubsidized under existing contracts and fiscal responsibility requires that Congress contain the spiraling costs associated with this inventory. Moreover, under a recent HUD legal opinion, HUD may renew these expiring section 8 project-based contracts at the market rent with some exceptions for contract rents up to 120 percent of the market rents; this means that these section 8 projects will begin to default and face foreclosure by HUD during fiscal year 1996.

I believe it is critical that Congress reform and adjust the costs, including section 8 costs, of this assisted housing to the existing market rents. However, in doing so, we must balance the cost of the expiring section 8 contracts with the cost of foreclosure of these projects to the FHA insurance fund, as well as the significant social policy of the possible displacement of low-income housing residents and the disinvestment by project owners in these projects which could result in significant deterioration of this valuable housing stock. Like the VA/ HUD fiscal year 1996 appropriations bill, renewing these section 8 contracts for 1 year will provide the Banking Committee with an oppor-

tunity to develop a dialog and resulting meaningful policy that will preserve this valuable housing resource as low-income housing at a reasonable cost to the Federal Government.

Second, the legislation would extend the Home Equity Conversion Mortgage Program through fiscal year 1996, increasing the maximum number of units eligible for insurance from 25,000 to 30,000. This program is designed to allow the elderly to tap the accumulated equity in their homes for needed expenses without the risk of losing the housing as a principal residence. This is a successful program that is growing in popularity among the elderly population as an option to assist in providing continuing independence, both financially and through the continuing use of their homes as a principal residence.

Third, the legislation would extend the home ownership program under the CDBG Program as a continuing eligible activity through fiscal year 1996. This program is widely supported by a number of communities throughout the Nation which use the program as an additional resource to expand homeownership opportunities.

Finally, the bill would extend the FmHA's section 515 rural multifamily program for fiscal year 1996. Currently, the fiscal year 1996 Agriculture appropriations has limited the section 515 funding for fiscal year 1996 to rehabilitation. However, there is a significant number of section 515 projects in the development pipeline. Section 515 projects are, in many cases, the only available and affordable low-income housing in rural areas. While there has been substantial criticism leveled at abuses in the section 515 program, FmHA has addressed a number of the failings in the program and the Banking Committee has pledged to review closely the section 515 program and address any concerns as part of a major housing and community development overhaul and reform bill.

In addition, a manager's amendment to this bill legislation would incorporate Habitat for Humanity as an eligible organization under the National Community Development Initiative [NCDI]. Habitat for Humanity is one of the best models in this country for the development of affordable low-income housing. The foundation of this program is sweat equity, where a potential homeowner must contribute their own labor and hard work to the construction of their home and the homes of others. In this way, participating families develop a tangible bond with their homes combined with a strong interest in maintaining them. Since 1976, Habitat has constructed over 40,000 homes worldwide, in every U.S. State and in 45 other countries. As a consequence, some 250,000 people are living in decent, safe and affordable housing.

Under this program, Habitat for Humanity would receive a \$25 million authorization to assist in the acquisition of land or infrastructure improve-

ments, and only in the United States. I urge HUD to develop flexible requirements for Habitat for Humanity's participation in NCDI with deference to the underlying vision of homeowner contribution to the construction of their home.

This manager's amendment also would provide clear statutory guidance to empower PHAs and assisted property owners with the tools to screen out and evict from public and assisted housing persons who illegally use drugs or whose abuse of alcohol is a risk to other tenants. I cannot emphasize enough the need to take the bull by the horns and provide real solutions to the problems created by alcohol abuse and illegal drug use in federally assisted housing.

Mr. President, this legislation is bipartisan, simple, straightforward and necessary. I strongly urge my colleagues to support this legislation.

AMENDMENT NO. 3118

(Purpose: To make a series of amendments)

Mr. LOTT. I understand that there is a managers' amendment at the desk in behalf of Senators D'AMATO, MACK, and BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. D'AMATO, for himself, Mr. MACK, and Mr. BAUCUS, proposes an amendment numbered 3118.

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

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

The amendment is as follows:

On page 2, line 5, strike "During fiscal year 1996" and insert the following: "To the extent that amounts are made available in advance in any appropriations act for contract renewals under section 8 of the United States Housing Act of 1937 for fiscal year 1996".

On page 2, line 11, insert "project-based" after "for".

On page 5, between lines 7 and 8, insert the following new sections:

SEC. 7. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a)—

(A) by striking "Initiative to develop" and inserting the following: "Initiative—

"(1) to develop";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(2) for national or regional organizations or consortia, including Habitat for Humanity International, that have experience in providing or facilitating self-help housing homeownership opportunities.";

(2) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) innovative homeownership opportunities for the acquisition and rehabilitation of single family housing through the provision

of self-help housing, under which the homeowner contributes a significant amount of sweat equity toward the construction of the new dwelling; and"; and

(3) by striking subsection (e) and inserting the following:

"(e) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 1996, of which \$25,000,000 shall be made available to Habitat for Humanity International for activities under this section."

SEC. 8. THE NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM.

Section 930(c) of the Housing and Community Development Act of 1992 (Public Law 102-550, 106 Stat. 3887) is amended to read as follows:

"(c) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 1996."

SEC. 9. AMENDMENTS TO THE UNITED STATES HOUSING ACT OF 1937 FOR SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING.

(a) **CONTRACT PROVISIONS AND REQUIREMENTS.**—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (k), by striking "on or near such premises" and inserting "on or off such premises"; and

(2) in subsection (l)(5), by striking "on or near such premises" and inserting "on or off such premises".

(b) **AVAILABILITY OF CRIMINAL RECORDS FOR SCREENING AND EVICTION; EVICTION FOR DRUG-RELATED ACTIVITY.**—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsections:

"(q) **AVAILABILITY OF RECORDS.**—

"(1) **IN GENERAL.**—

"(A) **PROVISION OF INFORMATION.**—Notwithstanding any other provision of law, except as provided in subparagraph (B), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction.

"(B) **EXCEPTION.**—Except as provided under any provision of State, tribal, or local law, no law enforcement agency described in subparagraph (A) shall provide information under this paragraph relating to any criminal conviction if the date of that conviction occurred 5 or more years prior to the date on which the request for the information is made.

"(2) **OPPORTUNITY TO DISPUTE.**—Before an adverse action is taken with regard to assistance under this title on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

"(3) **FEE.**—A public housing agency may be charged a reasonable fee for information provided under paragraph (1).

"(4) **RECORDS MANAGEMENT.**—Each public housing agency shall establish and implement a system of records management that ensures that any criminal record received by the public housing agency is—

"(A) maintained confidentially;

"(B) not misused or improperly disseminated; and

"(C) destroyed, once the purpose for which the record was requested has been accomplished.

"(5) **DEFINITION.**—For purposes of this subsection, the term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

"(r) **EVICTION FOR DRUG-RELATED ACTIVITY.**—Any tenant evicted from housing assisted under this title by reason of drug-related criminal activity (as that term is defined in section 8(f)(5)) shall not be eligible for housing assistance under this title during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the public housing agency (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist)."

(c) **LIMITATION ON OCCUPANCY IN ELDERLY AND DISABLED HOUSING.**—

(1) **IN GENERAL.**—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by adding at the end the following new subsection:

"(h) **LIMITATION ON OCCUPANCY IN DESIGNATED PROJECTS.**—

"(1) **OCCUPANCY LIMITATION.**—Notwithstanding any other provision of law, a dwelling unit in a public housing project (or portion of a project) that is designated under subsection (a) shall not be occupied by any person whose illegal use (or pattern of illegal use) of a controlled substance or abuse (or pattern of abuse) of alcohol provides reasonable cause for the public housing agency to believe that such occupancy could interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project.

"(2) **REQUIRED STATEMENT.**—A public housing agency may not make a dwelling unit in a public housing project (or portion of a project) designated under subsection (a) available for occupancy to any family, unless the application for occupancy by that family is accompanied by a signed statement that no person who will be occupying the unit illegally uses a controlled substance, or abuses alcohol, in a manner that would interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project."

(2) **LEASE PROVISIONS.**—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) provide that any occupancy in violation of section 7(h)(1) or the furnishing of any false or misleading information pursuant to section 7(h)(2) shall be cause for termination of tenancy; and"

(d) **INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS FOR ASSISTED HOUSING.**—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by adding at the end the following new subsection:

"(e) **INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.**—

"(1) **IN GENERAL.**—Notwithstanding any other provision of law, a public housing agency shall establish standards for occupancy in public housing dwelling units—

"(A) that prohibit occupancy in any such unit by any person—

"(i) who the public housing agency determines is illegally using a controlled substance; or

"(ii) if the public housing agency determines that it has reasonable cause to believe that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, could interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project; and

"(B) that allow the public housing agency to terminate the tenancy in any public housing unit of any person—

"(i) if the public housing agency determines that such person is illegally using a controlled substance; or

"(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency to interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project.

"(2) **INAPPLICABILITY TO INDIAN HOUSING.**—This subsection does not apply to any dwelling unit assisted by an Indian housing authority."

SEC. 10. ELIGIBLE HOME EQUITY CONVERSION MORTGAGES.

Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z-20(d)(3)) is amended to read as follows:

"(3) be secured by a dwelling that is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units;"

On page 5, strike line 8, and insert the following:

SEC. 11. APPLICABILITY.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read for a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 3118) was agreed to.

The bill (S. 1494), as amended, was deemed read a third time, and passed, as follows:

S. 1494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITION.

(a) **SHORT TITLE.**—This Act may be cited as the "Housing Opportunity Program Extension Act of 1995".

(b) **DEFINITION.**—For purposes of this Act, the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 2. SECTION 8 CONTRACT RENEWALS.

(a) **IN GENERAL.**—To the extent that amounts are made available in advance in any appropriations Act for contract renewals under section 8 of the United States Housing Act of 1937 for fiscal year 1996, with respect to any project that is determined by the Secretary to meet housing quality standards under the United States Housing Act of 1937 and to be otherwise in compliance with that Act, at the request of the owner of the project, the Secretary shall renew, for a period of 1 year, any contract for project-based assistance under section 8 of the United States Housing Act of 1937 that expires or terminates during fiscal year 1996, at current rent levels under the expiring or terminating contract.

(b) **AMENDMENTS TO THE NATIONAL HOUSING ACT.**—Section 236(f) of the National Housing Act (12 U.S.C. 1715z-1(f)) is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following: "The rental charge for each dwelling unit shall be at the basic rental charge, or such greater amount, not to exceed the lesser of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the fair market rental established under section 8(c) of the United States Housing Act of 1937 for existing housing in the market area in which the

housing is located, as represents 30 percent of the tenant's adjusted income." and

(2) by striking paragraph (6).

SEC. 3. COMMUNITY DEVELOPMENT BLOCK GRANT ELIGIBLE ACTIVITIES.

Notwithstanding the amendments made by section 907(b)(2) of the Cranston-Gonzalez National Affordable Housing Act, section 105(a)(25) of the Housing and Community Development Act of 1974, as in existence on September 30, 1995, shall apply to the use of assistance made available under title I of the Housing and Community Development Act of 1974 during fiscal year 1996.

SEC. 4. EXTENSION OF RURAL HOUSING PROGRAMS.

(a) UNDERSERVED AREAS SET-ASIDE.—Section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended—

(1) in the first sentence, by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1996"; and

(2) in the second sentence, by striking "each".

(b) RURAL MULTIFAMILY RENTAL HOUSING.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1994" and inserting "September 30, 1996".

(c) RURAL RENTAL HOUSING FUNDS FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal year 1996".

SEC. 5. EXTENSION OF FHA MORTGAGE INSURANCE PROGRAM FOR HOME EQUITY CONVERSION MORTGAGES.

(a) EXTENSION OF PROGRAM.—The first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended by striking "September 30, 1995" and inserting "September 30, 1996".

(b) LIMITATION ON NUMBER OF MORTGAGES.—The second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended by striking "25,000" and inserting "30,000".

SEC. 6. EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAMS.

(a) RISK-SHARING PILOT PROGRAM.—The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not more than 15,000 units over fiscal years 1993 and 1994" and inserting "on not more than 7,500 units during fiscal year 1996".

(b) HOUSING FINANCE AGENCY PILOT PROGRAM.—The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995" and inserting "on not more than 10,000 units during fiscal year 1996".

SEC. 7. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a)—

(A) by striking "Initiative to develop" and inserting the following: "Initiative—

"(1) to develop";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(2) for national or regional organizations or consortia, including Habitat for Humanity International, that have experience in providing or facilitating self-help housing homeownership opportunities.";

(2) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) innovative homeownership opportunities for the acquisition and rehabilitation of single family housing through the provision of self-help housing, under which the homeowner contributes a significant amount of sweat equity toward the construction of the new dwelling; and"; and

(3) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 1996, of which \$25,000,000 shall be made available to Habitat for Humanity International for activities under this section.".

SEC. 8. THE NATIONAL CITIES IN SCHOOLS COMMUNITY DEVELOPMENT PROGRAM.

Section 930(c) of the Housing and Community Development Act of 1992 (Public Law 102-550, 106 Stat. 3887) is amended to read as follows:

"(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 1996.".

SEC. 9. AMENDMENTS TO THE UNITED STATES HOUSING ACT OF 1937 FOR SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING.

(a) CONTRACT PROVISIONS AND REQUIREMENTS.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (k), by striking "on or near such premises" and inserting "on or off such premises"; and

(2) in subsection (l)(5), by striking "on or near such premises" and inserting "on or off such premises".

(b) AVAILABILITY OF CRIMINAL RECORDS FOR SCREENING AND EVICTION; EVICTION FOR DRUG-RELATED ACTIVITY.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsections:

"(q) AVAILABILITY OF RECORDS.—

"(1) IN GENERAL.—

"(A) PROVISION OF INFORMATION.—Notwithstanding any other provision of law, except as provided in subparagraph (B), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction.

"(B) EXCEPTION.—Except as provided under any provision of State, tribal, or local law, no law enforcement agency described in subparagraph (A) shall provide information under this paragraph relating to any criminal conviction if the date of that conviction occurred 5 or more years prior to the date on which the request for the information is made.

"(2) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance under this title on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

"(3) FEE.—A public housing agency may be charged a reasonable fee for information provided under paragraph (1).

"(4) RECORDS MANAGEMENT.—Each public housing agency shall establish and implement a system of records management that ensures that any criminal record received by the public housing agency is—

"(A) maintained confidentially;

"(B) not misused or improperly disseminated; and

"(C) destroyed, once the purpose for which the record was requested has been accomplished.

"(5) DEFINITION.—For purposes of this subsection, the term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

"(r) EVICTION FOR DRUG-RELATED ACTIVITY.—Any tenant evicted from housing assisted under this title by reason of drug-related criminal activity (as that term is defined in section 8(f)(5)) shall not be eligible for housing assistance under this title during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the public housing agency (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist).".

(c) LIMITATION ON OCCUPANCY IN ELDERLY AND DISABLED HOUSING.—

(1) IN GENERAL.—Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by adding at the end the following new subsection:

"(h) LIMITATION ON OCCUPANCY IN DESIGNATED PROJECTS.—

"(1) OCCUPANCY LIMITATION.—Notwithstanding any other provision of law, a dwelling unit in a public housing project (or portion of a project) that is designated under subsection (a) shall not be occupied by any person whose illegal use (or pattern of illegal use) of a controlled substance or abuse (or pattern of abuse) of alcohol provides reasonable cause for the public housing agency to believe that such occupancy could interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project.

"(2) REQUIRED STATEMENT.—A public housing agency may not make a dwelling unit in a public housing project (or portion of a project) designated under subsection (a) available for occupancy to any family, unless the application for occupancy by that family is accompanied by a signed statement that no person who will be occupying the unit illegally uses a controlled substance, or abuses alcohol, in a manner that would interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project."

(2) LEASE PROVISIONS.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) provide that any occupancy in violation of section 7(h)(1) or the furnishing of any false or misleading information pursuant to section 7(h)(2) shall be cause for termination of tenancy; and"

(d) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS FOR ASSISTED HOUSING.—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by adding at the end the following new subsection:

"(e) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall establish standards for occupancy in public housing dwelling units—

"(A) that prohibit occupancy in any such unit by any person—

"(i) who the public housing agency determines is illegally using a controlled substance; or

"(ii) if the public housing agency determines that it has reasonable cause to believe

that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, could interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project; and

"(B) that allow the public housing agency to terminate the tenancy in any public housing unit of any person—

"(i) if the public housing agency determines that such person is illegally using a controlled substance; or

"(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency to interfere with the health, safety, or right to peaceful enjoyment of the premises by the tenants of the public housing project.

"(2) INAPPLICABILITY TO INDIAN HOUSING.—This subsection does not apply to any dwelling unit assisted by an Indian housing authority."

SEC. 10. ELIGIBLE HOME EQUITY CONVERSION MORTGAGES.

Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z-20(d)(3)) is amended to read as follows:

"(3) be secured by a dwelling that is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units;"

SEC. 11. APPLICABILITY.

This Act and the amendments made by this Act shall be construed to have become effective on October 1, 1995.

ORDERS FOR JANUARY 25 AND JANUARY 26, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Thursday, January 25; further, that immediately following the prayer the Journal of proceedings be deemed approved to date, no resolutions come under over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and that the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business not to extend beyond the hour of 4 p.m. equally divided between the majority and the minority; and, that immediately following the conclusion or yielding back of that time the Senate immediately adjourn over until the hour of 12 noon on Friday, January 26, and further that the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business with Senators permitted to speak for up to 5 minutes.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, we will reconvene then tomorrow at noon for a period of morning business. Rollcall votes are not expected during tomorrow's session.

The Senate will then adjourn over until noon on Friday. During Friday's session, rollcall votes could occur on a continuing resolution, the Department of Defense authorization conference report or the START II Treaty. All Members will be notified of any scheduled rollcall votes during Friday's session, if there are to be any, as soon as possible.

ADJOURNMENT UNTIL TOMORROW

Mr. LOTT. Mr. President, if there be no further business to come before the Senate, I move then that the Senate adjourn under the previous order.

The motion was agreed to, and the Senate, at 6 p.m., adjourned until Thursday, January 25, 1996, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 24, 1996:

DEPARTMENT OF STATE

LAWRENCE NEAL BENEDICT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOSEPH J. DINUNNO, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2000. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RONNIE FEUERSTEIN HEYMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000. VICE JOCELYN LEVI STRAUS, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

BARRY R. MCCAFFREY, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE LEE PATRICK BROWN, RESIGNED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROBERT B. ROGERS, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS. (NEW POSITION)

NATIONAL COUNCIL ON DISABILITY

SHIRLEY W. RYAN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. STEPHEN B. CROKER, 000-00-0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ARLEN D. JAMESON, 000-00-0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. MCGINTY, 000-00-0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE POSITIONS AND GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 8037:

THE JUDGE ADVOCATE GENERAL OF THE U.S. AIR FORCE

To be major general

BRIG. GEN. BRYAN G. HAWLEY, 000-00-0000.

THE DEPUTY JUDGE ADVOCATE GENERAL OF THE U.S. AIR FORCE

To be major general

BRIG. GEN. ANDREW M. EGELAND, JR., 000-00-0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PHILLIP J. FORD, 000-00-0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. KENNETH A. MINIHAN, 000-00-0000, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 8373, 12004, AND 12203:

To be major general

BRIG. GEN. BOYD L. ASHCRAFT, 000-00-0000, AIR FORCE RESERVE.
BRIG. GEN. JIM L. FOLSOM, 000-00-0000, AIR FORCE RESERVE.
BRIG. GEN. JAMES E. HAIGHT, JR., 000-00-0000, AIR FORCE RESERVE.
BRIG. GEN. JOSEPH A. MCNEIL, 000-00-0000, AIR FORCE RESERVE.
BRIG. GEN. ROBERT E. PFISTER, 000-00-0000, AIR FORCE RESERVE.
BRIG. GEN. DONALD B. STOKES, 000-00-0000, AIR FORCE RESERVE.

To be brigadier general

COL. JOHN L. BALDWIN, 000-00-0000, AIR FORCE RESERVE.
COL. JAMES D. BANKERS, 000-00-0000, AIR FORCE RESERVE.
COL. RALPH S. CLEM, 000-00-0000, AIR FORCE RESERVE.
COL. LARRY L. ENYART, 000-00-0000, AIR FORCE RESERVE.
COL. JON S. GINGERICH, 000-00-0000, AIR FORCE RESERVE.
COL. CHARLES H. KING, 000-00-0000, AIR FORCE RESERVE.
COL. RALPH J. LUCIANI, 000-00-0000, AIR FORCE RESERVE.
COL. RICHARD M. MCGILL, 000-00-0000, AIR FORCE RESERVE.
COL. DAVID R. MYERS, 000-00-0000, AIR FORCE RESERVE.
COL. JAMES SANDERS, 000-00-0000, AIR FORCE RESERVE.
COL. SANFORD SCHLIT, 000-00-0000, AIR FORCE RESERVE.
COL. DAVID E. TANZI, 000-00-0000, AIR FORCE RESERVE.
COL. JOHN L. WILKINSON, 000-00-0000, AIR FORCE RESERVE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN M. KEANE, 000-00-0000, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE UNITED STATES ARMY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be lieutenant general

LT. GEN. HOWARD D. GRAVES, 000-00-0000, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PATRICK M. HUGHES, 000-00-0000, U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE

To be rear admiral

REAR ADM. (1H) JAMES WAYNE EASTWOOD, 000-00-0000, U.S. NAVAL RESERVE.
REAR ADM. (1H) JOHN EDWIN KERR, 000-00-0000, U.S. NAVAL RESERVE.
REAR ADM. (1H) JOHN BENJAMIN TOTUSHEK, 000-00-0000, U.S. NAVAL RESERVE.

UNRESTRICTED LINE

To be rear admiral

REAR ADM. (1H) ROBERT HULBURT WEIDMAN, JR., 000-00-0000, U.S. NAVAL RESERVE.

STAFF CORPS

To be rear admiral

REAR ADM. (1H) M. EUGENE FUSSELL, 000-00-0000, U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be vice admiral

VICE ADM. JOHN B. LA PLANTE, 000-00-0000.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be vice admiral

VICE ADM. JOHN M. MCCONNELL, 000-00-0000.

WITHDRAWAL

Executive message transmitted by the President to the Senate on January

24, 1996, withdrawing from further Senate consideration the following nomination:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

KIRSTEN S. MOY, OF NEW YORK, TO BE ADMINISTRATOR OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND (NEW POSITION), WHICH WAS SENT TO THE SENATE ON FEBRUARY 24, 1995.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

CHERRY T. KINOSHITA, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.

NATIONAL SECURITY EDUCATION BOARD

STANLEY K. SHEINBAUM, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE JOHN P. ROCHE, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CHRISTINE HERNANDEZ, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 2 YEARS (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JUNE 6, 1995.

CHRIS EVERT, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 3 YEARS (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JUNE 6, 1995.