



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, FRIDAY, APRIL 7, 1995

No. 65

Senate

(Legislative day of Wednesday, April 5, 1995)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Lord God, Sovereign of this Nation, we praise You for the gift of authentic hope. More than wishful thinking, yearning, or shallow optimism, we turn to You for lasting hope. We have learned that true hope is based on the expectation of the interventions of Your spirit that always are on time and in time. You are the intervening Lord of the Passover, the opening of the Red Sea, the giving of the Ten Commandments. You have vanquished the forces of evil, death, and fear through the cross and the resurrection. All through the history of our Nation, You have blessed us with Your providential care. It is with gratitude that we affirm, "Blessed is the Nation whose God is the Lord"—Psalm 33:12.

May this sacred season culminating in the Holy Week before us, including both Passover and Easter, be a time of rebirth of hope in us. May Your spirit of hope displace the discordant spirit of cynicism, discouragement, and disunity. Hope through us, O God of hope. Flow through us patiently until we hope for one another what You have hoped for us. Then Lord, give us the vision and courage to confront those problems that have made life seem hopeless for some people. Make us communicators of hope. We trust our lives, the work of the Senate, and the future of our Nation into Your all-powerful hands. In the name of the Hope of the World. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDENT pro tempore. Leadership time is reserved.

Mr. DOLE. I have two brief statements. I will use part of my leader time.

THE FIRST 100 DAYS

Mr. DOLE. Mr. President, it's been 40 years since a Republican-controlled Congress had the opportunity to mark any milestones. But when Republicans became the majority party after all those years, we wasted no time in making history.

As we approach the end of the first 100 days of the Republican Congress, I want to take a moment to offer my congratulations to House Speaker NEWT GINGRICH and the House Republican majority for their spectacular success with the Contract With America. In his 1992 campaign, Bill Clinton promised to start his administration with "an explosive 100-day action period." Obviously, he had not met NEWT GINGRICH or a Republican Congress.

Last November, the American people sent a powerful message to Washington. They told us they wanted a Government defined by its limit, not by its reach. They demanded a return to freedom and a renewal of opportunity. And they told us they were tired of Government promising too much, and delivering too little.

From day one, the new Republican Congress demonstrated its commitment to something all too rare in this town—keeping our promises to the American people. On January 4, we rolled up our sleeves, and started turning the message from the people into action.

They gave us the message on last November 8, and now we are turning it into action.

Action is precisely what House Republicans provided with the Contract With America. They can be proud that they did what they said they would do—all ten initiatives were put to a vote, with dramatic, and often bipartisan, results.

If people didn't already know that the Senate is a far different institution with different rules, they know now. At times, it seemed like the Democrat minority wanted to spend 100 days on every bill. But, despite all the filibusters and delays, the Senate also achieved what I believe will be seen as remarkable success.

Instead of taking most of January off, we got right down to business. Like the House, we acted immediately to lead by example, forcing Congress to live under the same laws we apply to everyone else. President Clinton quickly signed this long overdue initiative. With a strong bipartisan majority, we approved S. 1, to stop Congress from passing unfunded mandates on to States and local governments, unless we send the money to pay for them. I'm proud to say that the unfunded mandates bill is now the law of the land, and has been signed by President Clinton.

Again, leading by example, Senate and House Republicans put our budget cutting zeal to the test right here on Capitol Hill. Senate Republicans cut staff and overhead, reducing committee budgets by 15 percent.

We voted to give the President the line-item veto, a long overdue tool in our efforts to rein in Government. To bring real discipline to Federal spending, the House approved the balanced budget amendment to the Constitution. Regrettably, the Senate fell one vote short. But, we're not giving up, and we hope one of our colleagues,

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



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somebody out there, wherever, who may have voted "no" will understand, if we are going to have the discipline and force the Congress to make these tough decisions, the balanced budget amendment is very, very important.

And I must say I welcome anyone who wanted to be converted on that issue because I think it is critical. To me it is sort of the centerpiece of all the efforts we are making on both sides of the aisle. It is not a partisan issue. There is a new poll out today indicating that 78 percent of the American people support the balanced budget amendment. I believe they understand probably better than we do that we need the discipline. We need to be able to say to people, Oh, we cannot do that. It is a great idea, but we have a constitutional amendment now for a balanced budget and we cannot start a lot of new programs, which start low and end up in the millions and billions of dollars.

So it is my hope that, before this Congress ends, the balanced budget amendment will be before the States for ratification. It seems to me that is very, very important.

Then just last night, we made a very important downpayment on deficit reduction by cutting \$16 billion in unnecessary Government spending—not over 5 years. The President advocated \$16 billion over 5 years. This year it is \$16 billion in the Senate bill and \$17 billion in the House version. They will go to conference when we return after the recess. My view is that we will have a very tough but a very fair spending reduction proposal to send to the President. I hope that he will see fit to sign it.

We acted swiftly to ease burdens on working Americans, and those who create jobs and opportunities. We restored the tax deduction for more than 3 million self-employed Americans for the cost of health insurance premiums. We eased burdens on job-created businesses by approving the Paperwork Reduction Act. And we took an important first step in regulatory reform by approving a 45-day congressional review of excessive regulations which cost America money and jobs.

The Republican Congress' first 100 days stand in stark contrast to the first 100 days of the Clinton administration. Instead of an explosive action period, President Clinton's first 100 days in office will be remembered for big Government policy bombs, such as the biggest tax increase in American history, including retroactive tax increases and tax hikes on Social Security recipients, and a misguided, unpaid-for stimulus package that would have added billions to the deficit Americans are demanding we control.

And in 1995, while Republicans were reining in Government during our first 100 days, the Clinton administration was at it again, producing a budget that gave up on trying to ever balance the Nation's books. And the President protected Washington's chronic wild

spending by fighting the balanced budget amendment, and the will of the American people.

The good news is, during the next 100 days, the Republican Congress is determined to protect our children, grandchildren, and future generations of Americans by producing a budget plan that will lead to balance budget by 2002. It would be a lot easier if we had that one more vote on the Democratic side, and I do not think anyone in this Chamber would think that it would make it much easier for us to do that if we had that discipline. I really believe that someone will see the light, I hope.

Mr. President, while the focus during the past 100 days has been on the House—and rightfully so—I believe the next 100 days will belong to the Senate, probably maybe the next 100 nights, too. There will be fewer recesses on the Senate side. The House is going out for 3 weeks. We are going out for 2 weeks. We have to catch up.

I do not quarrel with that because the Founding Fathers realized that they needed one body that could move very quickly. They wanted another Chamber where they would be more deliberate and certainly nobody can argue the point that we are very deliberate.

In fact, we deliberate and deliberate and deliberate sometimes. We are not setting any deadlines. And no one expects the Senate to be a rubberstamp for the House. But we will continue to be guided by the common principles of reining in Government, returning power to the people and expanding opportunity.

It is my hope that the Senate will address many of the following issues, putting the budget on a path to balance; welfare reform. That is a big issue, not partisan. It is bipartisan, as it should be. The President says he supports welfare reform; cutting taxes for families. There will be a tax cut, a substantial tax cut measure passed in the Senate; reforming our legal system, regulatory reform, tough anticrime measures, voting on term limits and protecting U.S. interests in U.N. peacekeeping.

Mr. President, on January 4, I walked across the Capitol to the floor of the House because I had never had the privilege of seeing a Republican Speaker. Now I have, and I know I speak for all of my Republican colleagues when I say I like the change. Tonight, Speaker GINGRICH will report to the Nation on the historic first 100 days of the Republican Congress. I look forward to watching, and I look forward to tackling the important work that remains ahead.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. COVERDELL). Under the previous order, there will now be a period for the transaction of morning business that will not extend beyond the hour of 1

p.m., with speakers permitted to speak therein for up to 5 minutes each.

Mr. CONRAD. Mr. President, I ask unanimous consent that I be able to proceed for 15 minutes.

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

Mr. CONRAD. I thank the Chair.

REPUBLICAN ACTION TO BALANCE THE BUDGET

Mr. CONRAD. Mr. President, this week does mark the final action in the House of Representatives on the so-called Contract With America. This week, there will be all kinds of analysis of what the Contract With America has meant, and I wanted the chance to take stock and share my view as people comment on the first 100 days of the so-called Contract With America.

Let me say, as I said in a speech in January, there are some parts of the contract that are good, some parts of the contract that I strongly support. In fact, we already have two parts of it that have become law—the Congressional Accountability Act that will apply to Members of Congress the laws that apply to everyone else. I support it. We tried to get it passed last year. It is now the law of the land. That is positive; and the unfunded mandates bill, which will make it more difficult for the Federal Government to send orders out to the States to fund something that we deem necessary and appropriate. That had gone too far. We have reined it in through legislation that is now also the law of the land. Those are both positive things, in my view.

When we turn to the fiscal side of the House, when we look at how the Contract With America impacts the long-term economic health of America, quite a different picture emerges. Very frankly, the numbers just do not add up.

The proponents of the contract have said they are going to balance the budget; they are going to cut taxes; they are going to increase defense spending, and it is all going to work.

Mr. President, we heard that same old song back in the 1980's, when the Republicans captured control of the Senate, they had the White House, and they told us they could cut taxes dramatically, increase defense spending, and balance the budget.

What happened? Well, they cut taxes. They increased defense spending, but the deficit and the debt of this country exploded. And now, Mr. President, we are seeing a repeat of that tragic, tragic economic policy for this country. Now we are seeing a repeat, *deja voodoo*. We saw the economic policy of the 1980's referred to as *voodoo economics*, and indeed it was because it told the American people, when we already had a deficit, that we could cut taxes, raise defense spending and somehow it would all add up. It did not add up then, it is not going to add up now, and we ought not to repeat that experience.

That dug a deep hole for America—quadrupled the national debt in this country. Now we are faced with a circumstance in which we see the same sold economic nostrums peddled to us once again.

Mr. President, I think it helps if we look at what is our current circumstance. This chart shows what it would take to balance the budget over the next 7 years. What are the cuts necessary to balance the budget if we do nothing to make the problem worse before we begin to solve it? This chart shows it would take \$1.2 trillion of cuts over the next 7 years to balance the budget.

Mr. President, unfortunately, our friends in the Contract With America, before beginning to solve this problem, have taken the first steps which are to make it worse. It makes no sense. Just this week, they passed in the House tax cuts of \$345 over the next 7 years. So instead of starting by reducing the deficit, they have started by digging the hole deeper instead of starting by filling in the hole.

Mr. President, this chart shows on top of the \$1.2 trillion of cuts necessary to balance the budget over the next 7 years, our colleagues in the House have added \$345 billion of tax cuts over that period, so now we have a hole that is \$1.555 billion.

Mr. President, one might ask: Where are the spending cuts from our friends in the House of Representatives, from those who are advocates of the Contract With America, where are the spending cuts to match the problem that we have of balancing the budget over the next 7 years?

Mr. President, here is what they have come up with so far, \$485 billion—\$485 billion of cuts matched up against the need of \$1.54 trillion necessary to balance the budget over the next 7 years.

Unfortunately, the full picture is even more serious. Let us just go to the next chart because the charts I have shown before this one assume we are going to take Social Security trust fund surpluses to reduce the size of the deficit over this next 7 years.

If instead we were to balance the budget honestly and not be raiding Social Security trust funds to balance the budget, what we find is instead of a \$1.5 trillion hole to fill, we have a \$2.2 trillion hole to fill. We have the \$1.2 trillion of spending cuts necessary to balance the budget over the next 7 years, we have \$636 billion of Social Security trust fund surpluses that will be generated over that period, and now because of House action we have the \$345 billion of tax cuts that they have passed. To balance the budget honestly over the next 7 years we would need a whopping total of \$2.191 trillion.

Mr. President, again, let us see what they have done with the Contract With America in terms of meeting that need. We need nearly \$2.2 trillion of cuts. They have come up with \$485 billion so far. That looks to me like a \$1.6 trillion gap.

Our friends with the Contract With America have a \$1.6 trillion—not million, not billion—\$1.6 trillion credibility gap with the people of America, because if we are going to honestly balance the budget, we are going to close the gap between spending and revenue over the next 7 years, that takes \$1.2 trillion. If we are not going to use Social Security surpluses, that is another \$636 billion, and now they have stacked on top of that \$345 billion in additional tax cuts—nearly \$2.2 trillion necessary to balance the budget over the next 7 years and they have come up with a measly \$485 billion of cuts.

Mr. President, they are not getting the job done.

Now, if we look at the spending over the next 7 years, the projection is that we will spend \$13.2 trillion over the next 7 years.

Remember, we need now, based on the action they have taken over in the House, to save \$2.2 trillion. We are intending to spend \$13.2 trillion over that period of time.

Well, that looks like a manageable thing to do. Look at where the money is going. Interest on the debt, over \$2 trillion. In fact, we are going to spend more on interest on the debt over the next 7 years than we are going to spend on the national defense. We are going to spend \$2.072 trillion on defense. We are going to spend \$2.082 trillion on the interest on the debt.

What are the other big areas of spending? Well, Social Security is the biggest—\$2.894 trillion on Social Security. We have Medicare, \$1.847 trillion over the next 7 years; Medicaid, \$962 billion. So those are real, the big pots of money. And domestic discretionary spending, just over \$2 trillion. Those are the big pots—Social Security, interest on the debt, defense, Medicaid, Medicare, and domestic discretionary spending.

In fact, one of the interesting things you find is in just five areas on the budget, we are spending 75 percent of the money—Social Security, interest on the debt, defense, Medicare, and Medicaid.

But our friends have said, well, there are parts of this that we cannot touch. Obviously, you cannot cut interest on the debt. That is owed. We have to pay that. That is \$2 trillion over the next 7 years. So that is off the table.

In addition, our friends have said Social Security is off the table. We are not going to touch that, because that is the most fundamental contract with America. We have taken taxes from people in order to assure that they receive the benefits they have been promised. That is \$2.9 trillion over the next 7 years. That is off the table.

In addition, in the Contract With America, they have said we are not going to touch defense. It is off the table. That is over \$2 trillion over the next 7 years. In fact, they say we ought to increase defense spending.

Well, when you take Social Security, interest on the debt, and defense off

the table, you have to achieve those \$2 trillion of savings out of about \$6.2 trillion of spending, because we have taken half of the budget off the table.

Mr. President, that means we would have to cut everything that is left by a third in order to achieve the savings. Everything else would have to be cut by a third.

I do not think that makes much sense—cut the highway program in this country by a third; cut veterans benefits by a third, after we made a solemn promise and pledge to them; cut education by a third; cut every nutrition program; every program to make this country a better place, cut them all by a third.

Mr. President, there has to be a better way of going about this. The Contract With America so far is certainly not delivering on its promise to make the economic lives of Americans better. One of the most disturbing aspects of what has been done is to look at how they have targeted the tax benefits.

Because, let us be frank, they have targeted the tax benefits right at the richest, wealthiest people in this country. They have said to those who are at the top, "You get the lion's share of benefits." And they have said to everybody else, "You get the scraps."

Mr. President, let me just make this clear. We have had 100 days of the Contract With America, and the tax plan that they have passed gives 100 times the benefits to somebody earning over \$200,000 as it gives to a family earning \$30,000. If you are earning over \$200,000 in America today, you get an \$11,200 tax cut under what they have done in the other House under the Contract With America.

If you earn over \$200,000, you get an \$11,200 tax cut. If you are a family earning \$30,000, you get a \$124 tax cut. That is nearly 100 times as much going to those earning \$200,000 as to those earning \$30,000.

This is their idea of tax equity. This is their idea of fairness. This is their idea of somehow making America better.

Mr. President, this is the same old trickle-down economics that we have seen before. It is great if you make a lot of money, but it does not do much for you if you are in the middle income in this country.

Frankly, the middle-income taxpayer will really pick up the tab, because we know what happened in the 1980's with this economic theory. The debt exploded, the deficits exploded, and interest rates exploded and, as a result, the things that cost middle Americans money—home mortgage, college tuition—all of those things skyrocketed. So they get a \$124 tax reduction. They will get many times that in increased expenses because of increased interest rates.

Mr. President, this shows the Republican contract. Fifty-two percent of the proposed tax cuts go to the top 12 percent of our population. Taxpayers with incomes of less than \$100,000, 48 percent

of the proposed Republican tax cut goes to taxpayers with incomes of less than \$100,000. The 12 percent at the top, those earning more than \$100,000, they get 52 percent of the benefits.

Again, I think a lot of people wonder: Gee, how is it? I read that in this Contract With America, they had a \$500 tax credit for children. How could it be that a family earning \$30,000 a year only gets \$124 of benefit?

Well, you know why that is true, Mr. President? Because they have played a little trick. They played a little trick in this tax plan. They did not make that credit refundable. And so if you look at what people are paying now and the tax relief they will get, you find that it is a big hoax; it is a big trick.

A family earning \$30,000 gets \$124 of benefits. Those with \$200,000 of income get \$11,000 of benefit. That is fair? I do not think so. I do not think that is what the American people had in mind when they were told there was this Contract With America. I do not think they had in mind, when they talk about a 50-percent cut in the capital gains tax, that 75 percent of the benefit goes to the top 12 percent in this country; and that the other 88 percent of the people in this country get 25 percent of the benefit. I do not think that is what they had in mind.

Mr. President, this last chart shows what is happening to the deficit. I thought under the Contract With America, they were going to balance the budget. But let us look at, after the enactment of the Contract With America, what is happening with the deficit.

Do you know what one finds? The deficit is going up. The deficit is not going down. The deficit is going up.

I thought with this Contract With America, they were going to be reducing the deficit. I thought they were going to be moving toward a balanced budget.

They have now passed the whole Contract With America and the deficit is going up. What happened? What happened? They said in this Contract With America that they were going to reduce the deficits, reduce the debt, and balance the budget.

But after the Contract With America is passed, the deficit is not going down, the deficit is going up. It is because the same old voodoo economics does not add up. It does not add up.

Mr. President, this is going to be pretty sobering for the American people to find out that they put their trust in something and, once again, they are disappointed. It is time for us to honor the most basic Contract With America, the pledge we took to uphold and defend the Constitution of the United States.

That is the real Contract With America that every Member of the House and the Senate have. And we have a duty and an obligation to secure the economic future of this country—a duty and an obligation. We ought to move immediately upon our return to

balance the budget of this country, to do it in an honest way without raiding Social Security trust funds and to secure a future for our children that is as full of promise and hope as what was turned over to us by previous generations.

Mr. President, I think the Contract With America has some good points—congressional accountability, the notion that we are no longer going to put off responsibilities on States that are beyond their ability to pay for. But this economic game plan is bankrupt. It does not add up. It is not fair, and it must be rejected. Then we must turn in a bipartisan way to doing what we all know must be done: to get our fiscal house in order, to get America back on track and to create economic opportunity for the people that we all represent.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COVERDELL. Madam President, it is my understanding that, under a previous order, each Senator is allowed to speak up to 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

BUDGET DEFICITS

Mr. COVERDELL. Madam President, I have been presiding, as you are, over the Senate for the last couple of days, and I would like to make some remarks about what I have heard from the other side, not the least of which we just heard from the good Senator from North Dakota.

First, I will say that the charts that he has described do one thing. They very clearly paint a picture of the enormous financial crisis that our country faces. It was just the other morning that I spoke before the Senate and I pointed out that within 10 years, Madam President—and that puts virtually every American I have spoken with at the table—all U.S. revenues will be consumed by just five things: Social Security, Medicare, Medicaid, Federal retirement, and the interest on our debt. Every dime of U.S. revenue will have been expended by those five outlays in just 10 years. So it is going to be this generation that has to come to grips with this issue.

We cannot pass the baton to anybody else. It is going to happen on our watch. The clock has run out. It will be this generation of Americans that come to grips with this.

But as I listened to the Senator from North Dakota as he was analyzing what our side of the aisle is coming with, he left out a couple salient facts.

The first is that the new majority's budget has yet to be presented. He was talking about the tax cut provisions that have come from the House, but we do not yet have the budget that has been presented from the House or Senate Budget Committees.

I am comfortable that both those committees are going to come with budgets that move toward balance and do not add to the deficit. After all, it was the new majority that had to fight through this body the rescission cuts from the House which were \$17 billion and, as the majority leader noted this morning, on the Senate side late last night, \$16 billion. I might add, that is a stark contrast from what the President came to Washington to do, which was to add \$16 to \$19 billion just 2 years ago straight to the deficit if it had not been defeated by our side of the aisle. So he failed to address the fact that the new budgets have yet to be seen.

The second point he left out is that the only budget that has been given that we have seen has been given to us by the President of the United States. We do have that budget. That budget adds \$200 billion to the deficit for as far as the eye can see. If he had put the President's proposal on his chart, it would have had to have reached clear to the top of the ceiling. The President has totally ignored the deficit—totally ignored it.

The President was in Atlanta just this past week, and the President and the Secretary of the Treasury both said—this is an unbelievable statement—but they both said that the United States is actually operating in an operational surplus. That is a stunning statement from the President, the Chief Executive of the United States of America, that we are actually operating—he told a group of 2,000 students that we are actually operating with a surplus.

He went on to say—asterisk—“that is, if you do not count the interest on the debt.”

Of course, most people I go to work with every day and who live in my hometown and my State recognize that if they go to the bank and they ask for a loan and the loan officer says, “Your financial statement just won't allow the loan,” they would say to the loan officer, “Yeah, but if you don't add all the interest I am paying on my mortgage, I'd be in great shape,” you would either be laughed out of the loan office or thrown out of the loan office.

Madam President, I am just going to leave two points: One, the Senator from North Dakota completely overlooked that the budget they presented is \$200 billion in debt for as far as the eye can see; that this administration, through the budgets that they have offered and the actions they have taken, are doing the equivalent of adding \$2.2 trillion to the debt—\$2.2 trillion to the debt. He left that completely out of his remarks.

And the second point I want to make is you cannot talk about what the new

majority planned until the new majority puts its budgets on the table. They will be here soon, and they will move to a balanced budget by the year 2002.

I might also add, if the Senator from North Dakota had voted for a balanced budget amendment, we might be on a near course to getting this job done. I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

U.S. INTELLIGENCE AND MEDICAL COMMUNITY PARTNERSHIP

Mr. KERREY. Madam President, I rise to issue a challenge that I hope will be answered with the creation of a stimulating partnership between business, medicine, and the Government, in this case the Federal Government. An important relationship is developing today between U.S. intelligence and the medical communities.

Technology to support intelligence analysis is being adapted to improve significantly a doctor's ability to detect breast cancer in its earliest stages. Over 46,000 women die each year. The early estimates are, with this technology, that up to one-third of these women could be saved as a consequence of this technology conversion.

The technology being developed is simple to describe but very difficult to achieve. Daily, intelligence analysts deal with the problem of detecting changes in photographic images they are reviewing. As they watch foreign airfields, they want to know arrivals, bed-down, and departures of aircraft. As they watch foreign seaports, they want to know the arrivals, unloading, and departures of ships carrying cargo of interest. Computer software can be of great assistance in automatically detecting these sorts of changes at airfields and at seaports. It is this intelligence technology that is being adapted for the medical community.

Early detection of breast cancer currently relies heavily on the judgment and professional experience of doctors who review mammograms and magnetic resonance images. A significant part of their judgment is based on comparing previous images with the current image of a woman's breast. As in the intelligence world, detecting change is fundamental to understanding what is going on.

Through some exciting developments managed by the National Information Display Lab at the David Sarnoff Labs in Princeton, NJ, computer analytical techniques are being developed for the medical community. Relying on the technology developed for intelligence, they are adapting the technology to combat a dreaded disease that attacks 1 in 8 women in America today.

Madam President, I want to emphasize that the tens of thousands of lives that already have been saved as a result of intelligence technology by providing more effective national defense will be complemented by the thousands

of lives that will be saved through the earlier detection of breast cancer.

This is an excellent example of the sound investment of taxpayers' dollars being paid off by saving thousands of lives in both national defense and medicine.

The National Information Display Lab, or NIDL, is an inspiring arrangement that needs to be duplicated by other Government/private-sector relationships. NIDL provides the bridge between Government/civilian-sector requirements and Government/civilian-sector technology. By understanding both requirements and technologies, NIDL is able to help close the gap between the Government and the private sector. Perhaps the most significant part of NIDL's story is their funding. NIDL relies on Government funding to begin to develop technology, which is then spun off to the commercial world for civilian and Government applications.

On Tuesday of this week, Madam President, the chairman of the Intelligence Committee, Senator ARLEN SPECTER, and I announced intelligence community funding to begin the technology transfer for breast cancer research. The community is providing \$375,000 to the NIDL to push the technology ahead. We are all aware of the intelligence community's keen sense of urgency, great technical expertise, and excellent planning skills which will ensure that the push forward has an effective start.

I also want to personally thank President Clinton for making all of this happen. His commitment to breaking down the walls between defense technology and commercial technology, and his passion to attack the Nation's health problems with every weapon in our arsenal are the reasons this project is going forward. Once he knew that intelligence systems could bring earlier detection of breast cancer, this Government acted with determination and dispatch.

I began, Madam President, by saying that I was issuing a challenge. The challenge is this: Will all the interested parties—Government, medical, and commercial—now pick up the ball that has been put into play and carry it forward so that within 12 to 24 months—I emphasize this, Madam President, because this start will not come to completion unless we set a deadline and say that within 12 to 24 months, we are going to carry this technology forward into the clinical labs and clinics of this country, so that within this period of time, more women's lives will be saved through the earlier detection of breast cancer. The National Information Display Lab must be put on a sound financial basis, and everyone must help. I hope the challenge will be met.

I yield the floor.

Mr. BENNETT. Madam President, I ask unanimous consent that I be allowed to speak in morning business for up to 15 minutes.

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

GUIDE TO SMALLER GOVERNMENT

Mr. BENNETT. Madam President, I have several matters I would like to call to the attention of the Senate.

First, in this morning's Wall Street Journal, we have "A Bureaucrat's Guide to Smaller Government."

The following was sent in by a Federal employee who asked to remain anonymous so she can keep her cushy Government job.

She describes the way in which she talked to her other Federal employees or fellow Federal employees, asking them, "How will you know that the Government is truly shrinking?" They came up with their top 10 list.

These are the top 10 ways we can know that the Government is truly shrinking:

(10) When the Equal Employment Opportunity [EEO] office has a layoff.

She says:

Our EEO chief gets paid more than \$70,000 a year to coordinate "diversity" events and spout aphorisms at meetings. When that sacred cow gets a real job, I'll know the change has come. Which brings me to * * *

(9) No more paid time off for diversity or charity events.

She says employees can get away with murder because of the Federal culture. It lacks an urgency to produce.

A lazy but savvy employee can spend most of his or her workweek attending such vital events as Earth Week, Women's Equality Day, AIDS Awareness Day, or helping in the annual United Way shakedown.

She says:

I'll know the cuts have had an impact when agencies like mine no longer can afford to have an \$80,000-a-year employee take "a few months off" to work on the United Way fund drive.

(8) When upper management is replaced for not making cuts fast enough.

(7) When the entourage for agency heads disappears.

She says:

My agency has about 600 people—small by Federal standards. Even so, the guy who runs the place has a scheduler who's paid \$70,000 a year, a public relations staff to write his speeches and press releases, and a clutch of assistants and advisers * * *. A Congressman or Senator can get by with fewer helpers. Why not a bureaucrat?

(6) When the newspaper subscriptions stop. Scientific or trade journals are one thing, but why does the Federal Government need to buy thousands of subscriptions to The Washington Post or the New York Times?

(5) When somebody gets canned—and quickly—for running a business from his desk.

This one struck me, interestingly. She says:

I saw my first answering machine in 1979 on the desk of a Federal employee who was running a real estate business "on the side." Moonlighting on the job is still lucrative, as the chance of being punished, let alone fired, is very small. If the White House caves in to union pressure and won't push for streamlined firing procedures, then the Hill should do it and get these thieves off the payroll.

(4) When top management takes cuts, too.

She talks about the hiring freezes at lower levels, but not at the top.

(3) When nobody says "because we've always published this report."

"Hundreds of Federal documents," she says, "are published out of habit, not need."

No. 2, Madam President, as to how we will know the Government is being cut back:

When they take "solitaire" off the computer.

And (drum roll) the No. 1 way Federal workers will be able to tell when big Government is being cut: When there's nobody in the cafeteria at 2 p.m.

She says:

I believe the Federal culture can change. But does the GOP Congress have the guts to give the Federal bureaucracy a long-overdue kick in the pants? Some of us will be watching for the signs.

I found that amusing, and having served in the executive branch myself, somewhat familiar, Madam President.

I ask unanimous consent to have the entire article printed at this point in the RECORD.

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

A BUREAUCRAT'S GUIDE TO SMALLER GOVERNMENT

The following was sent in by a federal employee who asked to remain anonymous so she can keep her cushy government job:

Does tough, bureaucracy-busting talk from the new Congress and the White House scare the average federal worker? I'm a federal employee and have yet to see any signs of fear among my colleagues. Perhaps that's because I have yet to see any signs of real change in the federal government.

Yes, there are some grumblings about pensions. But we've seen administrations and Congresses come and go, with their blue-ribbon commissions on cutting budgets, pay and jobs. Yet, budgets always continue to grow, hiring expands, and people get paid more for doing less.

I recently asked a few of my federal-worker friends, "How will you know that the government is truly shrinking?" Here's our top 10 list:

(10) When the Equal Employment Opportunity (EEO) office has a layoff. Our EEO chief gets paid more than \$70,000 a year to coordinate "diversity" events and spout aphorisms at meetings. When that sacred cow gets a real job, I'll know the change has come. Which brings me to . . .

(9) No more paid time off for diversity or charity events. Today, the lazy but savvy employee can spend most of his or her workweek attending such vital events as Earth Week, Women's Equality Day, AIDS Awareness Day, or helping in the annual United Way shakedown.

Employees can get away with this because the federal culture, in general, lacks an urgency to produce. I'll know the cuts have had an impact when agencies like mine no longer can afford to have an \$80,000-a-year employee take "a few months off" to work on the United Way fund drive.

(8) When upper management is replaced for not making cuts fast enough. Politically appointed managers serve at the pleasure of the president. If he's displeased by an appointee's not being willing to cut, the appointee should go. Likewise, the appointee should threaten transfers or demotions to

senior civil servants who don't or won't hustle.

(7) When the entourage for agency heads disappears. My agency has about 600 people—small by federal standards. Even so, the guy who runs the place has a scheduler who's paid \$70,000 a year, a public-relations staff to write his speeches and press releases, and a clutch of assistants and advisers. These people are mostly civil servants, and they represent a bloat at the top as they pamper and package their boss. A congressman or senator can get by with fewer helpers. Why not a bureaucrat?

(6) When the newspaper subscriptions stop. Scientific or trade journals are one thing, but why does the federal government need to buy thousands of subscriptions to the Washington Post or the New York Times?

(5) When somebody gets canned—and quickly—for running a business from his desk. I saw my first answering machine in 1979 on the desk of a federal employee who was running a real estate business "on the side." Moonlighting on the job is still lucrative, as the chance of being punished, let alone fired, is very small. If the White House caves in to union pressure and won't push for streamlined firing procedures, then the Hill should do it and get these thieves off the payroll.

(4) When top management takes cuts too. Hiring freezes and "reductions-in-force" are two tricks politicians and upper-level civil servants use, probably because lower-level employees get shuffled around while the top-heavy structure remains intact. Corporate America has known for years that a flatter management structure is more efficient. A smaller budget coupled with a results-oriented Congress might do the trick for the federal sector.

(3) When nobody says "because we've always published this report." I heard Mike Espy did something right at the Agriculture Department. He stopped publishing the agency's yearbook because nobody read it. Hundreds of federal documents are published out of habit, not need.

The original need for all this paper came from the days when the federal government was one of the few reliable sources of information—and when the kind of information it provided was difficult to get otherwise. Economists call that "market failure," since the market couldn't give the service. Today, there is no market failure in information, thanks to modems and the Internet. Except for the Census (which is constitutionally mandated), the feds should stop handing out information for free, cut the staffs, and let the market take over.

(2) When they take "solitaire" off the computer. Gov. George Allen of Virginia did it to his state's computers, and he was right. He didn't think Virginia could afford to have such addictive time-wasters on people's desks, and the same goes for the federal government.

And (drum roll) the No. 1 way federal workers will be able to tell when big government is being cut: When there's nobody in the cafeteria at 2 p.m.

There's a story that now-Supreme Court Justice Clarence Thomas was hated when he was a commissioner at the Equal Employment Opportunity commission, because he would scour the coffee shops in the afternoons and order people back to work. Someday, I hope a manager will find an empty cafeteria at 2 p.m. because his employees can't afford to goof off.

I believe the federal culture can change. But does the GOP Congress have the guts to give the federal bureaucracy a long-overdue kick in the pants? Some of us will be watching for the signs.

SENATE VOTES \$16 BILLION IN CUTS

Mr. BENNETT. Now, Madam President, I rise this morning to talk about what happened in this Chamber last night.

I am interested in the fact that neither the Washington Post nor the New York Times—the paper that considers itself the paper of record in the United States—took proper notice of what happened here last night.

I would like to correct that and talk about it for just a minute. I have here a copy of the Washington Times, the upstart newspaper, and it says in the headline "Senate Votes 99 to 0 for \$16 Billion in Cuts."

Now, Madam President, we were here 2 years ago, when the Senate was fighting about \$16 billion—interesting symmetry in numbers—for a stimulus package which we were told was absolutely essential to get the economy on its feet. Indeed, we were told on this floor that if we did not pass this stimulus package of \$16 billion in increased spending, the economy would collapse, people would be out of work, everything would fall apart.

We Republicans opposed the stimulus package. We did not have enough votes to defeat it, but we had enough votes to prevent cloture, and we kept talking about it and ultimately it was taken down.

That is, for those who do not understand the language of this place, "taken down" means that the majority leader removed it from the floor and it was left for dead.

We were told at that time, we have dealt the economy a serious blow. Indeed, that stimulus package was an appropriations bill referred to as "an emergency." It was an emergency appropriations bill, the advantage of that being that it did not have to come under the budget requirements.

You see, we have budget caps here and they say this is what is required. But if you have an emergency appropriation, that goes above the budget caps. We had this \$16 billion stimulus emergency before us and promises of all kinds of dire disastrous events that would occur if we did not pass it. We did not pass it. The disastrous events did not come to pass. And then, in this Congress, to show the difference, we had a bill on the floor, a rescission bill—meaning we were cutting out of the present fiscal year's activities \$16 billion. In business terms this is a \$32 billion turnaround.

While we were debating these \$16 billion in rescissions, in cuts, we were told, again on this floor: Disaster. If you make those cuts you will be throwing children out into the snow. If you make those cuts you will be trying to balance the budget on the backs of those people least equipped to handle it. We were told how terrible that would be. And we persisted. We stood firm.

When I came on the floor last night to vote I expected the vote on this bill

to be as close, if you will, as the vote on the stimulus package was, because we had heard all these terrible things. Then, when the vote started to come in, I was stunned to hear the people who were voting for these \$16 billion in cuts. I thought maybe I am on the wrong side. Maybe this is a motion to table, because I am going to vote for this. But the other kinds of Senators, who are voting for it, are not the ones I expected to be for these cuts, having heard all this rhetoric. But I looked around—no, everybody was voting for it. As the headline says in this morning's paper, "Senate Votes 99 to Zero for \$16 Billion in Cuts."

That demonstrates the change that has occurred in just 2 years. We have gone from \$16 billion in a stimulus package that we had to have or the economy would collapse, bitterly fought over, highly partisan, narrow vote—to a unanimous vote in the Senate that says \$16 billion can come out of the current fiscal year's activities without hurting the economy. Indeed, I would suggest, it would help the economy.

So I am delighted to have been 1 of the 99 that voted for those cuts. I am delighted to welcome the new converts to the side of those of us who believe that the Government can survive, that we can downsize the bureaucracy, that we can get some progress toward bringing our fiscal affairs in order, regardless of the rhetoric that has gone around.

SMALL BUSINESS

Mr. BENNETT. There is another point I want to make, Madam President. During the debates 2 years ago there was a lot of conversation about small business. Everyone loves small business. Everyone recognizes that small business is the engine that drives the economy, because all of the new job growth comes not in the big businesses but in small business. The new job growth comes from the entrepreneurial effort, the young man or young woman who starts his or her own business, hires a couple of neighbors, then takes on a few more and pretty soon you have 8, 10, 12 employees where you had none before.

If you multiply that by the thousands, tens or hundreds of thousands of opportunities around the country, you realize that is where the new jobs come from. As the big businesses are downsizing, the small businesses are providing the new job engine and opportunity.

In the debate that went on with respect to the economy 2 years ago, everyone said kind things about small business. But when it came to talking about the realities of small business I, as a former small businessman, found an enormous amount of misunderstanding or, frankly, plain ignorance about the way small businesses work. Two areas concerned me the most and I am hoping that this vote that oc-

curred last night signals as big a change in understanding of these two areas as it does with respect to how we are going to handle our fiscal affairs.

The first area that upsets small business people the most, as I go around and talk to them, is the area of regulation, overregulation, but perhaps even more frustrating, simply stupid regulation—lack of common sense. It has been my experience that we in the Congress write legislation and we have a relatively focused attitude as to what will be regulated—about the distance between my two hands. We legislate to this regard.

Then, when the people in the executive branch receive that piece of legislation they move the hands out and they start writing regulations within these parameters—like the fish that got away, when it is being discussed later on around the campfire. Then, after these regulations are sent out the enforcers get ahold of them and they enforce them as if there are no parameters, and the hands spread even wider. So the small business person comes to us in Congress and says, "What are you doing to us?"

We say, "This is the legislation that we wrote"—back to the original distance between the hands.

And they say, "But we are faced with inspectors who are regulating as if there are no parameters at all."

We have, within this Congress, a proposal that would say after we legislate, and then the regulations are written, the regulations have to come back before the Congress and for 45 days we get an opportunity to cut them back to the level that we had in mind when we passed the law. If we can make that stick we will make a significant contribution to the health and welfare of every small business in this country and, indeed, back to my comments about the anonymous Federal bureaucrat, we might even see some signs that Government is being brought under control, and not so many people are in the cafeteria after 2 p.m.

The second area that was discussed last year with respect to small business that frustrated me as a small businessman coming to the Senate had to do with tax policy. It was very clear to me, with all of the wonderful things people were saying about small business, that most of the Members of this body did not understand how small businesses really operate, and did not understand the impact of our tax changes on small businesses. We were told, for example, that the tax increase would fall only on the rich. I remember clearly the chart which President Clinton referred to in his address to the Nation, where he had a series of bar graphs and the bar graphs at this end were very small. He said these are the people in this income bracket who will pay more taxes and these are the people in this income bracket who will pay more taxes. These are the people in this income bracket.

Now look at the people in this income bracket. These are the people

who earn over \$250,000 a year. They are going to pay all the increased taxes and that is what we want. It is for the rich people to pay the taxes. As if only Michael Jordan was going to have to pay more taxes; nobody else was going to have to pay any more taxes.

Now, \$250,000 a year is a lot of money for an individual, but it is not a lot of money for a small business that is growing. Many times, \$250,000 a year is a problem. Why? Because the business is growing and it needs money for inventory, it needs money for receivables, it needs money for additional facilities. Where is the money going to come from? It is going to come from the profits being generated. And the business, for tax reasons, is being taxed as an individual.

I said in this body before, has anyone here ever heard of a K-1? That is the tax form that a small businessman or small businesswoman uses to report that income on his or her individual tax return. I pointed out in that bar graph that the President pointed to, 77 percent of the tax returns filed by people who were represented in that bar graph contained K-1 income. They were people who were reporting business income as if it were personal income in order to avoid double taxation. Yet, in this body, we were saying they were the rich and they had to have the tax increase put on them.

I hope that on the basis of last night's vote, we will recognize that the way to balance the budget is not to say let us soak the rich, let us soak those who show this kind of income on their personal tax returns, ignoring the fact that in many, many instances, it is not personal income, it is business income that is being reported. And the business needs that money desperately to continue the job creation pattern.

We would say, on the basis of last night's vote, the way to balance the budget is the way we did it last night, with a 99-0 vote in favor of spending cuts rather than the siren song of tax increases.

I conclude with this comment, Madam President, with respect to this question of tax increases and spending cuts.

In a business, you know what your costs are. And I look at what would happen if you were to cut your costs, cut your overhead. You can project that with some degree of accuracy. The thing you cannot project in a business with any degree of accuracy—well, maybe some degree, but it is pretty dicey—is how your sales are going to go, how your revenue is going to go up.

So if you were facing a shortfall in your business, you can cross your fingers and hope that the sales will go up to cover that shortfall. I assure you, I have done that many times in my career, hoping against hope that the sales will go up. But the one thing you can be sure of is that if you cut your overhead, those savings will be there in the

following month even if the increased profits that you are hoping for, the increased revenues that you are hoping for are not there in the following month.

Last night, we cut the overhead in ways that are predictable. When we raise taxes we are doing the same thing a business does when it raises prices and then hopes that the customers will not react negatively, hopes that it can raise prices and still continue to sell the same number of units it sold before the price increase. We in the Federal Government have a miserable track record of projecting how those price increases are going to work.

I will give you two quick examples. Back as a result of the 1990 budget summit, we raised prices—"we," the Government—raised prices on two items, luxury boats and luxury cars. We projected that we would get more revenue out of both of these. To show what wonderful forecasters we are, on the luxury boat side, we took an industry that had over capacity, that desperately needed a price cut to survive, and mandated a price increase that destroyed the industry, caused massive layoffs and huge unemployment compensation bills. We missed that forecast terribly.

But before we say, "Oh, is that not awful that we missed that forecast," let us look at the forecast for the price increase on luxury cars. We missed that one just as bad, Madam President. But fortunately, for the Treasury, we missed that one on the other side. The revenue that came in from the increase in tax on luxury cars was three times what we forecast it would be.

What is the lesson to be drawn from that? To me, it is very simple; it is that the Federal Government, regardless of how much we have invested in computers and economists and experts, does a lousy job of forecasting what will happen as a result of its changes in tax policy. But we can do a better job of forecasting what will happen as a result of changes in spending policy.

So I think the lesson that comes out of last night's action and our examination of the contrast between this year and 2 years ago is this: We can get our fiscal affairs under control. We can cut through all of the rhetoric and the crying wolf and the horror stories and produce bipartisan support for spending cuts. Let us put the primary emphasis, like good business people would, on controlling the spending rather than crossing our fingers and hoping for the increased sales.

If we do that, we are on the right course. And I, for one, take great comfort out of what happened here last evening and hope it will be the harbinger for many more headlines that say that the Senate votes unanimously for substantial spending cuts.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Chair, in her capacity as a Senator from Texas, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes in morning business.

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

PROMISES KEPT

Mrs. HUTCHISON. Mr. President, I think it is a phenomenal thing that happened in America. In the last 3 months, the people asked for something different. And in the last 3 months, we have done exactly what the people asked.

If you ask a person to bring down to one or two words what the last 3 months mean, I would say "promises kept." I think the people of America were despairing that ever again, a politician would promise something and deliver.

That is what is happening right now in the Congress of the United States. I commend the House of Representatives for giving themselves a very heavy load and then succeeding in doing what they said they would do.

There are those who disagree with what the House did. Probably no one agrees totally with what the House did. But if you look at the spirit and the intent and the strain of what they did, I think the people of America agree that they did what they said they were going to do, and I think the Senate of the United States will agree with many of the concepts that the House has put forward.

If we are going to let the people of this country know that in fact their voices did make a difference in 1994, that the signal was received in Washington, DC, that the people want a different Congress and a different Government, then I think we are going to have to continue into the second and third 100 days going in the same direction that we are now going.

What does that mean? First and foremost, Mr. President, it is what you just talked about on the floor of the Senate a minute ago, a balanced budget. First and foremost, we have to start showing that we are serious about balancing the budget. Last night, we started on that road. We took some very serious and tough steps right in this 1995 budget, and we cut almost \$16 billion that will not be able to be spent between now and October 1 of this year.

So that is a beginning. It is a very small beginning when you look at what we really must do. We must get on a track that says between now and the year 2002 we are going to go toward a balanced budget, that the \$5 trillion debt that is sitting out there will not

be increased but in fact we will start whittling away at the deficit so that in the year 2002 we can start looking at the long-term solutions to bringing down the actual debt.

A lot of people do not realize that when we get to the balanced budget in 2002, we still have the massive debt that we have to decide exactly how much of which we are going to pay down. But that is for the second phase. The first phase is to come to a balanced budget every year, and that is our first commitment.

The second commitment is a reform of Congress. If we are going to look at the long term, if we are going to look at the future, we are going to have to look at the reforms of Congress that will keep from happening what we have seen over the last 30 years, which is a buildup of this massive intrusion of the Federal Government on our States, on our local governments, and on the lives of our people, especially our small business people. If we are going to do that, it is going to be not only bringing down the bigness and vastness of Government, not only bringing down the arrogance of Washington, DC, but it is bringing down the power base of Congress.

I think the most important first step that was made by the House of Representatives was on the first day—hardly any press about it, but the reform of their leadership when they voluntarily voted themselves term limitations on chairmanships and the Speaker of the House himself. That began the process of bringing down the vast power that has accumulated in these Halls and really caused the massive increases in spending in the Federal bureaucracy. So when the Speaker says voluntarily I am not going to serve more than 8 years, and when committee chairs say I am not going to serve more than 6 years, you have really taken away a lot of the incentive to do things that build power bases and instead have given the incentive to do what is right from the public policy standpoint.

The Senate is now looking at just such changes, and I think it is going to be healthy for us to also in this body look at ways that we can pass the leadership around. It is a very important reform. It is internal. It will not be that well known outside the beltway. But it is a very important internal reform that will have far-reaching consequences.

The third area that I think is most important to get our country back on track is regulatory reform. If we are going to free our businesses to compete in this new global marketplace, we must have the harassment of Federal regulatory excesses stopped now. Stop right now. By every standard, the cost of complying with Federal regulations is holding down our small business and our large business from growing and expanding and creating the new jobs that will get this economy going again.

By conservative estimates, they say that business costs of regulatory compliance are about \$430 billion a year. If you add the cost of regulatory compliance of States and local governments, it is about \$900 billion a year.

To put that in perspective, Mr. President, the income tax brings in just under \$800 billion a year. So as you are getting ready on April 15 to send your tax bill in, when you sign that tax bill, you should remember that what you are giving to the Federal Government is less than the stealth tax of regulatory compliance. That is the cost that is holding our business down, from growing and creating the new jobs. So if we are going to free our business to compete, we must take off those regulatory excesses.

Does that mean we are going to stop striving for clean air, clean water, protection of endangered species, safety in the workplace? Heavens no. Of course, not. What we must put in the equation is common sense. We are getting horror stories every day about some silly, stupid thing a regulator does that is unnecessary, that does not help the Government and most certainly hurts business. And it is the business that is the economic engine of America. So if we can stop that regulatory excess, that will be the most important thing we can do to get this economy going once again.

So these are the areas that I think we must address in the second 100 days. These are the areas that I think are going to be very difficult as we go forward. I have heard Democrats in the Chamber here, I have heard Democrats on radio programs talk about starving the children. The people of America are smarter than that. The people of America understand that we are not starving children when we give the States the responsibility for school lunch programs instead of running it from the Federal Government. The people of America are tired of silly, ridiculous statements like that that underestimate their intelligence, because I think the people of America who are raising our children understand that if our children are going to have a future at all, it is only if we begin to act responsibly in getting this huge Federal debt off the backs of those very children.

If they are going to have jobs in their future, if they are going to have education in their future, it is going to be only if we get this economy going again. We cannot do it if we have a program of spend now and pay later. That is what our program has been for the last 30 years in this country, save 1 or 2 years of responsibility.

Mr. President, I think the people of America need to listen very carefully. As we are going home for the next 2 weeks in the Senate, 3 weeks in the House, I hope that the people of America will listen carefully to what their elected representatives are saying because the messages could not be more different. Our message is one of pro-

viding for the future, of trying to make sure that there is a healthy America for our children, of trying to get the 10th amendment back in place, which says the powers not specifically given to the Federal Government will be left to the States and to the people. We must return the 10th amendment and we must let the States do what they know best, which is the needs of their people, rather than somebody in Washington sitting in an office who may not have ever been to Iowa or New Hampshire or Texas or California or Utah deciding what the priorities in that State should be.

My Governor, a Yale graduate, said, "You know, I'm beginning to be a little offended by those people up in Washington. Do they think I'm going to serve potato chips to the children of Texas? Come on. I think the people are smarter than that."

So, Mr. President, I think we have had a very exciting beginning. I think the people of America can say one thing right now and that is: things are changing in Washington. Their voices are being heard.

Is it easy? No. It is going to be very tough. But is it a commitment on our part to do what is right, not necessarily for tomorrow but for the long-term, for 3 years, for 5 years, for 10 years? That is the commitment that the people of America must see and that is what we must talk about as we go home and get the input from our constituents.

I hope that every one of us will take this opportunity to do that, because I think we have had a great beginning. I think the people of America should be assured that things are changing inside the beltway. And, with their support, we are going to keep right on plugging and try to make sure that the small business people of this country are able to grow and create the jobs that will let every American family see a better future for their children.

Thank you, Mr. President.

I yield the floor. 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. CRAIG assumed the chair).

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

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

POLICY PROLONGS BOSNIAN HERZEGOVINA WAR

Mr. DOLE. Mr. President, this week marks the third anniversary of the war against Bosnia and Herzegovina. It also marks the third anniversary of the international community's failure in Bosnia—a failure the United States, under both the Bush and Clinton administrations, has participated in.

The biggest mistake made by world leaders was extending, in practice, the

arms embargo on the former Yugoslavia to the Government of Bosnia and Herzegovina—which is an internationally recognized state and member of the United Nations. In addition to violating Bosnia's fundamental right of self-defense—a right which is recognized in article 51 of the U.N. Charter—this policy has had the effect of prolonging the war. It has prolonged the war by ensuring that the Serbs maintain such a superiority in weapons that they are not compelled to sign any deal—even one which rewards them with half of Bosnia as envisioned by the so-called contact group.

Now, the administration says that this European-designed policy has managed to contain the war and prevented further humanitarian disasters. We should not rush to pat ourselves on the back for our great humanitarianism until we look at the facts.

The facts are that over 200,000 people have been killed over the past 3 years, 17,000 of them children. Hundreds of thousands of civilians have been expelled from their homes because of their ethnicity and religion. Concentration camps, rape, and mass graves have become the tolls of ethnic cleansing—which is just another word for genocide. Homes, churches, and monuments have been reduced to rubble. Putting aside the human factor, from an international legal perspective, the world has watched as a U.N. member state has been attacked and occupied. And, now international leaders want to reward those attackers and occupiers, ostensibly in the pursuit of peace.

Yes, we must give credit to those brave aid workers and U.N. soldiers who have sacrificed and risked their lives to bring food and medicine to those in need. The policy is not their fault; they do not make policy—policy-makers in Washington and European capitals do. Nevertheless, we should not fool ourselves, feeding people who are trapped in U.N. safe havens that are anything but safe, while denying them the means to defend themselves is bad policy.

Yesterday, the Bosnian Prime Minister said in an interview that the Bosnians should prepare for a decade of war. It may sound pessimistic to some, but in my view it's pretty realistic if the present policy continues. Why should Bosnian Serb leaders agree to a settlement? Why should Bosnian Serb forces give up any of the 70 percent of the territory they occupy? Because U.N. forces on the ground? Because of NATO planes that fly overhead but do not bomb?

It is clear that the international community does not have the will to live up to its commitment to protect the Bosnians, so why can't we allow them to protect themselves? The present policy of keeping the U.N. forces in Bosnia indefinitely amounts to occupation. UNPROFOR should be withdrawn and the arms embargo should be lifted. That is the only policy

that makes legal, political, and moral sense. And, it is the only policy that offers any hope of bringing this war to and end by creating a military balance on the ground.

Mr. President, if the cease-fire due to expire on May 1 is not extended and a peace settlement has not been agreed to by the Serbs, I intend to take up the Dole-Lieberman legislation on the Senate floor shortly after the April recess. Three years of monitored genocide is enough.

The PRESIDING OFFICER. The Senator from South Dakota.

EXTENDING THE APPRECIATION AND GRATITUDE OF THE U.S. SENATE TO SENATOR ROBERT C. BYRD

Mr. DASCHLE. Mr. President, on behalf of myself and Senator DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 109) extending the appreciation and gratitude of the United States Senate to Senator Robert C. Byrd, on the completion by the Senator of the 4 volume treatise entitled "The History of the United States Senate", and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. DOLE. I would just say I thank the Senator from South Dakota for letting me be a cosponsor. Senator BYRD is certainly a unique figure in the history of this country, let alone the Senate. I extend my congratulations for his continued commitment to the institution as reflected in the four volumes. I certainly congratulate him for his effort.

THE SENATE AND ITS HISTORY

Mr. DASCHLE. Mr. President, 206 years ago yesterday—April 6, 1789, U.S. Senate achieved a quorum and got down to business for the first time. This is a fitting occasion to commemorate both the history of the Senate and the Senator who has become the Senate's foremost historian. All of us have heard ROBERT C. BYRD expound upon the history of this institution, about the Constitutional Convention that created it, and about its antecedents, the British Parliament and Roman Senate. In addition, he has regularly applied his historical knowledge to current floor debates. If anyone questions the need for studying history, the senior Senator from West Virginia has offered living proof of its worth.

Those Members new to the Senate and those viewers recently addicted to C-SPAN-II might understandably assume that Senator BYRD spent his early years in the Nation's finest schools pursuing a rich classical education. ROBERT C. BYRD enjoyed none of those early advantages. On Armistice Day, November 11, 1918, shortly

before his first birthday, his mother fell victim to that year's devastating influenza epidemic. Unable to cope alone, his father gave the child to an aunt and uncle who raised him in the hardscrabble coal fields of southern West Virginia. Although he graduated at the head of his high school class, the hardships and poverty of those Depression-era years in the early 1930's made college a luxury about which he could only dream. His early life was one of unrelenting labor, as a grocery clerk, a butcher, and a shipyard welder. In 1946, he won a seat in the West Virginia Legislature, the first step toward a rich and productive career of public service.

Sixteen years after graduating from high school, ROBERT BYRD enrolled in college while serving in the State legislature. Driving great distances between campus and capitol, he managed to complete 70 credit hours of straight-A course work while building an impressive legislative record. In 1952, he won a seat in the U.S. House of Representatives. Although without a college degree, he was admitted to law school with the understanding that he maintain at least a B average. In 1963, at age 45, and nearly 5 years into his Senate career, ROBERT BYRD became the first and only person to earn a law degree while serving as a U.S. Senator. Not surprisingly, he earned that degree cum laude.

As he worked his way up the Senate leadership ladder—party secretary, party whip, party floor leader, President pro tempore, Appropriations Committee chairman—he systematically pursued his study of the Senate's rules, precedents, and history; of the American Constitution; of the history of England and of ancient Rome. Blessed with a keen intelligence, a photographic memory, and seemingly limitless energy, he devoured countless volumes by such authors as Plutarch, Tacitus, Montesquieu, Gibbon, Hamilton, Madison, Jefferson, and many more.

Consequently, it should have come as no surprise to his colleagues in the Senate Chamber on a quiet Friday afternoon in March 1980, when he delivered the first in what would become a series of 100 richly textured addresses on the Senate's history and traditions. His speeches appeared serially in the CONGRESSIONAL RECORD and were later combined into a magnificent four-volume series published by the Government Printing Office. I urge all who hear or read what I say here today to explore these volumes, as I have. Today I would like to take a few minutes to outline their rewarding content.

Senator BYRD's first volume takes the form of a chronological history of the United States from the point of view of the Senate. In it, he describes the events, personalities, and issues that affected the Senate from 1789 to 1989. Here are just a few examples:

He outlines the remarkable achievements of the First Congress, which fleshed out the form of our Federal

Government by establishing the Federal judiciary, adopting the Bill of Rights, and providing sources of revenue.

He demonstrates that conflict between the President and Congress did not begin in the 20th century by recounting the dramatic tale of Andrew Jackson's struggles with the Senate over the Second Bank of the United States. For the only time in its history, the Senate in 1834 actually passed a resolution censuring a Chief Executive, although 3 years later Thomas Hart Benton succeeded in persuading the Senate to expunge that action, thus vindicating the aging Jackson before his presidential term expired.

Senator BYRD relates the story of how Senators came to be elected by direct popular vote after more than a century of being selected by the State legislatures. He traces the flaws in the original process and the efforts made to improve it before a constitutional amendment finally entrusted the citizens of each State with the choice of their Senators. He also describes the later reforms included in the Legislative Reorganization Act of 1946 that set the stage for the operation of the Senate we know today.

Unlike most histories of the United States, Senator BYRD views the Nation's great landmark events, like the Civil War, World War I, the Progressive Era, the Great Depression, and World War II, through the eyes of the Senate. He describes the way the body responded to each, showing how the Civil War, for example, stimulated such civilian legislation as the Pacific Railroad Act and the Land-Grant College Act.

Senator BYRD's second volume takes a topical approach to the Senate's history, discussing the way the institution has used its powers to approve treaties, confirm nominations, and conduct impeachment trials. Made up of individual chapters on such topics as Senate leadership, organization, and officers, this book provides essential background on many matters that we still debate today. A chapter on congressional salaries, for example, tells us that the subject has been controversial throughout the Nation's history, with a public outcry forcing Congress to rescind a salary increase on more than one occasion.

The four chapters on extended debate that discuss the development of filibusters and the evolution of the cloture rule offer perspective on the way delaying tactics have been used in Senate debates and the techniques that have been gradually developed to counteract them.

A chapter describing the history of the Senate Chaplain helped us earlier this year when questions arose regarding whether the House and Senate needed their own chaplains. The chapter not only explained the origin of the office but related that in the 1850's the House and the Senate for a time stopped electing official Chaplains and

instead used local clergymen, who took turns offering the opening prayer. The Senate's experiment lasted only 2 years, as the practice became a burden on the Washington ministers who participated. The House, too, soon returned to electing an official Chaplain.

Because of his interest in preserving the quality of senatorial oratory, Senator BYRD pored over countless speeches delivered by Senators since the 1830's to select a sampling of more than 40 for the third volume of his history, "Classic Speeches." This collection gives a flavor of the best of 19th-century rhetoric, combined with examples of addresses from this century that have been carefully crafted by the speaker to be affecting and persuasive. Samples range from old favorites like Daniel Webster's "Seventh of March" 1850 address on "The Constitution and the Union" and moments of high drama like Jefferson Davis' emotional 1861 farewell to the Senate after Mississippi seceded from the Union, to an example of campaign oratory by Stephen A. Douglas from the 1858 Lincoln-Douglas debates. From this century, Senator BYRD's, varied choices include Robert M. LaFollette's impassioned 1917 plea for "Free Speech in War-time," Richard Nixon's televised "Checkers" speech during his 1952 Vice-Presidential campaign, and Everett M. Dirksen's moving exhortation to his party colleagues to vote for cloture on the 1964 civil rights bill.

An introductory note preceding each speech provides biographical information about the speaker and places the event in historical context. While some of these addresses deal with topics like slavery that are no longer current, many of the broader themes, like the relative roles of the State and Federal governments, remain lively topics of debate even now.

The fourth volume of the history is a statistical appendix that not only offers a collection of fascinating facts about the Senate but is constantly useful in helping us to place events in historical context. How many former Senators have ever served as Secretary of the Treasury? Twenty-five. Who was the oldest Senator ever to serve? Theodore Francis Green at 93 years and 3 months. One Member today is close to reaching or exceeding that record. How many incumbent Senators have been nominated for President? I suspect quite a few of our current Members might be disappointed to learn that the total is only 14, of whom only 2 won election. How often have Vice Presidents cast the tie-breaking vote in the Senate? No one has yet matched the record 29 such votes cast by the first Vice President, John Adams. And in these days of budget cutting, how has the number of Senate employees fluctuated over the years? It has not always increased, as some may believe. Has the number of cloture votes taken by the Senate in each Congress increased in recent years?

The philosopher George Santayana said that "those who cannot remember

the past are condemned to repeat it." By this he means that a knowledge of history can keep people from making the same mistakes over again, and from reinventing the wheel. That is a legitimate concern for Members of the U.S. Senate entrusted as we are with enacting the laws of the Nation. But Senator BYRD has demonstrated that there are many other compelling reasons for Senators to know their history. He has reminded us that we are driven by a document that was written in the 18th century and that has been amended only 27 times—most recently by an amendment drafted more than 200 years ago by the principal author of the Constitution, James Madison.

Senator BYRD's history has shown that the Senate's original constitutional powers and missions remain remarkably intact. It retains its original influence over the enactment of legislation, the confirmation of nominations, and the ratification of treaties. The formal rules of the Senate are few in number and have undergone only seven general revisions in their more than two centuries of operation. The precedents of the Senate are more voluminous, representing the practical application of those rules, and the strategies and tactics employed by generations of legislators to achieve their objectives.

The precedents are simply another form of history: what was done in the past, why it was done, and how it affects what we do today and tomorrow. As Senator BYRD's speeches have illuminated, some of these precedents date back to an era when Senators wore powdered wigs and knee breeches. Others from the days when the Nation was divided in Civil War. Others from the great Depression, the World Wars, and the cold war. Although these epochs are receding in time, the precedents set by Senators who served in those earlier eras still guide our daily business, just as what we do today will guide the future. The Senate, as ROBERT C. BYRD has repeatedly pointed out, is a continuing body, with at least two-thirds of its Members continuing through each election, and with its rules and procedures continuing uninterrupted from one Congress to the next.

As an institution, we value our traditions—from the 19th century furnishings to the spittoons and snuff boxes here in the Chamber that link us to our past.

Great Senators also left a legacy for their successors. We sit at their desks in the Chamber, pass their portraits and statues in the Halls. As part of his four-volume history, Senator BYRD has provided us with a collection of their most memorable speeches. He has helped us recall their examples, as we defend and amend their past legislative handiwork.

Those of us who serve today wish to leave our own imprints on this institution for those who follow us in the next century. We want to be remembered for solving the problems that confronted

us, and for leaving the United States as strong or stronger than when we entered it. The Senator from West Virginia has amply accomplished that in his many legislative roles and as the chronicler of the Senate's rich history. There could be no more fitting way to commemorate this singular anniversary date than to reflect for a moment on our indebtedness to this wise, learned, and deeply respected colleague.

On the occasion of the Senate's bicentennial in 1989, ROBERT C. BYRD offered the following historical assessment. His words should be inscribed over the entrance to this Chamber. Each of us should commit them to memory. He said:

After two hundred years, [the Senate] is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. * * * It has weathered the storms of adversity, withstood the barbs of cynics and the attacks of critics, and provided stability and strength to the Nation during periods of civil strife and uncertainty, panics and depressions. In war and peace, it has been the sure refuge and protector of the rights of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!

THE PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with the preamble, reads as follows:

S. Res. 109

Whereas Senator Robert C. Byrd on Friday, March 21, 1980, delivered on the floor of the Senate, an extemporaneous address on the history, customs, and traditions of the Senate;

Whereas on the following Friday, March 28, 1980, the Senator delivered a second, and once more spontaneous, installment of his chronicle on the Senate;

Whereas the first 2 speeches generated such intense interest that several Senators and others asked Senator Byrd to continue the speeches, particularly in anticipation of the forthcoming bicentennial of the Senate in 1989;

Whereas over the following decade Senator Byrd delivered 100 additional addresses on various aspects of the political and institutional history of the Senate;

Whereas in anticipation of commemorating the 200th anniversary of the Senate, Congress in 1987 authorized publication of the addresses in suitable illustrated book-length editions;

Whereas between 1988 and 1994, Senator Byrd meticulously supervised preparation of 4 volumes, including a 39 chapter chronological history, a 28 chapter topical history, a compilation of 46 classic Senate speeches, and a 700 page volume of historical statistics;

Whereas volumes in this series have received national awards for distinction from organizations such as the American Library Association and the Society for History in the Federal Government;

Whereas the 4 volume work, entitled "The History of the United States Senate", is the most comprehensive history of the Senate that has been written and published;

Whereas Senator Byrd has devoted tireless energy and tremendous effort to the preparation and publication of the historical books, enabling citizens of the United States to better understand the history, traditions, and uniqueness of the Senate; and

Whereas a better understanding by people of the Senate and the role of the Senate in our constitutional system of government will foster respect and appreciation for the democratic traditions of the United States: Now, therefore, be it

Resolved, That the United States Senate extends congratulations and appreciation to Senator Robert C. Byrd for completing "The History of the United State Senate", a monumental achievement that will educate and inspire citizens of the United States about the Senate for generations to come.

Mr. DASCHLE. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MEDICARE SELECT POLICY EXPANSION

Mr. GORTON. Mr. President, I inquire of the Chair if H.R. 483 has arrived from the House of Representatives.

The PRESIDING OFFICER. Yes; it has.

Mr. GORTON. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 483) to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes.

Mr. GORTON. Mr. President, I now ask for the second reading.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

EXECUTIVE SESSION

Mr. GORTON. Mr. President, I move the Senate go into executive session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE CALENDAR

Mr. GORTON. I ask unanimous consent that the Senate immediately proceed to the consideration of Executive Calendar No. 105.

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

DEPARTMENT OF VETERANS AFFAIRS

The legislative clerk read the nomination of Dennis M. Duffy, of Pennsyl-

vania, to be an Assistant Secretary of Veterans Affairs.

Mr. GORTON. I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and that any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nomination was considered and confirmed.

Mr. ROCKEFELLER. Mr. President, I am delighted to join the chairman of the Committee on Veterans' Affairs, the Senator from Wyoming [Mr. SIMPSON], in bringing the nomination of Dennis Duffy to be VA Assistant Secretary for Policy and planning before the Senate and urging his confirmation.

Dennis is a career VA employee who began working for VA in the Pittsburgh regional office in 1974, 2 years after he returned from Vietnam, where he served with the American division. For most of his career, he worked on benefits matters, both in the field and in VA central office. Most recently, Dennis has been working in Congressional Affairs, where he is now the Deputy Assistant Secretary for Congressional Liaison.

The White House first indicated its intention last year to nominate Dennis for this position, but his nomination was not received until after adjournment, so we were unable to take it up. I was delighted when the President again submitted this nomination early in this Congress.

I think the job for which Dennis has been nominated—the VA Assistant Secretary for Policy and Planning—is terribly important. This vital position has been vacant for nearly a year, and it is important that the Senate act on this nomination quickly so as to restore leadership to the office.

I had a very strong interest in the role VA's Office of Policy and Planning played in health care reform during the last Congress, and I anticipate that there is an important ongoing role in that area as the Congress seeks to address eligibility reform and other health care matters. I am also very interested in many other exciting issues that the office undertakes, which I look forward to working on with Dennis in the weeks and months ahead.

I am very excited that Dennis will join another VA Assistant Secretary, Mark Catlett, as the second career VA employee nominated to an advice and consent position within VA. Dennis' nomination to this position—a key position within VA—is a very positive message for career employees throughout VA.

Mr. President, Dennis Duffy has a wonderful opportunity to serve the veterans of the Nation in this new office. President Clinton has shown great confidence in him, his work, and his com-

mitment to veterans by nominating him to serve in this important position. I urge my colleagues to give their unanimous support to this nomination.

MALIGNMENT OF THE INTEGRITY OF THE NATION'S LAW EN- FORCEMENT OFFICERS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Judiciary Committee be discharged from further consideration of Senate Joint Resolution 32, the joint resolution by Senators HATCH and BIDEN, and further that the Senate proceed to its immediate consideration; that the joint resolution and preamble be agreed to, the motion to reconsider be laid upon the table; that any statements relating to the joint resolution be printed at the appropriate place in the RECORD.

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

So the joint resolution (S.J. Res. 32) was passed.

The preamble was agreed to.

The joint resolution and its preamble are as follows:

[The joint resolution was not available for printing. It will appear in a future issue of the RECORD.]

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DO NOT VETO H.R. 831

Mr. DOLE. Mr. President, I would like to address a certain letter that is being passed around in the House to be sent to the President. I understand that the President may have already received it. The letter urges the President to veto H.R. 831, Permanent Deduction of Health Care Insurance Costs of Self-Employed Individuals. The letter has over 139 House Democrats' signatures.

The conference report to H.R. 831 passed the House last week, and we passed it in the Senate on Monday. The President received the bill on Tuesday, April 4, and it lies there waiting for the President to sign it into public law.

It is critical to 3.2 million tax filers that this bill be enacted prior to April 17—tax day. If it is not, then 11 days from now, less than 2 weeks, 3.2 million filers will find that they cannot use a deduction that they have had since 1986. Mr. President, 3.2 million filers will find that they will have to pay more taxes than they did last year. And Mr. President, these 3.2 million filers are farmers, and small business owners all across America.

THE LETTER

Now, this letter alludes that Republicans somehow carved out a special

exception for one pending deal. I want to set the record straight.

The conference report simply clarifies the definition of a binding contract, and let me add that this clarification was raised by a Democrat Member, not a Republican.

Second, the letter insinuates that during conference, Republicans took out a provision imposing a tax on U.S. citizens who renounce citizenship.

Mr. President, we have already been through this. We explained earlier this week, that in the Senate we agreed to impose taxation on U.S. citizens who renounce citizenship. But, this measure was adopted without the benefit of hearings. Subsequently, the Finance Committee's oversight subcommittee held a preliminary hearing. This proposal raises important questions, and the hearings exposed some serious concerns. We simply decided to not delay action on H.R. 831 while we continued to consider alternatives to this expatriate provision. That is right, let me set the record straight once again—we are not opposing this in any way. Just the opposite, we want to get this done.

The conferees asked the Joint Committee on Taxation to study this provision and other alternatives and get back to us by June 1, 1995. It is also clear that this provision will be effective as of February 6.

But while concerns remained with the provision, we did not include it in H.R. 831.

Also, Mr. President, during floor debate in the House on the tax bill, one of the signatories of the letter, Congressman GEPHARDT, tried to put a similar expatriate tax provision in the tax bill—with an effective date of October 1, 1996, much later than the Finance Committee provision.

The letter to the President claims that House Democrat Members want to close an important tax loophole for millionaires, but it seems like they want to close it very slowly.

CONCLUSION

It is my sincere hope that the President gets the record straight. Because if he does not, and he decides to play politics as usual, then 3.2 million farmers, ranchers, small businesses, and taxpayers will suffer for it.

It has been 3 days since the President received H.R. 831, and I urge the President to sign it into law. There is no reason to delay any longer. It should be signed as soon as possible so that taxpayers can finish preparing their tax returns in time.

TRIBUTE TO NELLE M. BIGBEE

Mr. HEFLIN. Mr. President, Mrs. Nelle M. Bigbee, a native of Tuscumbia, AL, passed away on March 8 at the age of 92. An accomplished writer, news commentator, artist, poet, and public speaker, Nelle was the first female newscaster in the State of Alabama. Her daily radio and television programs, which were such a fixture of the Tuscumbia community, won many

awards from the American Women in Radio and Television Organization.

Nelle Bigbee wrote for numerous publications and received many awards from the Associated Press as well. She participated in many community, church, civic, and professional activities, including the American Cancer Society, American Heart Association, and United Way, just to name a few. She was instrumental in organizing the first Helen Keller play, and acted the part of "Aunt Ev" for several years. She held the distinction of being the first female candidate to run for elected representative to the Alabama Legislature.

She was a wonderful neighbor of mine. She and her departed husband Hatton were great friends. She was admired and loved by all who knew her.

Nelle Bigbee indeed lived a long, rich, and multifaceted—even trailblazing—life. The talented Alabama journalists and commentators of today owe her a great deal of thanks for her pioneering spirit and determination. I extend my condolences to her entire family in the wake of their loss, and join her many friends and admirers in reflecting on the many outstanding accomplishments that defined her life and work.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, April 6, the Federal debt stood at \$4,872,967,679,626.75. On a per capita basis, every man, woman, and child in America owes \$18,497.87 as his or her share of that debt.

PRESSLER AMENDMENT: STAY THE COURSE

Mr. PRESSLER. Mr. President, I join the President, Members of Congress, and the American people in welcoming the Prime Minister of Pakistan, Mrs. Benazir Bhutto, to the United States. I wish her well during her visit. I had the opportunity to meet with her in Pakistan just a few months after her reelection as Prime Minister in October 1993. I enjoyed visiting her beautiful country. The opportunity for lasting peace and economic growth both within Pakistan and throughout South Asia should be a top priority for the United States and all the countries of that region.

I suspect that it is largely due to the visit of Prime Minister Bhutto that the Clinton administration once again is publicly questioning the effectiveness of the so-called Pressler amendment, the law that prohibits direct United States aid to Pakistan.

As my colleagues know, it was 10 years ago that I successfully offered an amendment in the Foreign Relations Committee to cut off aid and military sales to Pakistan if the President could not certify that Pakistan did not possess a nuclear explosive device. The Reagan administration supported the

amendment. In fact, they helped write it. Even the Government of Pakistan did not object to the amendment because they claimed they were not pursuing a nuclear option.

In fact, my amendment was considered a compromise. Our former colleague from California, Senator Alan Cranston, had another amendment that immediately would have cut off aid to Pakistan, without Presidential certification, because he believed Pakistan already possessed the materials needed to assemble a nuclear bomb.

In October of 1990, nearly 5 years after the Pressler amendment became law, the Bush administration was unable to certify that Pakistan was not in possession of a nuclear explosive device. As a result, all U.S. direct aid and military sales were terminated. At the time of the aid cutoff, Pakistan was attempting to purchase a fleet of F-16's from the United States. Because of the enforcement of the Pressler amendment, delivery of the aircraft never took place.

Despite claiming to have a strong policy on nuclear nonproliferation, the Clinton administration consistently has shown hostility toward the Pressler amendment—the only nuclear nonproliferation law with teeth. In the fall of 1993, the Clinton administration called for the repeal of the Pressler amendment, but backed off after pressure from Members of Congress.

The Clinton administration last year began to float a new proposal to grant a one-time waiver of the Pressler amendment to allow for the delivery of at least 22 of the F-16 aircraft sought by Pakistan—aircraft that can carry and drop a nuclear bomb. The administration's proposal was originally unconditional, but was later modified with a condition that Pakistan promise to cap its nuclear weapons arsenal.

In recent weeks, the Clinton administration has been at it again, proposing a \$1 billion package of military equipment, consisting mainly of the F-16's. Frankly, Mr. President, I find simply preposterous any proposal that would transfer even one F-16 to Pakistan without first securing that nation's compliance with the Pressler amendment and its signature on the nuclear non-proliferation treaty [NPT].

The latest Clinton F-16 transfer plan—like the first—is unacceptable. I am astounded that an administration that pays so much lip service to the cause of nuclear nonproliferation would consider providing Pakistan with aircraft capable of carrying a nuclear weapon.

Never before in history has a nation sought to transfer nuclear delivery vehicles to a country that has nuclear weapons and say it is doing so in the interest of nuclear nonproliferation. The Clinton plan defies basic common sense.

Indeed, President Clinton's proposed military aid package to Pakistan would have the worst of consequences: It would strike a serious blow against

regional peace and worldwide nuclear nonproliferation; undermine the tremendous economic progress that has occurred in South Asia; launch a nuclear arms buildup in South Asia; and perhaps most frightening, increase the likelihood of nuclear weapons falling into the hands of terrorists. Indeed, any individual who has an interest in the future economic development of South Asia should have serious concerns with the Clinton administration's proposal.

I recognize that a number of U.S. aerospace firms have a strong interest in this issue. The transfer of F-16's would mean new business, new contracts, and new jobs here at home. I suspect these firms are putting tremendous pressure on the Clinton administration to push for military aid to Pakistan.

Mr. President, the aid package may mean more jobs at home, but it would come at a heavy price on a global scale. I do not believe any issue is more important to the security of all free people than nuclear nonproliferation, particularly in potential hot spots such as South Asia. I am concerned that the transfer of F-16's would spark a nuclear arms race in South Asia.

The Clinton administration has traveled this same road before. The catalyst for the nuclear tightrope walk that occurred in North Korea was the perception by officials in Pyongyang that the United States was not serious about nuclear nonproliferation. I would have thought that after North Korea, the Clinton administration would have learned an important lesson. It does not appear they have learned.

Once again, the administration is willing to be the catalyst for destabilization. The wrong signals are there. I fear India will be forced to rethink its current military force structure if Pakistan takes delivery of the F-16's, including resumption of their nuclear program, deployment of short-range weapons, and even development of long-range options.

Further, Mr. President, we must consider not just the instability between India and Pakistan, but instability within Pakistan itself. With all due respect to Prime Minister Bhutto, I have very serious concerns about the ability of her civilian government to hold its military leaders accountable to civilian-based policies. I urge my colleagues to examine closely this military-civilian chain-of-command issue.

We also must examine the inability of Mrs. Bhutto's government to respond effectively to the shocking wave of violence sweeping her country. Terrorist groups, such as the Harkatul Ansar—the Movement of Friends—are based in Pakistan, but have links to similar groups in Iran. The New York Times recently reported that a massive worldwide network of Islamic terrorism was traced to a university in Peshawar—the University of Dawat and Jihad. This is not a run-of-the-mill institution of higher learning. Stu-

dents go there to seek advanced degrees in worldwide terrorism. Graduates of this university have applied their lessons of death in North Africa, the Middle East, and Asia.

Terrorist violence is a mortal plague within Pakistan, leaving more than 1,000 people dead since the beginning of last year. This wave of terror recently claimed the lives of two American diplomats, who were tracked down and killed in cold blood. Even Prime Minister Bhutto questioned whether or not she had the resources necessary to crack down on the militant organizations operating within her country. Others question whether or not Prime Minister Bhutto has enough political capital to take the tough action needed to restore stability.

Therefore, I shudder at the thought of a nuclear capable government in South Asia that is incapable of controlling its own military command or restoring order at home. This internal instability increases the possibility that nuclear weapons could fall into the hands of a terrorist state or organization. It boggles my mind that President Clinton would propose an aid package that would add both to the Government's nuclear capability and to the region's instability.

This fact raises yet another problem, which gets to the very essence of the Pressler amendment. Mr. President, the Pressler amendment was meant to be a strong warning to an ally: If you go nuclear, it will come at the expense of U.S. aid. The United States cannot condone—through taxpayer assistance—the Government of Pakistan becoming a nuclear power.

This policy has worked to a large degree. Pakistan has at least frozen the development of its nuclear program. A number of states that pursued active nuclear weapons research programs in the 1980's have abandoned them, including Argentina, Brazil, South Korea, Taiwan, and South Africa. They responded to American diplomacy and their own good common sense. It is worth noting that both South Korea and Taiwan have antidemocratic neighbors and the temptation to hide behind a nuclear shield is undoubtedly high.

In one of the worst ways imaginable, the Clinton administration's proposed military aid package would be seen as a certification and acceptance of Pakistan as a full-fledged nuclear power—a signal that runs counter to our own support and insistence for the ratification of the NPT. Pakistan is not a signatory of the NPT. It does not allow inspections. Yet, these facts do not seem to be important to the Clinton administration. Just as ominous, the proposed military aid package tells other countries that there are no long-term penalties for going nuclear.

Mr. President, I have made this point: The administration's proposal to change the Pressler Amendment is a bad policy. I urge my colleagues to review it carefully, but skeptically. Let me reiterate: I want to see Pakistan

succeed economically. I want to see peace achieved both within and beyond Pakistan's borders. I want to see our nuclear nonproliferation goals achieved. The administration can achieve all those policies by withdrawing its proposed aid package and standing firmly behind the Pressler amendment.

THE REAL MEANING OF THE CONTRACT WITH AMERICA

Mr. DASCHLE. Mr. President, for almost 100 days now, we have been hearing about the Contract With America—here in Washington and in my home State of South Dakota.

This week we get their contact with America. Every time you open a newspaper or turn on your TV or your radio—or even your computer—some Republican is speaking in superlatives about what is happening in Congress. Not everyone shares that enthusiasm.

One of the most astute assessments I have heard of the Republicans' 100 days was offered last week by a Capitol tour guide. When someone asked him what had passed so far in this Congress, he said, "About 12 weeks."

I can tell you a lot more has happened in South Dakota during those 12 weeks. Farmers and ranchers, who have been gearing up for the spring planting and helping their livestock through the calving season, are grappling with the harsh realities of low commodity and livestock prices, hoping there will be enough to support their families.

On Main Streets in cities and towns across South Dakota, small business owners and employees are working longer and harder just to maintain their incomes.

In other words, life is going on in South Dakota, and people are trying to move forward, looking toward change in Washington to help them realize their dreams.

The tradition of scrutinizing the first 100 days really began, as you know, with President Franklin Roosevelt. Most students of government still consider the first 100 days of the New Deal to be the most successful in the history of the Federal Government. And no wonder. By the end of President Roosevelt's first 100 days, Congress had passed an extraordinary package of 15 bills that fundamentally changed the relationship between business and Government, and individuals and Government.

It was an agenda that was firmly rooted in FDR's belief, as he said, that "the future lies with those wise political leaders who realize that the great public is interested more in good government than in politics." That is a sentiment you won't find in the Republicans' Contract With America. For it was politics pure and simple—the 1994 election and a mountain of polling data—that gave us the so-called contract.

Franklin Roosevelt knew to be skeptical of people, like so many in this new Republican majority, who promise easy solutions to hard problems. He could easily be speaking of today's Republican majority when he commented on their predecessors more than 60 years ago.

"Let me warn you and let me warn the Nation," he said, "against the smooth evasions of those who say, 'Of course we agree with all these things.'

"We believe in Social Security. We believe in work for the unemployed. We believe in saving homes. Cross our hearts and hope to die, we believe in all these things. But we do not like the way the present administration is doing them. Just turn them over to us. We will do all of them. We will do more of them. We will do them better. And most of all, the doing of them will not cost anybody anything."

Does this sound familiar? It should. That is the Big Lie on which the contract is constructed: "We can balance the budget. We can increase military spending. We can give more tax breaks to the rich. And it will not cost anybody anything. In fact, you and your family are going to get money back."

Clearly, the promise to fundamentally change the Federal Government sounded very good to some people last November. But were they voting for the Republican contract? The fact is, they were not. Less than 5 percent of Americans had even heard of the contract on Election Day. Even now, polls show that the more people hear about the contract, the more nervous they get. And with good reason. To paraphrase Pogo, we have met the enemy in the Republicans' contract, and it is us.

It is not big-money special interests the Contract targets—Republicans have invited the lobbyists into their offices to rewrite the laws. The enemy in the Republican contract is not even the infamous waste, fraud, and abuse.

It is working families and their children in South Dakota and across the Nation.

They can wrap it up in new spinmeister packaging, but the struggle at the center of the contract is the same struggle that has defined the difference between the Republican and Democratic Parties for generations.

It is the struggle between the rich and the rest of us.

We do not have any billionaires in South Dakota who will benefit from the tax loophole Republicans are fighting to protect that allow billionaires to renounce their citizenship to avoid paying taxes on the fortunes they have made in our country.

We do not have a lot of powerful corporate lobbyists who have gained unprecedented access to the Congress.

What we do have in South Dakota are hard-working families who want change, who want more opportunities for themselves, and a better future for their children.

Republicans were on the wrong side of this struggle before, and they are on

the wrong side now. We have heard a lot about the casualties of the contract, but the biggest casualty is not a person or a group. It is Americans' sense of values—our sense of fairness. Most of all, it is our fragile but essential belief that if we work hard, we can make a better life for ourselves and our kids.

This ethic, this belief, was ingrained in all South Dakotans. This belief, this value, is essential to our survival as a democracy.

De Tocqueville wrote that it is our values, even more than our laws, that enable Americans to maintain this democracy, and that fundamental insight into our character remains true to this day.

If people do not know the difference between right and wrong, all the prisons in the world will not keep us safe. If children come to school with no sense of discipline, no respect for authority, the best teachers and, the best computers in the world will not make a difference. And if young people grow up in a society that does not reward honest work, no welfare reform plan in the world will work.

We cannot solve our problems with a law or a check—or even the threat of no check. If we want to restore the American dream, we have got to restore American values. And that means strengthening America's families. Families are where values are taught and learned. But teaching values takes time. It takes time.

And time is something that most families have less of every year. I hear this every time I go home.

One story this year that didn't get perhaps quite as much attention as it deserved was a series of strikes by autoworkers who were protesting mandatory 50- and 60-hour workweeks.

The workers said the extra pay just wasn't worth the price they were paying in burnout and in time spent away from their families.

The conflict many workers feel between trying to be both good providers and good parents was best summed up by a single mother at a GM factory in Michigan who had just put her son in counseling and just learned that her 18-year-old daughter was pregnant.

You know what she said? She said, "I keep thinking that maybe if I'd been able to spend more time with them this wouldn't have happened."

That is a conflict more parents live with each year. From the late 1960's to the late 1980's, the average workyear for American workers increased by 163 hours. You know what that is? That's an extra month each year.

Today, fewer than one-third of American families have time to eat even one meal a day together. And nearly 7 million children—including half a million pre-school kids—spend at least part of each day all alone.

Why are parents spending less time with their kids? The answer is simple: In spite of an unprecedented effort by the Clinton administration to create

more than 6 million new jobs, the real income of most Americans is declining.

Each year, it takes more people working more hours in a family just to afford the basic. Eighty percent of America's families have not seen their incomes rise since the 1970's. Eighty percent. And this is true despite huge increases in two-income and even three-income families.

Even in the 1990's, the richest one-third of Americans are getting richer, while incomes for everyone else keep falling. And let me tell you, that is fundamentally wrong. And Democrats must fight it.

Not long ago I had a young father tell me, "Either I can spend time with my family or support them—but not both." Those are not conditions for teaching moral values. They are an invitation to moral anarchy. And the extreme agenda of the new majority—despite all its pious and populist rhetoric—is almost certain to make matters worse.

Because it is designed to reward the rich and the well-connected at the expense of America's middle-class families. That is wrong and Democrats must fight it, make no mistake: The new Republican agenda is worse than indifferent to the needs of working families. It is downright hostile to them. It is trickle-down economics with a vengeance. And if it is enacted, it will destroy much of the middle class.

If you doubt it, just look at some of the tax changes Republicans are proposing:

One of the more moderate members of the Republican party is proposing that we repeal income taxes on stock profits. In other words, let's tax only wages. And some Republicans want to protect the tax loophole that allows billionaires to renounce their U.S. citizenship to avoid paying taxes on the fortunes they have made in this country.

You know, when George Washington found out that Benedict Arnold was a traitor he probably thought about a lot of things. He probably thought about flogging him. He probably thought about hanging him. He probably thought about taking everything he owned. But I guarantee you one thing he never thought about was giving him a tax break.

What kind of contract is that?

Of course, many of us feel that the contract is more noteworthy for what it leaves out than for what little it actually does. The contract offers no blueprint to create more jobs or better-paying jobs. And, it offers no plan to fix any of the other problems that are undermining Americans' economic security.

Quite the opposite, the Republican agenda makes it harder for people to climb the economic ladder by gutting worker training programs and college loans.

Under the Republican contract, 27,165 South Dakota college students will pay

more for their student loans. Who knows how many who cannot afford the higher priced loans will simply drop out.

It makes it harder for poor families to escape welfare by blocking any increase in the minimum wage.

The Republican agenda leaves virtually every American family at risk of financial ruin by refusing to reform health care. For some, the past 100 days simply means that more people are without health insurance in South Dakota and a lot of people—and hoping they do not end up like some of their neighbors—the 1,200 retirees of the Morrell meatpacking company in Sioux Falls, who suddenly lost their health benefits 2 months ago.

And, the contract undermines our effort to enforce laws protecting Americans from polluted air and water, from spoiled meat and killer toys and a whole host of other dangers.

The big winners in the contract are the lobbyists and special interests, who Republicans have invited—quite literally—into committee rooms to write the laws as they choose.

The big losers, of course, are working families, who are going to end up picking up the tab for the special interests—the same as they did in the 1980's. That is wrong, too, and Democrats will fight it.

The biggest problem with the contract is not simply that it threatens to bankrupt working families economically. It is also morally bankrupt. Democrats have a responsibility to challenge not just the details of the contract, but the underlying values as well. We need to raise our voices, particularly in the face of the extreme new agenda of the Republican Party.

We need to find new ways, new technologies, to communicate our basic beliefs, and, we need to expand the debate to include values that matter to working families. Values like fairness and tolerance, genuine opportunity, and generational progress.

More important, we need to make sure that our values shape our public policy. Too often, government policies do not reflect our nation's values. Sometimes they have actually exacerbate the conditions they were created to eliminate.

No matter how noble their original purpose, when we try to protect failed programs, we undermine the credibility of government and thus the ability of government to help the people who deserve help.

So, making sure our values shape our public policies mean, first of all, acknowledging when something is not working. Making sure our values shape our public policies also means reforming our welfare system so that it rewards work. It means encouraging families to be strong and to stay strong. Making sure our values shape our public policies means we need truth-in-sentencing laws. We need to hold people responsible for their actions. And we need to protect people from crime in the first place.

President Clinton and a Democratic Congress last year passed a tough new crime bill that puts 100,000 more police on the street, including 77 in my home State. Now Republicans want to gut that bill. That is dead wrong. And Democrats will fight it.

Making sure our values shape our public policies means we need to listen to average people, not campaign contributors. In Washington and in every State capitol in this country, holy wars are being waged with unholy amounts of money. People don't know where the buck stops anymore. They only know it stops the debate.

And this is wrong. And Democrats will fight it—by pushing for real campaign finance reform—in this session of Congress.

Making sure our values shape our public policies means helping workers learn new skills so they can keep their job or get a new one. Not long ago, Speaker GINGRICH called unemployment insurance “vacation pay for free-loaders.” Republicans may think that makes a good sound bite, but it's small and insensitive. If we value work, then let us treat workers with dignity. Give them the tools and training they need to earn their own way, and they will not need unemployment insurance or anything else from government.

Finally, making sure our values shape our public policies means helping middle-class pay for college with affordable loans or the sweat equity that comes from national service.

In asking Congress to do these things, Democrats are only asking the Republican majority to do what the American people expect them to do: to lead. Their refusal to even discuss our proposals makes it clear that Republicans do not oppose the way we Democrats have done the job of fighting for working families and children. They are fundamentally opposed to the job being done at all.

I said at the beginning of my remarks that the American people did not vote for the Republican contract because most had not even heard of it. Instead, they were voting to continue the original Contract With America. They voted to make America a place, once again, where people still believe in values like tolerance and fairness, and parents still have the time to teach those values to their children.

America can be what America was, a place where you can get ahead if you work hard. We can make America that kind of place again. But it's going to take more than angry demagoguery and more than the mad dash of 100 days.

Americans understand that. Because leaders like Franklin Roosevelt taught us. President Roosevelt led this Nation through a depression and a world war. He knew that good government is government which unites this country, not divides it. It is government that offers hope, not fear—that proposes real solutions where there are real problems. He led, so others were willing to follow.

As a former history professor, NEWT GINGRICH should remember the words of his favorite President who said that “the only limit to our realization will be our doubts of today.”

While Democrats do not advocate going back to the programs of the New Deal, we believe that the values that shaped that agenda are as valid today as they have ever been. The realization of tomorrow must be built from the realization of strong national leadership today, the kind of leadership the American people have turned to throughout our history, and to which future generations must turn, not just for 100 days, but for that many years, and more.

SCHOOL-TO-WORK: A LARGER VISION

Mr. PELL. Mr. President, in November of last year, Mr. Sam Halperin of the American youth policy forum addressed a statewide conference in Rhode Island on implementation of the new School-to-Work Opportunities Act of 1994. His thoughts bear careful consideration not only as we move this act from legislative provision to program but also as we approach reauthorization of the Vocational Education Act.

Mr. Halperin is a distinguished educator whose views merit careful consideration. He has served as Deputy Commissioner in the old Office of Education, Deputy Assistant Secretary at the Department of Health, Education, and Welfare, and the director and first president of the Institute for Educational Leadership.

I would ask that the full text of Mr. Halperin's remarks be placed in the RECORD.

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

SCHOOL-TO-WORK: A LARGER VISION

(By Dr. Samuel Halperin)

Thank you for your invitation to help develop Rhode Island's plans for implementation of the School-to-Work Opportunities Act of 1994 (hereafter STWOA). I have no doubt that you will soon win one of the federal implementation grants, grants already awarded to eight other states.

My only doubt is whether your vision will be as large-spirited and as bold as the federal Act itself. Will you seize the opportunity to rethink the essential nature of schooling at the dawn of the 21st Century? Will you construct a total quality system in which each of the parts supports and advances the welfare of all the other parts? That is the challenge. That is the opportunity.

SCHOOL-TO-WORK OPPORTUNITIES ACT: “HISTORIC, LANDMARK” LEGISLATION

Five features of the new Act qualify it for designation as “historic,” even “landmark,” legislation:

One, previous federal legislation focussed mostly on the disadvantaged (Job Training Partnership Act, Job Corps, ESEA Title I). STWOA is the most universal, non-means-tested effort to date. It is intended to help all students who have not yet completed

high school, regardless of their economic status.

Two, STWOA is the first federal education legislation to declare that preparation for earning a living is one of the legitimate and important roles of schooling for all students, including the college-bound.

Three, previous federal legislation implied that learning is the near-exclusive province of the schools. STWOA affirms that learning takes place in families, communities, schools and workplaces. Employers and worksite learning are central in the new legislation. So are parents and community-based organizations. All of these agencies are specifically recognized as major stakeholders and partners in every local STW partnership.

Four, previous federal legislation (with the exception of Vocational Education) largely bypassed the high schools. (Title I compensatory education funds, the largest program, are concentrated largely in the early grades.) STWOA focusses on high school and the transition to postsecondary education. While it addresses the needs of all students, it "remembers" the needs of "The Forgotten Half" who are not going to four-year colleges immediately after high school graduation.

Five, previous federal legislation provided annual funding over many years. STWOA, accommodating to harsh federal fiscal realities, seeks to leverage change through limited financial incentives. Federal "venture capital" over a seven-to-ten-year period is intended to help you form voluntary partnerships and consortia of all the stakeholders. STWOA also encourages you to re-assess how you are using other federal, state and local funding streams and, possibly, combine them for greater impact.

Overall, the hope is that the new ways of doing business that you will develop will produce greater student achievement and far greater satisfaction with the graduates of your community's total educational enterprise.

WHAT SCHOOL-TO-WORK IS NOT

Now, having told you why I think the new Act presents such a large historic challenge, I'd like to emphasize what the Act is not.

First, it's not another one of those small federal programs that soon becomes overlaid with reams of federal and state guidelines and regulations. The last thing in the world you need is another categorical program, another "flavor of the month!"

STWOA is not a fancy euphemism for existing programs like vocational education or career exploration, although each of these endeavors has a vital role to play in School to Work.

It's not a way for America to beat the Japanese and Germans in international economic competition.

It's not another tracking device to separate winners and losers in the education race or to offer second-class schooling to students who may not see themselves as college-bound.

WHAT SCHOOL-TO-WORK COULD BE

Now let me tell you what I think STW could be here in Rhode Island and around the country.

Ideally, STW is a systematic, comprehensive, community-wide effort to help all young people (1) prepare for high-skill and high-wage careers, (2) receive top quality academic instruction, and (3) gain the foundation skills to pursue post-secondary education and lifelong learning. I stress all young people, including those with disabilities and those who are headed for a four-year degree at our finest colleges and universities.

When carried out effectively, STW offers a high school experience that challenges and motivates our youth to develop the skills,

knowledge and behaviors they need to achieve economic earning power and, in turn, achieve the American dream.

STW will also help to provide American employers with the qualified workers they need. Through new or expanded local partnerships, employers will work with teachers to develop and implement curricula that span both the school and work sites, setting high standards for student performance and credentialing youth for good careers.

To the architects of STWOA, the Act is a way to rethink what we adults are doing to prepare our young people for success in life. It offers us the opportunity to fundamentally alter the high school experience—which currently is not working well for many, if not most, students. It brings high school into alignment with more effective ways of teaching and learning and promises a brighter future for far more young people. It also gives adults far greater personal and professional satisfaction from their work with young people.

A CRITIQUE OF AMERICAN HIGH SCHOOLS

STWOA was created out of a widespread belief that most high schools are not working well, particularly for the 75 percent of our young people who are unlikely to earn a baccalaureate degree. Consider these contemporary comments on the American high school:

"Most employers look at the high school diploma as evidence of staying power, not academic achievement. They realized long ago that it is possible to graduate from high school in this country and still be functionally illiterate. As a result, the non-college-bound youth know that their performance in high school is likely to have little or no bearing on the type of employment they manage to find." (Commission on the Skills of the American Workforce, *America's Choice: high skills or low wages!*, 1990)

"Most kids think [academic] education methods are torture devices invented by teachers. . . they got that idea because they can see that no one in the workplace is doing these things." (Stephen Hamilton, Cornell University Youth and Work Program.)

"It's evident that the vast majority of kids in high school are not motivated. We don't seem to be approaching them in ways that engage them in learning." (John f. Jennings, U.S. House of Representatives Committee on Education and Labor.)

"Students not bound for college need the most help, receive the least assistance, are equipped with the most limited information, and experience the greatest risks in the job market." (Gary Orfield and Faith Paul, *High Hopes, Long Odds*, 1994)

Over the twenty-year period from 1967-1987, the percentage of jobs held by workers with less than a high school diploma declined from 40 percent to only 15 percent. Over the same period, inflation-adjusted incomes of families headed by high school graduates without any postsecondary education fell fully 30 percent. Only half of the high school graduates under age 20 and not in college are employed fulltime and worse yet, about one-third of young people fail to find stable employment by the time they reach age 30. (Bureau of Labor Statistics and Paul Osterman of MIT.) (For a larger discussion of these points, see Richard Mendel, *The American School-to-Career Movement: A Background Paper for Policymakers and Foundation Officers*, American Youth Policy Forum, 1994.)

Against this dire and worsening background we know that many well-paying careers do not require a baccalaureate degree. We also know from research (e.g., the SCANS reports, 1991 and 1992, and the National Assessment of Vocational Education, 1994) that certain things do pay off in the labor mar-

ket: (1) cognitive skills, (2) broad technical skills (especially computer literacy and its applications), (3) postsecondary education and, (4) human relations and workplace skills, like getting along with colleagues and supervisors, working well in teams and demonstrating reliability, responsibility and initiative.

BASIC PREMISES OF SCHOOL-TO-WORK

Building on this knowledge base, STWOA offers no precise blueprint, no road map or rule book. Rather, the new Act is one of the least prescriptive laws on the statute books. It acts like a compass, pointing to a set of concepts or basic premises. These premises are based on recent research about how people learn best and what employers say young people need in order to cope with a fast-changing world.

First, STW is a new way of looking at the development of young people and particularly at their needs in the critical adolescent transition years from high school into further education and the world of work. STW asserts that youth need active, not passive learning—in schools, in worksites, in voluntary service. Therefore, STW views the entire community as one great learning laboratory where young people grow, develop and find networks of support.

Second, STW is a systematic effort to change the time-based assumptions on which most high schools are currently based. STW says that young people are expected to exhibit or demonstrate mastery of rigorous academic and behavioral skills, not be judged by how many years they have sat in classrooms or how many written tests they have passed by rote memorization. Actual demonstrations of competence will be the touchstone of STW.

Third, STW builds on extensive research that says that one of the most critical ingredients in young people's success is their close attachment to a caring and successful adult, a mentor, a role model, a coach, a youth advocate who supplements what teachers, neighbors and family members provide, particularly when traditional supports are lacking.

When a Congressional committee asked Cornell University's Urie Bronfenbrenner to summarize everything he had learned in a long and distinguished career in human development research, Bronfenbrenner replied: "Some adult has got to be crazy about the kid, and truly be there for that kid, and let that kid know that his life is important and has meaning."

Fourth, STW also builds on powerful recent research finding that most students learn best in context, when they see how knowledge is actually used outside the school, especially in a work setting. Therefore, STW views the employers' workplace as a learning laboratory where young people can experience the relevance of knowledge in the "real world." Young people like to work. They blossom in the workplace if they are treated as respected members of a team that is expected to perform responsibly and productively. Generations of inquiry concerning European adolescents undergird these truths. Young people in Europe report pride in their workplace roles. They look forward to the company and the counsel of their adult supervisors and coworkers. And, to a considerable extent, they avoid the epidemic of pathologies which beset so many American youth.

Fifth, because STW is outcome- or performance-centered, young people in their dual roles as learners and as workers can demonstrate their proficiency at the highest standards. That accomplishment is then certified by a credential that is recognized and

honored by schools, by employers, by parents and by institutions of higher education.

These, then, are five basic premises on which many of the new STW initiatives around the United States are based. To be sure, few existing STW efforts will articulate all of these premises clearly. Nor will these initiatives give equal weight to each of these premises. Let me assert my firm belief, however, that the most successful and the most enduring STW efforts will be those that incorporate all five of these premises. There simply are no short cuts to excellence.

Now let us see if we can put these premises together in a comprehensive vision of a high school learning community based on them. I am indebted by my friend in the U.S. Department of Education, Deputy Assistant Secretary Patricia McNeil, for suggesting how a vision of STW in the context of "systemic school reform" might be portrayed.

ANYTOWN HIGH: AN ATTAINABLE DREAM

Close your eyes for a few moments. Imagine that you are an entering freshman at Anytown High School. It is the first day of school. You are seated in the school auditorium with your new classmates. I am the principal, giving you a preview of what kind of school this is, and the kinds of experiences and opportunities available to you.

"Welcome to Anytown High School! All the adults on the stage with me this morning and around the room—teachers, office staff, counselors, food service and building staff, coaches, community leaders, local employers, labor union representatives, members of our town's workforce development system, alternative schools, city government, parents and volunteers—we all welcome you.

Not long ago, I told similar freshmen classes that half of you might not be here to complete your senior year. Today, I want to give you quite a different message. All of us here today pledge that we are here to help each of you get the high level skills and knowledge you will need to become successful citizens, productive workers and lifelong learners. When you complete your experience here or when you finish your secondary schooling at a job training program or community college or alternative school, you will have all you need to enter and complete a two- or four-year college degree program, a registered apprenticeship program, the military, or an entry-level career ladder job. All the adults in this school and in this community are pledged to work together to help you succeed. That is because we accept the wisdom of that old African adage: 'It takes a entire village to raise a child.

Everything we do here at Anytown High school is based on three simple and important ideas:

One, what we expect you to learn here is important in the world outside these walls, important to your future as citizens, neighbors, parents and workers.

Two, we on the teaching staff and in school administration know that you can learn. Every single one of you has the ability to master the subject matter in our curriculum. This school is constructed in such a way that it respects your different learning styles. Some of you will need more time and extra help and, here at Anytown High, you will get it. Every one of you can graduate knowing, and being able to do, the things that assure success in the world of work and in life generally.

Three, we won't let you fail. When I say 'we', I mean the entire community which is mobilized to ensure your success. Together, we will support you and provide many kinds of opportunities for learning, for earning and for fun.

Because we in Rhode Island have restructured our entire K-12 school system, most of

you have been hearing this message in one way or another from pre-school, through primary and middle school, but it bears repeating today:

You are intelligent and capable individuals. No one is born with the knowledge and skills they need to succeed in this world. You get smart through effort. Our job as adults is to help you develop your skills and knowledge to a high level. You'll be asked to work hard, and we'll be working equally hard alongside you on your behalf.

We have a wide range of opportunities for you at Anytown High. In elementary and middle school you participated in a variety of learning experiences; you learned about possible careers; you planned projects and worked in teams to complete them. You will do more of that active learning in new and different ways. We have a broad range of learning options—all designed to give you the skills and knowledge you need to go on to college and into the workplace. Some of you may choose to do most of your learning in a classroom setting; others may choose more interactive work-based learning options. You will work in small academic and career clusters with a team of teachers who, in some cases, will remain with you during your entire time in our school. All of you will engage in hands-on learning where academic and occupational subjects are integrated. All of you will participate in community and public service learning experiences where you will practice the skills and behaviors which employers highly value. We also have a wide range of courses and information available for independent study via computer and satellite hook-up, opening the entire world to your curiosity.

As you begin to think about choosing a career major, you will learn about many aspects of particular industries, and you will see how knowledge and skills are actually used in those industries and occupations. In these choices, you will be supported by our guidance counselors and by job specialists who will open doors to future employers and show you what you need to be able to do in real workplaces.

Of course, you can change your career clusters in this school. Since you'll all be learning the same core of essential skills and knowledge, you won't be locked into one cluster or one narrow job, either here or after you graduate.

An essential part of your experience in this school is the worksite placements which we offer in your junior and senior years and which in some cases, like Tech Prep, will continue beyond high school. Some of you will choose co-op education and internships with local employers for part of the school year. Some of you, as part of your Tech Prep or youth apprenticeship experience, will be working part-time in industries based on the technologies you will be studying in school. Some of you will be paid for your part-time work with employers after school and in the summers. Some of you will find your work opportunities in hospitals, libraries and other non-profit community services.

Others of you will choose to enroll in our Career Academies, the small mini-schools on this campus which specialize in careers with good prospects for future professional employment. For example, we have a Financial Services Academy where you can learn about banking, insurance, real estate, investments and tourism. We have an Environmental and Maritime Academy where you can learn about everything connected with earning a living from the sea and how to protect that fragile resource. We have a Health and Bioscience Academy based on modern health care, hospital and laboratory management and exciting new careers in biotechnology. And we have other academies as well. Re-

gardless of which one you choose, you will receive high quality instruction and be able to form close associations with your fellow students and with employers in your career field.

Regardless of the kind of worksite placement you have chosen, you will graduate well prepared to continue your studies in higher education or to win an entry-level position with an employer. Above all, you will have experienced the joy of learning and you will excel, no matter how radically the world may change in the future.

Even though your elementary and middle school experience was set up so that you would not fall behind, every year presents different challenges. If you are having trouble keeping up or understanding something, we have extra help available in many forms—after-school, on weekends and in the summer. Team sports, clubs, community service and one-on-one help are after-school options from which you can choose.

You will wonder how your teachers are so sharp, how they keep up with rapidly changing knowledge. Well, first of all, your teachers see themselves as lifelong learners, constantly striving to know more and to discover more effective ways to help you learn. This school offers many opportunities for professional development on and off this campus. Most important, we build in ample time for your teachers to meet together, to plan your studies, to learn from each other, from your worksite mentors, and from experts around the country, in person and through interactive television, video and satellite sessions.

During the summer and at various times in the school year, some of your teachers and counselors will be working alongside you in the plants and offices of our employer partners. They will be learning about the latest changes in technology and management so that your curricula can be kept relevant and so that they understand what you are learning in the worksite. (Incidentally, your teachers will simultaneously be helping to upgrade the basic academic skills of the adult workers you will be working with in your worksite placements.)

If you change schools, the skills and knowledge you have demonstrated here will be transferable electronically to your new school. You will also have your portfolio of work and skills/knowledge inventory to take with you. If you want to find another learning experience, we will help you. We work closely with a wide range of alternative schools, with community colleges, with the Job Corps, with youth service and conservation corps, with the new National Civilian Community Corps and others. We also work closely with the local workforce development system which operates career advancement centers where you can get referrals to further training or qualify for a grant or loan package to help you complete secondary school training on your own.

Whenever and wherever you complete your secondary experience, you will receive a high school diploma signifying mastery of a high level of skills and knowledge. That diploma will be accepted by two- and four-year colleges, by employers, by the military and the registered apprenticeship system. Depending on your course of study, you may also receive a certificate of mastery in some advanced level academic or occupational skills. Some of you may take advance placement or other studies in this school that will qualify you to receive college credits. Some of you may graduate in less than four years because you have demonstrated mastery of our core curriculum.

While we will do everything to support your learning, there may be personal and family problems that come up in your life so

that you need some outside help. As a member of the Anytown Partnership for Families, Anytown High's Human Services Mall hosts a broad array of community agencies that will assist you and your families with non-academic problems. Many of these social services were available to you throughout primary and middle school, so you are familiar with them. You can get information about other services from the computer files in your academic cluster, in the library or the cafeteria. Each of you will also have opportunities to have an adult mentor or coach. It may be an employee at your worksite, a community service volunteer or a parent in the community. Here at Anytown High, we have almost as many community partners as students. Each brings their expertise and their caring into the school and the worksite.

Your teachers have worked hard to design the curriculum—in school, at the worksite and in your community service experiences—to support your learning in every way we know. Your guidance counselors and job specialists are working with your teachers and employers in the community to make sure you have access to information about post-secondary schools and careers and that you can use it effectively to plan your further education and careers.

The basic message I want to leave with you today is this: you are capable and intelligent young people in transition to adulthood and each adult here is on your side. We are committed to helping you get the skills and knowledge you need to be successful learners, workers and citizens. You can do it; we are here to help; and you can count on us. Welcome to Anytown High!"

Our opening day assembly is now over. Those of you who haven't been put to sleep by the principal's long oration may open your eyes * * *

It's true, of course, that most of the students in the auditorium probably did not absorb the full promise of what awaits them at Anytown High. Yet, I think few of them will fail to grasp the central message: That they are important and that they are going to be successful in life.

All of the adults in the community, too, should now clearly understand that this description of a radically different kind of learning community requires their fullest participation. Education at Anytown High is a serious full-time partnership of the entire community. Its objective is simple and straightforward: success in work, success in life for each and every young person who enters our schools.

Undoubtedly, some of you are thinking: "What a nice, Utopian dream. Halperin is just a dreamer." Yes, I do have a dream! However, there is not one element in my dream that is not a living reality someplace in this country. Everything in this dream is being practiced somewhere * * * now, today. All that Patricia McNeil and I have done is put it all together to meet our personal vision. I hope you will do the same with your own ideas about education, youth development and the world of work.

So, I end where I began. The challenge before the people of Rhode Island is to dream your own dream for the State and for your own communities. Rethink the essential nature of schooling at the dawn of the 21st Century. Construct a total quality system in which all the parts of your dream come together to produce success for all of Rhode Island's young people.

SISTER CAROL MCGOVERN—LET'S CELEBRATE HER LIFE

Mr. PELL. Mr. President, I ask that the Senate join in celebrating the life

of Sister Carol McGovern, RSM. Often we find that life gains meaning through our service to others, and our greatest personal ambition seems empty and illusory compared to such service.

Sister Carol McGovern, who died Wednesday of breast cancer, was executive director of Amos House, a soup kitchen and social service center in the poorest neighborhood of Providence, Rhode Island's capital city. To this position she brought tremendous energy and great vision. Her vision arose from spiritual commitment and was informed by an extraordinarily active life.

Sister Carol was involved: She served on many boards of directors, working with Sunrise House, the Rhode Island Rape Crisis Center, the Campaign To Eliminate Childhood Poverty, and the Rhode Island Right to Housing Now.

When one first meets a person such as Sister Carol, an initial elation often gives way to the question: Where will the energy come from to sustain such commitment?

The problems of humanity, even at a local level, seem so vast, complex, and intractable that they would quickly consume one entirely. Yet, year after year, on issue after issue, Sister Carol was there.

Her energy never diminished, but grew deeper. Service that one would have thought to be all consuming, revealed itself to be vitalizing. In the end, she was a force. The name Sister Carol McGovern resounds with meaning unattainable by pursuit of individual interest.

In 1959, she joined the Sisters of Mercy, in 1967 she took her final vows. She earned her bachelor's degree from Salve Regina College and her master's degree from St. Michael's College.

She was given awards for her work, the John Kiffney Award from the Providence Newspaper Guild, an honorary doctorate from Rhode Island College, to name two. For anyone this would be a record of outstanding accomplishment and well deserved recognition, but this record never defined her.

Her essence was her commitment to service, her real presence was to be found among those most in need. Her life was claimed by an illness that afflicts many women, she faced it bravely, and again she set a fine example.

My office and I were deeply fortunate to be able to work with her over the years. Many times she enlightened us and gave us courage to address difficult issues squarely.

She didn't ask for answers, only effort. We shall miss her greatly. I am truly saddened by her passing. Yet it is her life of service that I ask this body to celebrate and commemorate.

Mr. President, I ask unanimous consent that an article from the Providence Journal of April 6, 1995, entitled "Sister Carol McGovern, 53, Champion of the Poor, Dies," be inserted into the CONGRESSIONAL RECORD as if read.

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

SISTER CAROL MCGOVERN, 53, CHAMPION OF THE POOR, DIES

(By S. Robert Chiappinelli and Thomas J. Morgan)

PAWTUCKET.—Sister Carol McGovern, RSM, executive director of Amos House in Providence and one of Rhode Island's best known advocates for the poor, died yesterday at her home on Blodgett Avenue.

Sister Carol, 53, has been ill with breast cancer for the past year and a half. The disease had seemed to be in remission, but then spread to her liver.

Experimental treatment allowed her to resume an active outdoor life and to continue her 12-hour work days until her health failed less than a month ago.

Henry Shelton, another longtime activist, said, "Carol lived her life to the fullest with a smile that signaled joy and love, and faced death with more courage than anyone I ever knew."

"My prayer is that her life and death will inspire in Rhode Island's religious and political leaders a commitment similar to hers to support the effort of Rhode Island's powerless to help each other out of poverty."

"What does one say about so remarkable a woman?" said Richard J. Walton, former president of the board of Amos House, a soup kitchen and social service center in South Providence.

"She was a woman who cared very deeply and worked with passion, I guess you could say, and with humor. And I've never seen anyone bear up under what she's borne up under these last few months. She seemed to be more concerned about making people feel okay about her illness. She kept such a brave front that unless you knew she was sick, you couldn't know."

Born in Providence, she was a daughter of Eleanor V. (Peterson) of Cranston and the late James V. McGovern.

Sister Carol arrived at Amos House along a curious path.

She spent her early years teaching but in the 1970s she joined four other Sisters of Mercy knocking on doors in Woonsocket and meeting struggling residents.

The nuns taught residents, particularly women alone with young children, about available resources, and in a few years turned their jobs over to neighborhood people they had trained.

So by 1983, Sister Carol was out of a job and decided to take some time to refocus. She got a job as manager of the Yarney, one of the stores in the then-new Davol Square shopping center in Providence.

Using skills from her early years, she taught customers how to knit, and often chatted with Sister Eileen Murphy the Amos House founder who regularly strolled through Davol Square.

After Sister Eileen died unexpectedly in December 1983, Sister Carol decided to apply as part of a team at Amos House. Eventually she became co-director with Jim Tull. (Tull stepped down earlier this year.)

Despite her illness, Sister Carol continued her Amos House work and was showered with love and concern by those who used its services.

"I have a real passion for the people who come here," she said. "They are my family, they truly are my family."

Despite setbacks inherent in fighting for the needy, Sister Carol said, she drew sustenance from the example of her widowed

mother and the words of anthropologist Margaret Mead, who said that small groups of truly committed people are the only things that have ever changed the world.

She entered the Sisters of Mercy in September 1959 and took her final vows in August 1967.

She received a bachelor's degree from Salva Regina College in 1964, and a master's in 1974 from St. Michael's College in Vermont.

Sister Carol was a founder of the Rhode Island Coalition for the Homeless, and was president of its board. She was a member of the board of directors of Sunrise House, a member of the board and a counselor-advocate of the Rhode Island Rape Crisis Center, a member of the Campaign to Eliminate Childhood Poverty and the Rhode Island Right to Housing NOW.

She was a lobbyist for the Sisters of Mercy for the last four years, dealing with peace, justice and women's issues.

In February Sister Carol and Tull received the John Kiffney Award of the Providence Newspaper Guild.

She also received the Bronze Key Award from Substance Abuse. She was to receive an honorary doctorate in May from Rhode Island College.

Surviving besides her mother are two brothers, Robert F. McGovern of Cranston and James V. McGovern of Oxford, Mass., and a sister, Marcia E. O'Connor of Providence.

A concelebrated Mass of Christian Burial will be celebrated Saturday at 10 a.m. in St. Michael Church, Oxford, Street, Providence. Burial will be in Resurrection Cemetery, Cumberland.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

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

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 483. An act to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes;

H.R. 660. An act to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; and

H.R. 1421. An act to provide that references in the statutes of the United States to any committee or officer of the House of Representatives the name or jurisdiction of which was changed as part of the reorganization of the House of Representatives at the beginning of the One Hundred Fourth Con-

gress shall be treated as referring to the currently applicable committee or officer of the House of Representatives.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1345) to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, 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. 660. An act to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following measure was read the first time:

H.R. 483. An act to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 115. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes (Rept. No. 104-30).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 127. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes (Rept. No. 104-31).

S. 134. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes (Rept. No. 104-32).

By MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 188. A bill to establish the Great Falls Historic District in the State of New Jersey, and for other purposes (Rept. No. 104-33).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 197. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes (Rept. No. 104-34).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 223. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes (Rept. No. 104-35).

S. 357. A bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau Na-

tional Historical Park, and for other purposes (Rept. No. 104-36).

S. 363. A bill to improve water quality within the Rio Puerco watershed, New Mexico, and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices that are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, and for other purposes (Rept. No. 104-37).

S. 378. A bill to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes (Rept. No. 104-39).

S. 392. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 with regard to appointment of members of the Dayton Aviation Heritage Commission, and for other purposes (Rept. No. 104-40).

S. 551. A bill to revise the boundaries of the Hagerman Fossil Beds National Monument and the Craters of the Moon National Monument, and for other purposes (Rept. No. 104-40).

S. 587. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes (Rept. No. 104-41).

S. 601. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes (Rept. No. 104-42).

S. 610. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes (Rept. No. 104-43).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute.

H.R. 400. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes (Rept. No. 104-44).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment.

H.R. 440. A bill to provide for the conveyance of lands to certain individuals in Butte County, California (Rept. No. 104-45).

H.R. 536. A bill to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes (Rept. No. 104-46).

H.J. Res. 50. A joint resolution to designate the visitors center at the Channel Islands National Park, California, as the "Robert J. Lagomarsino Visitors Center" (Rept. No. 104-47).

By Mr. ROTH, from the Committee on Governmental Affairs:

Special Report prepared by the Permanent Subcommittee on Investigations entitled "Criminal Aliens in the United States" (Rept. No. 104-48).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Charles T. Manatt, of the District of Columbia, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1997.

(The above nomination was reported with the recommendation that he be

confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Eldon E. Fallon, of Louisiana, to be U.S. District Judge for the Eastern District of Louisiana.

Joseph Robert Goodwin, of West Virginia, to be U.S. District Judge for the Southern District of West Virginia.

Joe Bradley Pigott, of Mississippi, to be U.S. Attorney for the Southern District of Mississippi for the term of 4 years.

Curtis L. Collier, of Tennessee, to be U.S. District Judge for the Eastern District of Tennessee.

Maxine M. Chesney, of California, to be U.S. District Judge for the Northern District of California.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRAMM:

S. 711. A bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRYAN:

S. 712. A bill to amend title 28, United States Code, to authorize the award of fees and expenses to prevailing parties in frivolous civil litigation, and for other purposes; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 713. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that the preemption provisions shall not apply to certain State of Oregon laws applicable to health plans; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. KERREY, and Mr. KOHL):

S. 714. A bill to require the Attorney General to study and report to Congress on means of controlling the flow of violent, sexually explicit, harassing, offensive, or otherwise unwanted material in interactive telecommunications systems; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. INHOFE, and Mr. HATCH):

S. 715. A bill to provide for portability of health insurance, guaranteed renewability, high risk pools, medical care savings accounts, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 716. A bill to amend the Social Security Act to provide for criminal penalties for acts involving medicare or State health care programs, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. PRYOR, and Mr. ROCKEFELLER):

S. 717. A bill to extend the period of issuance of medicare select policies for 12 months, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 718. A bill to require the Administrator of the Environmental Protection Agency to establish an Environmental Financial Advisory Board and Environmental Finance Centers, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. DOLE):

S. Res. 109. A resolution extending the appreciation and gratitude of the United States Senate to Senator ROBERT C. BYRD, on the completion by the Senator of the 4 volume treatise entitled "The History of the United States Senate", and for other purposes; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRYAN:

S. 712. A bill to amend title 28, United States Code, to authorize the award of fees and expenses to prevailing parties in frivolous civil litigation, and for other purposes; to the Committee on the Judiciary.

FRIVOLOUS LAWSUIT PREVENTION ACT

• Mr. BRYAN. Mr. President, today I am introducing the Frivolous Lawsuit Prevention Act of 1995. This legislation will increase sanctions on lawyers who file frivolous lawsuits.

Almost daily we hear stories about some individual or business settling a lawsuit which has little merit just to avoid the costs associated with a drawn out case. The manhours and resources that can be drained from a business while it goes through such a process can be devastating.

Many of us had hoped that the rules governing the conduct of court behavior would deter frivolous lawsuits. Rule 11 of the Federal Rules of Civil Procedure authorize judges to impose "an appropriate sanction" upon an attorney which is "interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." Unfortunately, rule 11 has not lived up to our expectations in curbing abusive lawsuits and, in fact, has been recently watered down.

This legislation is intended to force judges to punish lawyers or litigants who file or pursue cases which the judge regards as frivolous. Judges would be required to impose sanctions when they find frivolous suits, thereby, taking away their discretion. This step needs to be taken because judges have been reluctant to impose sanctions on fellow attorneys. It has always been difficult to get any group to discipline their colleagues, where it is doctors, lawyers or realtors. That is why we must force judges to impose sanctions when frivolous case are filed.

Frivolous lawsuits are a terrible drain on the competitiveness of our Nation. We must provide those who want

to fight these frivolous suits rather than settle them the power to go after the perpetrators. I urge my colleagues to support this legislation. •

By Mr. HATFIELD.

S. 713. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that the preemption provisions shall not apply to certain State of Oregon laws applicable to health plans; to the Committee on Labor and Human Resources.

UNIVERSAL ACCESS AND THE OREGON HEALTH PLAN

• Mr. HATFIELD. Mr. President, during the 1989 and 1991 legislative sessions, Oregon's Legislature passed a comprehensive health care reform proposal known as the Oregon Health Plan. The Oregon Health Plan consists of four major reform packages. First, the Medicaid expansion which received a Federal waiver and has provided an additional 100,000 Oregonians with basic health care since it was implemented in February 1994. Second, the high-risk insurance pool which covers Oregonians who are unable to obtain insurance coverage due to preexisting conditions or the exhaustion of their current benefits. Third, the small employer basic health plan which provides for a low-cost insurance plan for small businesses of 25 or fewer employees. And finally, the employer mandate which by 1998 will require all employers in Oregon to provide health benefits for their employees or to pay into a State pool which will then purchase insurance for uninsured employees. When fully implemented the Oregon Health Plan will provide near universal access to health care for all Oregonians.

As my colleagues know, I have spoken many times on this floor about the need to allow States to proceed with innovative health care reform proposals. That is why I have joined with the Senator from Florida [Mr. GRAHAM] in introducing the Health Partnership Act of 1995. The Congress' failure to act on comprehensive national health care reform should not prevent innovative States like Oregon, Florida, Washington, Minnesota, and others from enacting their own health care reform proposals.

Unfortunately, the Federal Government has stymied these efforts in several ways. It took Oregon two administrations and almost 3 years to get the approval necessary to move forward with the Oregon Medicaid expansion. The current waiver process at the Health Care Financing Administration is burdensome and at times overregulatory.

Another major roadblock to State reform is the Employee Retirement Income Security Act, otherwise known as ERISA. Due to the broad interpretation courts have given to the so-called ERISA preemption clause contained in section 514(a) of the act, which states that ERISA "shall supersede any and all State laws insofar as they may now or hereafter relate to any employee

benefit plan", States have been limited in enacting comprehensive reforms that attempt to provide universal access to all their State's citizens and to control costs throughout the entire insurance market.

Mr. President, once again I find myself before this body asking for another waiver of Federal law to permit Oregon to go forward with reform that has been advanced by my State. This time it is to allow Oregon to implement the last part of the Oregon Health Plan—the employer mandate.

Oregon's employer mandate is a pay-or-play mandate—in other words, the State will tax employers who choose not to provide health benefits which will be defined by the State for their employees, and then provide health insurance to those uninsured employees through a State insurance pool. While the U.S. Supreme Court has not ruled that this kind of access mechanism violates the ERISA preemption clause, it is certainly subject to an ERISA challenge based on the premise that Oregon is trying to regulate self-insured plans in a way that relates to employee benefit plans.

Under the current ERISA statute, only Congress may statutorily grant ERISA waivers to States. At this time, only one State, Hawaii, has an ERISA exemption and that is only because Hawaii enacted its law before ERISA was enacted. Hawaii's waiver has not been updated since it was granted 20 years ago.

While Senator GRAHAM and I have proposed a mechanism for broad ERISA changes in our health care reform bill which will begin to address the ERISA roadblocks States face, I feel it is necessary to introduce legislation which provides for a specific waiver of ERISA for the State of Oregon. I introduce it as a separate vehicle to underscore the point that one way or another, Oregon needs a green light from the Federal Government in order to fully implement the Oregon Health Plan.

Of course, I understand the concern multi-State employers have about the prospect of administering fifty different health plans across the Nation. This is a valid concern which I hope we can accommodate as we continue to debate the issue of ERISA reform further.

Let me conclude by saying that I hope my colleagues will make note of this problem. Oregon is not the only State that is attempting to enact comprehensive health care reform and if the Supreme Court continues its broad application of ERISA, it is likely that the voices of other States will soon be heard. Comprehensive national reform may be dead for now, but let us not give up on the States to help us find the right answers and make health care available to all Americans.●

By Mr. LEAHY (for himself, Mr. KERREY, and Mr. KOHL):

S. 714. A bill to require the Attorney General to study and report to Congress on means of controlling the flow

of violent, sexually explicit, harassing, offensive, or otherwise unwanted material in interactive telecommunications systems; to the Committee on the Judiciary.

CHILD PROTECTION, USER EMPOWERMENT, AND
FREE EXPRESSION IN INTERACTIVE MEDIA
STUDY ACT

● Mr. LEAHY. Mr. President, I introduce a bill calling for a study by the Department of Justice, in consultation with the U.S. Department of Commerce on how we can empower parents and users of interactive telecommunications systems, such as the Internet, to control the material transmitted to them over those systems. We must find ways to do this that do not invite invasions of privacy, lead to censorship of private online communications, and undercut important constitutional protections.

Before legislating to impose Government regulation on the content of communications in this enormously complex area, I feel we need more information from law enforcement and telecommunications experts. My bill calls for just such a fast-track study of this issue.

There is no question that we are now living through a revolution in telecommunications with cheaper, easier to use, and faster ways to communicate electronically with people within our own homes and communities, and around the globe.

A byproduct of this technical revolution is that supervising our children takes on a new dimension of responsibility. Very young children are so adept with computers that they can sit at a keypad in front of a computer screen at home or at school and connect to the outside world through the Internet or some other on-line service. Many of us are, thus, justifiably concerned about the accessibility of obscene and indecent materials on-line and the ability of parents to monitor and control the materials to which their children are exposed. But Government regulation of the content of all computer and telephone communications, even private communications, in violation of the first amendment is not the answer—it is merely a knee-jerk response.

Heavy-handed efforts by the Government to regulate obscenity on interactive information services will only stifle the free flow of information, discourage the robust development of new information services, and make users avoid using the system.

The problem of policing the Internet is complex and involves many important issues. We need to protect copyrighted materials from illegal copying. We need to protect privacy. And we need to help parents protect their children. Penalties imposed after the harm is done is not enough. We need to find technical means from stopping the harm before it happens.

My bill calls for a study to address the legal and technical issues for empowering users to control the informa-

tion they receive over electronic interactive services. Instead of rushing to regulate the content of information services, we should encourage the development of technology that gives parents and other consumers the ability to control the information that can be accessed over a modem.

Empowering parents to manage what their kids access over the Internet with technology under their control is far preferable to some of the bills pending in Congress that would criminalize users or deputize information services providers as smut police.

Let's see what this study reveals before we start legislating in ways that could severely damage electronic communications systems, sweep away important constitutional rights, and undercut law enforcement at the same time.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 714

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

SECTION 1. STUDY ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.

(a) **STUDY AND REPORT.**—Not later than 150 days after the date of enactment of this Act, the Attorney General shall complete a study and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing—

(1) an evaluation of whether current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers are fully enforceable in interactive media;

(2) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce those laws;

(3) an evaluation of the technical means available to—

(A) enable parents to exercise control over the information that their children receive and enable other users to exercise control over the commercial and noncommercial information that they receive over interactive telecommunications systems so that they may avoid violent, sexually explicit, harassing, offensive, or otherwise unwanted material; and

(B) promote the free flow of information consistent, with Constitutional values, in interactive media; and

(4) recommendations to encourage the development and deployment of technical means, including hardware and software, to enable parents to exercise control over the information that their children receive and enable other users to exercise control over the information that they receive over interactive telecommunications systems so that they may avoid harassing, violent, sexually explicit, harassing, offensive, or otherwise unwanted material.

(b) **CONSULTATION.**—In conducting the study and preparing the report under subsection (a), the Attorney General shall consult with the National Telecommunications and Information Administration of the Department of Commerce.●

By Mr. D'AMATO (for himself, Mr. INHOFE, and Mr. HATCH):

S. 715. A bill to provide for portability of health insurance, guaranteed renewability, high risk pools, medical care savings accounts, and for other purposes; to the Committee on Finance.

HEALTH INSURANCE PORTABILITY AND
GUARANTEED RENEWABILITY ACT

• Mr. D'AMATO. Mr. President, I rise today to introduce the Health Insurance Portability and Guaranteed Renewability Act of 1995. I am pleased to be joined by Senators INHOFE and HATCH in introducing this important legislation.

President Clinton, in his 1993 joint session address, said that "Millions of Americans are just a pink slip away from losing their health insurance, and one serious illness away from losing all their savings."

While the President's statement was right, his prescription for reform—as the American people told us in no uncertain terms—was dead wrong. We must find a way to give Americans greater health security without turning the whole system over to the Federal Government, as the President had proposed. We must address the public's insecurities regarding their health insurance while preserving what works in the American health care system and allowing the free market to work.

That is why I am today introducing the Health Insurance Portability and Guaranteed Renewability Act of 1995. This is a bill which I am confident will go a long way toward accomplishing these goals.

First, our bill would eliminate job lock by guaranteeing that people who change jobs will be covered by their new employer's plan without regard to preexisting medical conditions.

It will expand COBRA to provide for continuation of coverage for all individuals employed by firms of two or more employees, and extends COBRA coverage from 18 to 36 months. Therefore, employees losing their jobs will have the opportunity to continue their health coverage for an additional 18 months under their current plan. Present COBRA law benefits only those employers with more than 20 employees.

It will help control health costs by changing the tax law to allow tax-free medical savings accounts. Empirical evidence demonstrates that medical saving accounts can control costs and promote wellness without jeopardizing quality of care. Money saved in such accounts by employees can be used to pay COBRA premiums, if needed.

It will provide a safety net for people who cannot qualify for health insurance by giving them access to health insurance through high-risk pools.

Finally, it will prevent insurance companies from singling out any individual or small group for rate increases or cancellation based on claims experience.

I believe this bill goes a long way toward giving the American people what

they want—greater health security without a Big Government takeover of our Nation's health care system. The fact that it can be implemented without new taxes, and without adding to the deficit, is further reason that the Health Insurance Portability and Guaranteed Renewability Act of 1995 should be enacted without delay. •

By Mr. GRAHAM:

S. 716. A bill to amend the Social Security Act to provide for criminal penalties for acts involving Medicare or State health care programs, and for other purposes; to the Committee on Finance.

HEALTH REFORM ENHANCEMENT ACT

• Mr. GRAHAM. Mr. President, I introduce legislation to clarify that States which already use, or which seek to utilize, Medicaid dollars to pay private health insurance premiums would be allowed to do so.

Unfortunately, a recent interpretation of the anti-kickback statute by the Department of Justice and the Department of Health and Human Services has placed at risk innovative Government programs that attempt to channel Medicaid and Medicare dollars through the private sector through mechanisms such as the purchase of health insurance policies or the payment for managed care. That interpretation, which could apply the anti-kickback statute to insurance agent commissions, came as part of Florida's waiver request for a Medicaid demonstration project. Such an interpretation ignores the fact that insurance agents are an integral part of any system relying in whole or in part on private health insurance coverage.

In the State's submission of its Florida Health Security [FHS] waiver on February 9, 1994, the proposal would—if enacted—provide 1.1 million additional Floridians with insurance coverage up to 250 percent of the poverty level. FHS participants would buy a standard benefit package offered through a community health purchasing alliance and receive, according to their income, a premium discount to make the package affordable.

Florida's proposal is innovative but in many ways simple. As the State has explained in its proposal,

Through the managed competition system developed in Florida and improved program management, the [State] expects to reduce the cost of health care, thereby increasing the funds available for subsidizing insurance for Florida's uninsured. The net result of this arrangement will be lower health care costs overall in the State and greater access to health care for a significant portion of Florida's currently uninsured residents.

Through the community health purchasing alliances established by the State, private sector small businesses are already seeing reductions in their health premiums of between 10 to 50 percent across the State. The State would like to see its Medicaid Program and other small businesses achieve similar results.

On September 14, 1994, after 7 months of negotiations with the Department of

Health and Human Services and the Department of Justice, the Federal Government granted a conditional waiver approval to allow Florida to implement the State's proposed reforms. By granting this important request, Florida would be allowed to use Medicaid funds to provide insurance premium discounts to working, uninsured Floridians traditionally ineligible for Medicaid.

As a result, despite the Federal Government's failure to move toward the goals of health reform such as increased access, cost containment and quality, Florida could do so through Florida health security.

First and foremost, let me reemphasize that this waiver program would allow an additional 1.1 million Floridians obtain health insurance coverage—thereby reducing the State's uninsured rate by over 40 percent. Moreover, of the 2.7 million Floridians presently without health insurance, 1 million are children. With the plan's requirement that 80 percent of the enrollment spaces be reserved for lower-income, uninsured families, children will disproportionately benefit from this initiative.

In addition, this waiver would eliminate the all-or-none approach of Medicaid by creating a sliding scale of contributions for those above the Medicaid poverty threshold and up to 250 percent of poverty. At present, Medicaid's all-or-none approach creates the perverse incentive of encouraging people to remain unemployed and in poverty in order to continue to have health care coverage. Florida's approach would clearly help get people off welfare and be a much fairer system than what we have now.

The waiver also allows Florida and the Federal Government better control over the costs of the Medicaid Program. Since 1982, Florida's Medicaid Program has increased from \$1 billion to \$7 billion. From 1990 through 1993, Florida saw its Medicaid budget expand by 30, 26, and 19 percent, respectively. Instead, over the 5-year period of Florida's waiver program, costs would be controlled and managed through the increased use of case management and managed care in the private sector. Through these savings, the State and the Federal Government will be able to provide coverage to over 1 million previously uninsured Floridians without spending additional revenue.

In short, Florida's Health Security Program would expand access and health coverage without raising taxes, control costs and break the categorical link between health care and welfare.

To implement this program, Florida Health Security will utilize the already successfully established community health purchasing alliances, which have reduced premiums for participating small businesses by 10 to 50 percent

this year. As a result of this, private health plans and insurance agents will be integrally involved in the Florida Health Security Program.

In fact, under Florida Health Security, accountable health partnerships would submit bids on premium rates for the standard benefit plan, with a portion of the premium to be paid by Medicaid. Insurance agents would be directly involved in the process due to the fact that they are an integral part of this process. The alternative would be to employ a statewide force of State workers to provide such enrollment services, which would be wasteful and inefficient in comparison such agents are already trained and available in all areas across the State.

Unfortunately, HHS and the Department of Justice have expressed concern that payments to insurance agents by accountable health plans might violate the Social Security anti-kickback statute. Clearly, the 1977 anti-kickback statute was not intended or even contemplated to apply to programs like Florida's demonstration project.

In fact, there are already numerous and widespread examples of Medicare and Medicaid funds being used for the payment, directly or indirectly, to insurance agents. These include Medicaid revisions in the Family Support Act of 1988, which creates a Medicaid wrap-around option allowing States to use Medicaid funds to pay a family's expenses for premiums, deductibles and coinsurance for any health care coverage offered by the employer.

As the State argued while pursuing the waiver, since insurance companies use insurance agents, the purchase of insurance and the payment of premiums of necessity results in the payment of a commission to an insurance agent. This is also true when Medicaid funds health maintenance organizations [HMO's], the Medicare Risk Program and various State plans relating to areas such as the enrollment of Medicaid eligibles in group health plans.

Through the section 1115 Medicaid demonstration project waiver process, Florida is attempting, for the first time, to use Medicaid funds to purchase private health insurance on a wide scale. However, by mistakenly applying the anti-kickback statute beyond its intended scope to insurance agent commissions, the Departments of Justice and Health and Human Services would effectively and radically alter the demonstration. As noted before, insurance agents are an integral part of the existing health insurance system and our critical to the implementation of Florida's Health Security Program.

As a result, this legislation focuses narrowly on clarifying that the 1977 anti-kickback statute would not unnecessarily be applied to Medicaid demonstration projects and Medicaid managed care programs, which were initiatives that were not anticipated in the original adoption of the statute. Failure to adopt this language, with

Justice's and HHS's present interpretation of the statute, could very well jeopardize every State or Federal health plan which already uses, or which seeks to use, Federal moneys to fund private health insurance coverage.

Through either payments to employers or directly to individuals, many States have Medicaid programs that buy private insurance policies and thereby result in the payment of insurance agent commissions. States such as Oregon, California, Vermont, Kansas, Kentucky, South Carolina, Massachusetts, Missouri, Iowa, Virginia, Ohio, and New Jersey have such arrangements and do not withhold payment for commissions or limit the commissions which can be paid. These innovative Medicaid programs and Medicare risk contracts could all be jeopardized without language clarifying the intent of the anti-kickback statute.

I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 716

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

SECTION 1. CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE OR STATE HEALTH CARE PROGRAMS.

Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

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

"(F)(i) any premium payment made to a health insurer or health maintenance organization by a State agency in connection with a demonstration project operated under the State Medicaid program pursuant to section 1115 respect to individuals participating in such project; or

"(ii) any payment made by a health insurer or a health maintenance organization to a sales representative or a licensed insurance agent for the purpose of servicing, marketing, or enrolling individuals participating in such demonstration project in a health plan offered by such an insurer or organization."•

By Mr. GRAHAM (for himself, Mr. PRYOR, and Mr. ROCKEFELLER):

S. 717. A bill to extend the period of issuance of Medicare select policies for 12 months, and for other purposes; to the Committee on Finance.

HEALTH CARE LEGISLATION

• Mr. GRAHAM. Mr. President, I introduce legislation with Senators PRYOR and ROCKEFELLER to extend the reauthorization of the Medicare Select Program from July 1, 1995, to July 1, 1996. Florida is one of the 15 States originally authorized to participate in the program and more than 20,000 people in Florida were participating in Medicare select by the end of 1994.

Medicare select has created a more uniform and understandable set of poli-

cies for seniors to choose from in the Medicare supplemental market. As the August 1994 article entitled "Filling the Gaps in Medicare" in Consumer Reports said.

The law has had positive effects. It eliminated the bewildering variety of benefits that insurance companies had been selling. It made agents wary of selling a prospect more than one Medicare-supplement policy, a useless and costly duplication of coverage.

The Blue Cross Blue Shield of Florida's select policy ranks among the best values in the Nation.

However, the expiration date is quickly approaching for this demonstration program. Florida Blue Cross Blue Shield would have preferred the program to have already been extended by April 1, 1995, so that Florida's Medicare beneficiaries and providers could have avoided any disruption in the program. That date has passed. In fact, if not extended shortly, health plans and providers will have to prepare to close the program to new Medicare enrollees on June 30. The consequences would be to significantly increase premiums for current Medicare select enrollees and could lead to deterioration of networks as providers choose to leave the expired program.

In S. 308, the Health Partnership Act, that I introduced with Senator HATFIELD on February 1, 1995, our legislation would have made the program permanent and expanded the program to all 50 States. I no longer believe this is possible in time to prevent disruption to plans. Although the House passed a version to extend the program for 5 years with an accompanying study to determine whether the program results in savings to enrollees, reduces expenditures in the Medicare Program, and impacts access to and quality of care, Senate review of the program could not take place quickly enough to prevent disruption in the 15 States.

Moreover, a study of the items called for by the House is already being conducted by the Health Care Financing Administration through the Research Triangle Institute. Rather than commissioning yet another analysis of Medicare select, wasting the money already being spent to study the program and waiting another 3 years to make potential improvements in the program, it would be better to immediately move forward with a 1-year reauthorization of the program. In the meantime, Congress should consider improvements to Medicare select based upon the forthcoming study and other information we will receive. At that time, Congress should extend the program to all 50 States.

During the next year, there are many questions we should be asking of this program. For one, what impact is this program having on Medicare? Moreover, there have been questions raised as to the rating methods used to price and sell these products. According to Consumer Reports,

Unless state regulations outlaw attained-age pricing or national health reform makes community rating mandatory for Medicare-supplement policies . . . attained-age pricing will take over the marketplace, with serious consequences to the oldest policyholders.

This is something both Congress and the States should be reviewing.

As a result, Mr. President, I urge urgent and immediate consideration of this legislation by the Senate and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 717

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

SECTION 1. 12-MONTH EXTENSION OF PERIOD FOR ISSUANCE OF MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 4358(c) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1320c-3 note) is amended by striking “3½-year” and inserting “54-month”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Omnibus Budget Reconciliation Act of 1990.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 718. A bill to require the Administrator of the Environmental Protection Agency to establish an Environmental Financial Advisory Board and Environmental Finance Centers, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL FINANCE ACT

● Mr. MOYNIHAN. Mr. President, on behalf of myself and Senator D'AMATO, I introduce the Environmental Finance Act of 1995. This bill will make permanent the Environmental Protection Agency's Environmental Financial Advisory Board.

As my colleagues are well aware, Congress has appropriated billions of dollars in the last 20 years for environmental improvements. While great progress has been made, much remains to be done. Over the last several years the EPA has produced significant data showing a shortfall between the need for environmental infrastructure and the resources available to meet that need.

Environmental problems are some of the more compelling, complex, and controversial issues confronting the more than 83,000 local governments in the United States. Government officials are increasingly held liable for violations of environmental statutes, and have to finance environmental requirements imposed from Washington. Reporting requirements are increasing not only in frequency but in technical difficulty.

With this burden now falling heavily on State and local governments, new means to pay for environmental services and infrastructure must be found. This is imperative if we are to maintain and build upon the significant environmental gains made thus far.

In 1989, the Environmental Financial Advisory Board [EFAB] was created for

the reasons I have just described. Over the last 4 years, the EFAB has provided advice and analysis to the EPA on how to pay for environmental protection and leverage public and private resources. The EFAB was initially a committee of the National Advisory Council for Environmental Technology Policy, and in 1991 it became an independent advisory board consistent with the requirements of the Federal Advisory Committee Act.

The EFAB has been assigned the role of providing advice on environmental financing. Its objectives include the following: Reducing the cost of financing environmental facilities and discouraging pollution; creating incentives to increase private investment in the provision of environmental services; removing or reducing constraints on private involvement in environmental financing; identifying approaches specifically targeted to small community financing; assessing government strategies for implementing public-private partnerships; and reviewing governmental principles of accounting and disclosure standards for their effect on environmental programs.

The EFAB charter terminated on February 25, 1993. I am greatly pleased that EPA has initiated a renewal of the EFAB charter. It is, indeed, the intention of this legislation to help the EPA by creating in statute this most worthy program. Former EPA Administrator William K. Reilly testified before the House Appropriations Committee in 1991 and expressed his hope that the EFAB would eventually become for the financing field what the Science Advisory Board has become to the field of environmental science. I share his determination.

Mr. President, my legislation also will establish Environmental Finance Centers at universities throughout the country. This legislation will establish environmental finance centers in each of the 10 Federal regions. These permanent centers will be effective vehicles for the promotion of innovative financing techniques. Currently, two pilot environmental finance centers at the Universities of New Mexico and Maryland promote new financing options by providing training to State and local officials, distributing publications, giving technical assistance targeted to local needs, and hosting meetings and workshops for State and local officials. These centers will work in conjunction with the EFAB to help States build their capacity to protect the environment. The Environmental Finance Centers are initially to be partially funded through Federal grants, with the goal that they eventually will become self-sufficient.

In my own State, Syracuse University's Maxwell School of Citizenship and Public Affairs, drawing on the talents Syracuse's Schools of Engineering and Law, and the State University of New York's School of Forestry, is the EPA's Region II Environmental Fi-

nance Center. The Maxwell School ranks among the country's finest institutions; its applied research centers in public finance, metropolitan studies, and technology and information policy are ranked among the nation's top three such centers. The Metropolitan Studies Program is a national leader in examining a broad range of issues involving regional economic development and public finance in the United States.

The Maxwell School has established a Center for Environmental Policy and Administration in which analysis of environmental issues, such as those envisioned for the EFAB and the regional Environmental Finance Centers, will play a major role. In addition, the Syracuse Law School is establishing an environmental law center that will complement the Finance Center.

Mr. President, I ask that the text of the bill be printed in the RECORD.

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

S. 718

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Finance Act of 1995”.

SEC. 2. PURPOSE.

The purpose of this Act is to require—

(1)(A) the Administrator of the Environmental Protection Agency to establish an Environmental Financial Advisory Board to provide expert advice and recommendations to Congress and the Administrator on issues, trends, options, innovations, and tax matters affecting the cost and financing of environmental protection by State and local governments; and

(B) the Board to study methods to—

(i) lower costs of environmental infrastructure and services;

(ii) increase investment in public and private environmental infrastructure; and

(iii) build State and local capacity to plan and pay for environmental infrastructure and services; and

(2)(A) the Administrator to establish and support Environmental Finance Centers in institutions of higher education;

(B) the Centers to carry out activities to improve the capability of State and local governments to manage environmental programs; and

(C) the Administrator to provide Federal funding to the Centers, with a goal that the Centers will eventually become financially self-sufficient.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BOARD.—The term “Board” means the Environmental Financial Advisory Board established under section 4.

(3) CENTER.—The term “Center” means an Environmental Finance Center established under section 5.

SEC. 4. ENVIRONMENTAL FINANCIAL ADVISORY BOARD.

(a) IN GENERAL.—The Administrator shall establish an Environmental Financial Advisory Board to provide expert advice on issues

affecting the costs and financing of environmental activities at the Federal, State, and local levels. The Board shall report to the Administrator, and shall make the services and expertise of the Board available to Congress.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of 35 members appointed by the Administrator.

(2) TERMS.—A member of the Board shall serve for a term of 2 years, except that 20 of the members initially appointed to the Board shall serve for a term of 1 year.

(3) QUALIFICATIONS.—The members of the Board shall be individuals with expertise in financial matters and shall be chosen from among elected officials and representatives of national trade and environmental organizations, the financial, banking, and legal communities, business and industry, and academia.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Board shall elect a Chairperson and Vice Chairperson, who shall each serve a term of 2 years.

(c) DUTIES.—After establishing appropriate rules and procedures for the operations of the Board, the Board shall—

(1) work with the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), to identify and develop methods to integrate risk and finance considerations into environmental decisionmaking;

(2) identify and examine strategies to enhance environmental protection in urban areas, reduce disproportionate risks facing urban communities, and promote economic revitalization and environmentally sustainable development;

(3) develop and recommend initiatives to expand opportunities for the export of United States financial services and environmental technologies;

(4) develop alternative financing mechanisms to assist State and local governments in paying for environmental programs;

(5) develop alternative financing mechanisms and strategies to meet the unique needs of small and economically disadvantaged communities; and

(6) undertake such other activities as the Board determines will further the purpose of this Act.

(d) RECOMMENDATIONS.—The Board may recommend to Congress and the Administrator legislative and policy initiatives to make financing for environmental protection more available and less costly.

(e) OPEN MEETINGS.—The Board shall hold open meetings and seek input from the public and other interested parties in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and shall otherwise be subject to the Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 1996 through 2000.

SEC. 5. ENVIRONMENTAL FINANCE CENTERS.

(a) IN GENERAL.—The Administrator shall establish and support an Environmental Finance Center in an institution of higher education in each of the regions of the Environmental Protection Agency.

(b) DUTIES AND POWERS.—A Center shall coordinate the activities of the Center with the Board and may—

(1) provide on-site and off-site training of State and local officials;

(2) publish newsletters, course materials, proceedings, and other publications relating to financing of environmental infrastructure;

(3) initiate and conduct conferences, seminars, and advisory panels on specific finan-

cial issues relating to environmental programs and projects;

(4) establish electronic database and contact services to disseminate information to public entities on financing alternatives for State and local environmental programs;

(5) generate case studies and special reports;

(6) develop inventories and surveys of financial issues and needs of State and local governments;

(7) identify financial programs, initiatives, and alternative financing mechanisms for training purposes;

(8) hold public meetings on finance issues; and

(9) collaborate with another Center on projects and exchange information.

(c) GRANTS.—The Administrator may make grants to institutions of higher education to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,500,000 for each of fiscal years 1996 through 2000. •

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

At the request of Mr. MCCONNELL, his name was withdrawn as a cosponsor of S. 277, supra.

S. 328

At the request of Mr. SANTORUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 328, a bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone non-attainment areas designated as severe, and for other purposes.

S. 384

At the request of Mr. BROWN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 384, a bill to require a report on United States support for Mexico during its debt crisis, and for other purposes.

S. 394

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 394, a bill to clarify the liability of banking and lending agencies, lenders, and fiduciaries, and for other purposes.

S. 457

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

S. 508

At the request of Mr. BREAUX, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 584

At the request of Mr. ROBB, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 584, a bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Iowa [Mr. HARKIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. DORGAN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 32

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers.

SENATE RESOLUTION 109—EXTENDING THE APPRECIATION AND GRATITUDE OF THE U.S. SENATE TO SENATOR ROBERT C. BYRD

Mr. DASCHLE (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 109

Whereas Senator Robert C. Byrd on Friday, March 21, 1980, delivered on the floor of the Senate, an extemporaneous address on the history, customs, and traditions of the Senate;

Whereas on the following Friday, March 28, 1980, the Senator delivered a second, and once more spontaneous, installment of his chronicle on the Senate;

Whereas the first 2 speeches generated such intense interest that several Senators and others asked Senator Byrd to continue the speeches, particularly in anticipation of the forthcoming bicentennial of the Senate in 1989;

Whereas over the following decade Senator Byrd delivered 100 additional addresses on various aspects of the political and institutional history of the Senate;

Whereas in anticipation of commemorating the 200th anniversary of the Senate, Congress in 1987 authorized publication of the

addresses in suitable illustrated book-length editions;

Whereas between 1988 and 1994, Senator Byrd meticulously supervised preparation of 4 volumes, including a 39 chapter chronological history, a 28 chapter topical history, a compilation of 46 classic Senate speeches, and a 700 page volume of historical statistics;

Whereas volumes in the series have received national awards for distinction from organizations such as the American Library Association and the Society for History in the Federal Government;

Whereas the 4 volume work, entitled "The History of the United States Senate", is the most comprehensive history of the Senate that has been written and published;

Whereas Senator Byrd has devoted tireless energy and tremendous effort to the preparation and publication of the historical books, enabling citizens of the United States to better understand the history, traditions, and uniqueness of the Senate; and

Whereas a better understanding by people of the Senate and the role of the Senate in our constitutional system of government will foster respect and appreciation for the democratic traditions of the United States: Now, therefore, be it

Resolved, That the United States Senate extends congratulations and appreciation to Senator Robert C. Byrd for completing "The History of the United States Senate", a monumental achievement that will educate and inspire citizens of the United States about the Senate for generations to come.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Finance Committee be permitted to meet on Friday, April 7, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on 1995 Board of Trustees annual report of the Social Security and disability trust funds.

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

ADDITIONAL STATEMENTS

CONTRACT WITH AMERICA

• Mr. SIMPSON. Mr. President, I rise to join my colleagues who have expressed their congratulations to our counterparts in the House who this week completed work on the "Contract With America."

In the past few days, Mr. President, I have heard some powerful and stirring remarks from the other side about the nature of the "Contract With America." I have heard allegations that Republicans are plotting to break ketchup bottles over children's heads, to snatch their school lunches from their grasping mouths, and to send the seniors of America into the streets to forage from garbage cans.

Of course, this is an attempt to cast a judgment on the substance of the legislation that was brought forth under the contract. I would instead prefer to

focus my remarks on what I consider to be the real point of the contract, which was a commitment by newly elected leaders to—hold on to your hats—to keep their campaign promises.

Small wonder that this effort has produced so much discomfiture and fury on the other side. I remember a Presidential election in 1992, in which a Democratic Presidential candidate campaigned against the Bush policy in China, against the Bush policy in Bosnia, promised massive tax cuts—then delivered unprecedented tax increases—and on and on and on. And this is, to the mindset of the other side, what "responsibility" is all about. You don't keep your campaign promises, because it would be "irresponsible" to do so.

My view is rather quite different. My view of responsibility is that, while campaigning, one only makes promises that one intends to keep. But apparently it is a novel idea in Washington, and is described by phrases such as "pandering" and "irresponsibility."

Now also, before discussing the substance of the contract itself, let me also commend by House colleagues for adhering to the principle that, whether or not the votes were there to pass these items, these matters should be brought forth for a vote. That was the real point of the contract—to bring matters up for a vote.

I need not tell American citizens why that is so important, but I would like to refresh my colleagues' understanding of that point. The point is simply that the American public has a right to know where its representatives truly stand on these issues. That is a fundamental responsibility of representative democracy.

This principle should be supported by all legislators, whether or not they agreed with all of the substantive content of the "contract." Clearly, these were matters of importance to the American people. Many legislators—on both sides of the aisle—have run for office claiming that they supported such measures. They would say that they favored balanced budgets, favored the line-item veto, favored term limits, favored holding Congress accountable to the laws that it passed—and yet these measures were never passed. Those who voted for these legislators had a right to know who really favored these measures and who did not.

I think it is a measure of how truly "out of touch" Washington has become if the definition of "responsibility" has become—"refusing to vote on matters of importance to the American people." What House Republicans have accomplished, essentially, is to demonstrate that they believed that Americans did have a right to know where their legislators really stood, instead of Congress' engaging in the age-old practice of refusing to bring matters to a vote simply because it was feared they would pass. That is not my idea of representative democracy—gimmicking the system to avoid having to cast

a politically unpopular vote. And we saw a terrible lot of that in the House for 40 years.

Finally, I would like to address the rather silly charge that the "Contract With America" was a special boon for rich Americans only.

If we run down the various items of the contract—and I do not support every single one of them—we see several measures that have nothing to do with being "rich" or "poor." We simply see measures designed to give Washington some long-overdue accountability to the people we represent.

For instance—the Congressional Accountability Act. I do not understand why it would be catering to the "rich" to make Congress accountable to the laws that it passes.

Nor do I understand why a halt to unfunded Federal mandates is a special benefit for "the rich." It is an irrelevant, nonsensical argument to say that somehow it is the height of egalitarianism for Washington to send endless unfunded mandates on to the States.

The balanced budget amendment; there's another one. Simply the proposition that Government should live within its means. I would be very curious to know what tenet of economic theory holds that it is necessary for Government to go into hundreds of billions in debt every year in order to treat "rich" and "poor" appropriately.

Even many of the attacks on the proposed tax cuts struck me as disingenuous, at times even hypocritical. Many Congressmen and Senators waxed eloquent about how unfair it was to give any sort of tax break to the "rich," but when it comes to shelling out billions in Federal entitlement benefits to the "rich," they are strangely silent. If it is unjust to have any sort of tax relief affecting anyone of means, please explain to me why a billionaire should get a full Social Security COLA, or to have 75 percent of his Medicare part B premium paid by the taxpayer. If you want to know where we have really indulged the "rich," it's not through the Tax Code. It's through Government spending.

So this was never about "rich" versus "poor." It was about big Government versus small Government.

In the end, Mr. President, many of the attacks on the Republican legislative effort are nothing more than the same shopworn, trite, ridiculous rhetoric of class warfare that got us into this spending nightmare, and most assuredly will not get us out.

We will hear much more of it in the weeks to come.

When we attempt to hold the growth of Government spending to a reasonable level—not to cut it, but just to restrain its growth—we will hear how we are "cutting" and "slashing" and so forth.

I just cannot believe—and I say this in all earnestness to my Democratic colleagues and their pollsters—that the American people will swallow that one. I remember those charges during the

Reagan years. Last I looked, we had a Federal budget of, now, \$1.6 trillion. Doesn't look like a lot of "slashing" and "cutting" to me. Does anyone seriously believe that the American public will buy the notion that we are tearing spending to ribbons when we have a Federal budget of \$1.6 trillion? Something just doesn't add up there.

The reality is that we have programs like Head Start that are going up 140 percent over the course of 6 years—and the opposition comes down here, still, to charge that it is being torn apart by Republican budget cuts.

It is a mode of argument that simply will not work anymore. There is simply too much clear evidence to the contrary.

There is still much to do to bring our Government's house into order. But by any measure, the first 100 days of this Congress have been a darn good start. We owe the House our rich congratulations.●

SHORTSIGHTED RESCISSIONS

● Mr. LEVIN. Mr. President, the rescission bill approved by the Senate last night included a very short-sighted cut, which I strongly opposed. The bill we sent to conference with the House rescinds \$93.5 million for the base realignment and closure account for the 1993 round of military facility closures, and another \$10.6 million for the base realignment and closure account for the 1991 round of facility closures. These BRAC accounts provide the funds to close and realign military bases including, most urgently, to clean up an environmental contamination that the military services caused while they occupied those facilities.

During consideration of the bill, I voted for the Mikulski amendment, which would have restored funds for cleanup of closing bases and funds for other important national programs. Now, I strongly encourage the conference committee to restore these funds.

When we voted for base closures over the last 5 years, we also committed to complete environmental restoration and remediation at those facilities quickly, in fact within a maximum of 5 years from the time closure was approved. I consider that a solemn commitment from us, and from President Clinton to the affected communities, which spent years as good neighbors to the military, providing all kinds of support. Each of those communities was serving our country with their support of local military facilities. The President and Department of Defense have tried to keep this commitment by requesting full funding for BRAC activities. We appropriated most of what was asked for last year. It would be a mistake to rescind more funding.

Mr. President, not only is it wrong to renege on the commitment we made to cleanup swiftly the military bases we have ordered to close, so that reuse there is possible. Underfunding this ac-

tivity by rescinding fiscal year 1995 BRAC funds is also short-sighted. It's probably not even penny-wise, but it is certainly pound-foolish.

In many cases, Federal and State laws require this cleanup. At some bases, consent agreements now dictate specific cleanup activities and deadlines, the cost of which must be paid from the BRAC accounts. So BRAC rescissions are false savings. We still have to complete these environmental restoration activities. When we delay, it becomes more expensive, because the contamination in many cases gets worse. Soil and groundwater contamination can spread. And if consent agreements are violated because of lack of funds, the Federal Facilities Compliance Act says the Federal Government may be subject to fines and penalties.

The Governor of California, Pete Wilson, recently wrote to the Secretary of Defense on this subject, saying:

The continued erosion of cleanup funding inevitably will threaten the health of armed services personnel and civilians who work at military bases where contamination is present. It will also exacerbate economic suffering in communities that are struggling to redevelop closing bases. And, if the federal government will not meet its cleanup obligation, how can we expect private industry to do so? DOD is contractually obligated to seek sufficient funding to permit environmental work to proceed according to the schedules contained in those agreements. California will not hesitate to assert its right under those agreements to seek fines, penalties and judicial orders compelling DOD to conduct required environmental work.

The attorney general of Texas expressed similar sentiments in a letter to the Pentagon, saying:

If, in other words, the DOD and the federal government do not comply with all applicable cleanup laws, then other entities may begin to question why they should comply with cleanup laws. Hopefully, we have not reached the point of the federal government taking the position of "do as I say, and not as I do."

I would ask that the entire letter of January 25, 1995 from Governor Wilson to Secretary Perry, and the December 29, 1994 letter from Attorney General Dan Morales to Under Secretary of Defense Sherri Wasserman Goodman be printed in the RECORD.

SACRAMENTO, CA,
January 25, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense, The Pentagon,
Washington, DC.

DEAR SECRETARY PERRY: I would like to express my deep concern about recent actions at the Department of Defense (DOD) and in Congress regarding cuts in funding for environmental restoration of military bases.

The recent decision by Congress to cut \$400 million from the Defense Environmental Restoration Account (DERA) for FY95 continues a disturbing trend begun last year when Congress rescinded \$507 million from the Base Realignment and Closure (BRAC) Account. California was reassured that the BRAC rescission would not affect environmental work at closing military bases, but work was indeed scaled back at several California military bases due to the cut. The DERA cut presumably means that DOD will

seek to postpone or eliminate environmental work at operational military bases.

At the same time, the DOD Comptroller has announced an additional \$437 million in cuts for cleanup programs through FY97. Such actions can only encourage members of Congress who would like to redirect DOD environmental spending into more traditional defense programs.

The continued erosion of cleanup funding inevitably will threaten the health of armed services personnel and civilians who work at military bases where contamination is present. It will also exacerbate economic suffering in communities that are struggling to redevelop closing bases. And, if the federal government will not meet its cleanup obligation, how can we expect private industry to do so?

California expects DOD to comply with the federal/state cleanup agreements it has signed at California military bases. DOD is contractually obligated to seek sufficient funding to permit environmental work to proceed according to the schedules contained in those agreements. California will not hesitate to assert its right under those agreements to seek fines, penalties and judicial orders compelling DOD to conduct required environmental work.

I would be happy to work with you to strengthen support in Washington for full funding of DOD cleanup work. One way to reduce oversight costs would be to delist military bases from the National Priorities List and give states the exclusive responsibility for overseeing base cleanups. Please do not hesitate to contact me if I can be of assistance in these areas.

Sincerely,

PETE WILSON.

OFFICE OF THE ATTORNEY GENERAL,
Austin, TX, December 29, 1994.

Re additional comments to the Defense environmental response task force fiscal year 1994 annual report to Congress.

Ms. Sherri Wasserman Goodman,
Deputy Under Secretary of Defense (Environmental Security), Defense Pentagon, Washington, DC.

DEAR MS. GOODMAN: I continue to believe that much progress has been made in the cleanup program of the Department of Defense ("DoD") as a result of the work done by you and your office. It is important, however, that the policies declared at the headquarters level continue to permeate down through the Services to the base or facility level. I am not quite sure at this point, in other words, that all of the policies and efforts set forth at the headquarters level have been fully embraced or implemented at the facility level.

Because of possible adverse effects on future cleanups at closing bases, I am deeply concerned about recent action taken by the DoD Comptroller with regard to the DoD environmental remediation and compliance budget. I understand that the Comptroller desires to cut over a half-billion dollars from the DoD's request for environmental cleanup and compliance. Not only would such a cut be short-sighted, I firmly believe that it would be unlawful if it is the case that all of the legal requirements facing the DoD could not be met (as a financial or budgeting matter) in accordance with Executive Order 12088 (Federal Compliance with Pollution Control Standards (Oct. 10, 1978)) and the many federal facility and state cleanup agreements entered into in good faith by the DoD. While saving taxpayers' money and ensuring military readiness are surely critically important objectives, the compliance by DoD with all applicable laws purposed at protecting

our citizens' health and safety is also extremely important. Unfortunately, DoD appears to be sliding towards the purposeful disregard of its cleanup obligations.

More fundamentally, I am perplexed that a certain element within DoD apparently does not believe that a safe and healthy work and living environment for our servicemen and women (and their families) is important for their well-being, as well as for our national security. Surely, the people who are responsible for defending this country should be accorded the same degree of protection from carcinogens and other hazardous substances accorded workers and their families in the private sector.

Furthermore, I assume that the Comptroller does not intend for the DoD to shirk its responsibility to protect the health and safety of the communities surrounding defense bases, especially if those communities consist of groups, such as Hispanics and African-Americans, which have historically been the victims of environmental injustice. We cannot pull the ladder up on these groups by cutting the environmental cleanup and compliance budget so soon after finally initiating environmental justice efforts.

Lastly, regarding the remediation funding issue, it is clear that if DoD does not take its cleanup responsibilities seriously enough to request adequate funding, then DoD will be sending the worst possible signal to the private sector and the local and state governments facing similar cleanup responsibilities. If, in other words, the DoD and the federal government do not comply with all applicable cleanup laws, then other entities may begin to question why they should comply with cleanup laws. Hopefully, we have not reached the point of the federal government taking the position of "do as I say, and not as I do."

Aside from comments regarding the DoD Comptroller budget cutting issue, I hereby submit additional comments to the 1994 Defense Environmental Response Task Force ("DERTF") Annual Report to Congress:

1. Future Land Use. Whether future land use should be a factor in determining if DoD property is contaminated, or to what standards the property must be cleaned up, are policy questions ultimately to be decided by Congress. Until Congress expressly decides, however, whether the consideration of future land use is appropriate in the cleanup context, DoD must comply with all existing applicable requirements of the U.S. Environmental Protection Agency ("EPA") and the respective states in determining what constitutes "all remedial action" necessary to protect the human health and environment. Thus, whether future land use is a legitimate or legal consideration in establishing appropriate cleanup levels currently depends upon whether the regulators allow such consideration, either explicitly or implicitly.

As my office has frequently stated during the DERTF proceedings, attempts to subsidize economic redevelopment of bases by allowing the cleanup standards to be loosened may be problematic in the long run for our communities, citizens, and base transferees, as well as short-sighted for DoD. It is still unclear to me whether the following issues have been carefully thought through:

(1) Who or what entity decides future land use?

(2) What happens when a community decides in the future to change the use of the transferred property?

(3) What happens when cleanup standards related to a certain use are ratcheted upwards by EPA or by the respective states?

Until the answers to such issues are further refined and a consensus is reached by all stakeholders, I caution against moving too quickly to short-term solutions that may be

more budget-based than health and safety-based.

2. Harmonization with Private Sector Standards. The goal of trying to quickly-transfer bases to our communities is to ensure quick development in order to create jobs and promote the economic health of our communities—it is not the quick transfer of bases for the mere sake of quick transfer. Unless, however, private sector lenders, developers, and investors are sufficiently comfortable that they will not face potential environmental liability, they simply will not get involved in the redevelopment of a closed base.

Thus, it is critical that DoD's investigative, remedial, and transfer processes mirror the processes found in the private sector. For example, the investigation and remediation processes established by the Services should reflect and fulfill the same requirements, roles, and functions as environmental due diligence efforts in the private sector. Failure to harmonize efforts between the DoD and the private sector in this regard will only result in delay subsequent to the transfer of closed bases. I have instructed my office to continue to encourage DoD to make every effort to harmonize, to the extent allowed by law, its investigative, remedial, and transfer practices with private sector practices.

3. Base Transfers Prior to Remedial Action. The DERTF Annual Report indicates that the DERTF proposes to examine possible changes in the law to allow property to be deeded before remedial actions are in place and properly and successfully operating, so long as there is no increased threat to human health and the environment.

Section 120(h)(3) of CERCLA requires that each deed transferring federal property contain a covenant warranting that all remedial action necessary to protect human health and the environment has been taken and that any additional remedial action found to be necessary after the transfer shall be taken by the government. Generally this means that base property cannot be transferred before it is cleaned up. This important statutory requirement helps to protect future occupants from harm, and the United States from liability. In light of the Anti-Deficiency Act and other barriers to the ensuring of sufficient funding for cleanups, the requirement of base cleanup before transfer provides the one sure means of ensuring that there will indeed be cleanup of the facility to be transferred.

The risks involved in deeding property before cleanup is completed in accordance with all applicable law outweigh any potential benefits of such premature deeding, in my opinion. Even if deeding contaminated property does not actually increase the threat to human health, it will reduce DoD's control over the transferred property, breach an important regulatory checkpoint, and increase the legal risks to all parties. I continue to believe that this option should be rejected by the DERTF.

There is, furthermore, no statutory cleanup completion requirement for leases. While it may be, as the Services are claiming, that leases are not being used by the Services in order to avoid their cleanup responsibilities or to circumvent the ultimate purpose of CERCLA, long-term leases are clearly being used to avoid—strictly speaking—the provisions of CERCLA §120(h)(3). While leases can and have been used to facilitate reuse in conjunction with remediation on terms that are fully protective of human health and the environment, it is critical that the Services maintain adequate control over the leased property in order to ensure that public health and safety are protected, that cleanup activities are facilitated, and that the lessee

is not doing anything that might increase the legal liability of the government or any other party. I am not confident at this point that sufficient institutional controls akin to those established in the private sector long-term property management have yet been developed by DoD in the base closure context.

4. Indemnification of Future Owners. The Annual Report points out that the Defense Authorization Act for Fiscal Year 1993 ("Act") contains provisions to indemnify transferees from environmental liability, and implies that no further study of indemnification is needed. The Act indemnifies states, political subdivisions and any other person or entity that acquires ownership or control of a closing base from suits arising out of any claim for personal injury or property damage resulting from the release or threatened release of hazardous substances.

Clearly, the federal government is solely responsible for cleaning up contamination caused by its activities prior to base closure. CERCLA, however, provides as a general matter that the current owner (i.e., the transferee receiving title to the closed base) is jointly and severally liable for response costs. Thus the transferee may be found jointly and severally liable for the cost of clean up residual contamination left from military activities notwithstanding the provisions of CERCLA §120(h)(3). I am unsure whether the indemnity provision cited above unambiguously provides otherwise. I recommend that DERTF study this issue and that the Act be clarified to comply with the common understanding of the government's responsibilities.

In any event, while who ultimately is responsible for response costs is a relatively straightforward legal issue, determining whose "molecules" are contaminating the groundwater or soil may be a very difficult factual issue—an issue that may only be determined after much litigation and much expense for all parties concerned.

I look forward to continuing my office's participation in the DERTF proceedings. As we move on to the next round of base closures, it is critical that we continue to improve the base cleanup and transfer process. Thank you for the opportunity to add my comments to the DERTF Annual Report to be submitted to Congress.

Sincerely,

DAN MORALES,
Attorney General of Texas.

Mr. LEVIN. Mr. President, the Senate bill rescinds fiscal year 1995 BRAC funding that DOD did ask for and that we appropriated, as we should have. If the conference committee accepts these rescissions in the BRAC accounts, it will further slow cleanup that has already been delayed by previous cuts. Last year Congress rescinded half a billion dollars from BRAC accounts to pay part of the cost of earthquake recovery in California. That reduction was spread by the Department of Defense among many facilities, and the pace of cleanup was slowed.

I know some in Congress have attacked environmental restoration as not a legitimate Pentagon expenditure. But where the military caused environmental damage, especially where it now interferes with productive reuse of land and property in the middle of severely dislocated communities, that damage constitutes a real cost of military activities. It is just a deferred cost

created by the Federal Government, a bill that has not yet been paid. We must pay it. We promised to pay it, and the BRAC accounts hold the funds.

The Department of Defense strongly supports these BRAC expenditures. Air Force Secretary Sheila Widnall told the Armed Services Committee:

I cannot think of anything more short-sighted than to not fund for to rescind environmental cleanup money for BRAC bases.

Secretary of Defense Perry told the Budget Committee:

That work has to be done, there's no doubt. This environmental cleanup we're doing is legislatively required. It's not as if it's a discretion on the part of the Defense Department.

Reducing our excess military facility capacity is necessary, Mr. President, but it is extremely painful for local communities whose economics have become reliant on a facility over many decades. Base closure causes a huge economic and social disruption, especially in smaller, rural communities where a base has dominated the local job picture. At least 30 States are already directly affected by base closures initiated in the 6 years, and additional bases are scheduled to be identified this summer for closure.

The base closure process has been devastating to military facilities in my own State of Michigan. We have now lost all three of our active Air Force bases, a number of smaller facilities, and still more closures have been proposed in Michigan for the current BRAC round IV. If the reductions proposed in this Senate bill are approved by the full Congress and signed into law by the President, the impact will be felt in many communities with closing bases from BRAC rounds II and III that are currently struggling to survive, including Wurtsmith Air Force Base in Oscoda and K.I. Sawyer in Gwinn, MI. These communities are trying to attract new businesses with new jobs, and the land and property that has been contaminated by the military cannot be made available for other use until it is cleaned up. That takes money, and the money must come from these BRAC accounts.

Mr. President, last month 17 of my colleagues in the Senate wrote to the chairman and ranking member of the Senate Appropriations Committee. We urged the committee to fully fund environmental cleanup at closed military bases, and specifically to not rescind fiscal year 1995 funds. I ask that the full letter, signed by 18 Senators, be printed at this point in the RECORD.

The letter follows:

U.S. SENATE,

Washington, DC, February 27, 1995.

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

DEAR MR. CHAIRMAN: When the President and Congress initiated the process of closing military bases, we made a solemn commitment to complete environmental restoration and remediation at those facilities quickly. We recognized that cleanup is essential before property can be released by the govern-

ment and reused by local communities trying to rebuild their economies and attract new jobs. Congress must not now renege on this commitment by underfunding the Base Realignment and Closure (BRAC) accounts that pay for this cleanup.

Our nation's military facilities infrastructure must be reduced commensurate with the downsizing of armed forces. At least 30 states are already directly affected by base closures initiated in the first three rounds of the closure process, and additional bases are scheduled to be identified for closure this summer. Where the federal government has caused environmental contamination during its tenancy, that damage must be substantially repaired before property can be transferred to a state, locality or private owner for productive reuse. Environmental damage is a real cost incurred as a result of DOD activities and it should be paid for out of the DOD budget.

In many cases, federal and state laws govern the cleanup activities required, and at some bases the relevant parties have negotiated consent agreements mandating specific cleanup deadlines. Costs associated with these activities are paid for from the BRAC accounts, which the Administration and Congress have funded adequately in recent years.

Defense Secretary William Perry recently testified to the Senate Budget Committee that "This environmental cleanup we're doing is legislatively required. It's not as if it's a discretion on the part of the Defense Department. That work has to be done, there's no doubt." And Air Force Secretary Sheila Widnall testified last year that "I cannot think of anything more short-sighted than to not fund or to rescind environmental cleanup money for BRAC bases."

For all of these reasons, we request that you reject any rescission of FY 1995 funds in this area, and that you support full funding of the Department of Defense FY 1996 request for Base Realignment and Closure cleanup activities.

Thank you for your consideration.

Sincerely,

Patrick Leahy, Daniel K. Akaka, Barbara Boxer, Ben Nighthorse Campbell, John Lieberman, Frank R. Lautenberg, John F. Kerry, Carl Levin, Claiborne Pell, Patty Murray, David Pryor, Herb Kohl, Chuck Robb, Paul Sarbanes, Tom Daschle, Dianne Feinstein, Olympia Snowe.

Mr. LEVIN. We hope that the committee would heed our advice. Now it is vital that the conference committee restores these funds so that cleanup goes forward without delay, and productive reuse in communities with closing bases can be accomplished swiftly.●

● Mr. HATFIELD. Mr. President, President Franklin Delano Roosevelt will live forever in the hearts and minds of Americans. This memorable leader helped to lead this country through both a worldwide depression and a world war, and when he died he left the country positioned to take its place as the leader of the free world. Fifty years ago April 12, the people of our great country lost a President, a statesman, and a leader.

Since 1971 I have had the honor to have served on the Franklin Delano Roosevelt Memorial Commission, the past 5 years of this time serving as the cochairman with my distinguished colleague from Hawaii, Senator INOUE.

This Commission was formally established by Public Law 372 in 1955 with the responsibility of constructing an appropriate memorial to the 32d President of the United States. That memorial, which is to be unveiled in 1997, is a tribute not only to Roosevelt the President, but also to an era.

I was 10 years old when Franklin Roosevelt was elected President. I was a 20-year-old naval officer in the waters off Okinawa when I heard the news that the President had died. Millions of Americans, like myself, had grown up with the Roosevelts. To many it seemed that he would be President forever. Suddenly, while the United States are still engaged in war, our Commander in Chief was gone. The feeling was one of loss and uncertainty. Roosevelt was to many Americans the only President we had known, to millions he was a hero and a friend. The future suddenly became uncertain for those at home and overseas.

That uncertainty soon turned to confidence as the war was won and the United States took its place not only as the champion of freedom and peace but as the most prosperous nation the world has ever known. Roosevelt had ensured the future of the country by preparing it for the demands of the 20th century.

It was Roosevelt's dedication to the future of this country which instigated such universally accepted successes as the GI bill of rights and the Social Security Act. The GI bill assisted over 50 percent of the returning soldiers, sailors, marines, and airmen, guaranteed for the United States an educated and skilled populace unrivaled in the world. While the GI bill provided for those upon whose backs the future lay, the Social Security Act helped those who had already carried the burden.

As is now well known, Franklin Roosevelt fought a constant battle with the crippling effects of polio even as he waged war against the Great Depression and the forces of fascism. His accomplishments as President serve as the greatest testament to his personal victories, and he survives still as an example of the human ability to challenge and overcome even the greatest of obstacles.

Mr. President, the life and Presidency of Franklin Delano Roosevelt serves as a reminder to each of us, to my colleagues in the Senate and to the people all across this country, of the ability of the American people to face up to and overcome any and all challenges. To look the uncertainties of the future in the face and to move forward with confidence and an unshakable faith. This is indeed Roosevelt's longest and best lived legacy, his eternal challenge to each and every one of us. For as he wrote soon before his death, "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."●

BOSNIA SPRING

• Mr. MOYNIHAN. Mr. President, spring has arrived here in Washington, the Grounds of the Capitol are looking their best and we welcome the change. Unfortunately, spring in Bosnia is not a welcome event. Spring in Bosnia means the cease-fires of winter melt away and the war will resume with all its ferocity.

I have taken this floor many times to decry the ethnic cleansing that continues in Bosnia and to urge our Government, and the U.N. Security Council, to act more responsibly in addressing this terrible tragedy. It comes as no surprise that those affected by our inaction are astonished at our apparent indifference, and chastise us for failing to uphold basic moral and legal norms.

On Wednesday, the Washington Post printed a portion of a statement by Vinko Cardinal Puljic, archbishop of Sarajevo. While the United States, along with the U.N. Security Council and NATO sit on our hands, we cannot also cover our ears. The archbishop of Sarajevo knows of what he speaks. The Senate would do well to listen.

I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 5, 1995]

FOR THE RECORD

(By Vinko Cardinal Puljic)

I, like so many in Bosnia-Herzegovina, am astonished and bewildered . . . at the international community's indifferent, half-hearted, inconsistent and ineffectual response to aggression and "ethnic cleansing." Not only has [it] not acted decisively, it has even contributed to the ethnic division of Bosnia and has legitimized aggression by failing to uphold basic moral and legal norms.

If the principles of peace and international justice are buried in the soil of the Balkans, Western civilization will be threatened. . . . I am convinced that there are moral means to thwart immoral aggression. The international community must have the will to use the means available to it to protect threatened populations, to encourage demilitarization and to establish other conditions necessary for progress toward peace. The solution cannot be simply to give up and withdraw. If the United Nations and the international community do not now have effective means to respond to the humanitarian crisis in Bosnia and elsewhere—and it is clear that they do not—then nations have the responsibility to take the steps necessary to develop more effective international structures.

This is not a religious conflict, but some would misuse religion in support of ethnic division and extreme nationalism. Therefore, as a religious leader, I believe I have a special responsibility to stand beside those who are victims of injustice and aggression, regardless of their religious, ethnic or national identity. I also believe that, even though a just peace seems far off, religious and other leaders must not wait for an end to war to begin the daunting task of reconciling deeply divided communities.●

THE SUPPLEMENTAL APPROPRIATIONS BILL

• Mr. LEVIN. Mr. President, last night, I voted for final passage of the supplemental appropriations bill.

The bill, as amended by the compromise substitute, is a distinct improvement over the legislation reported by the Appropriations Committee. The compromise reduces Federal spending by nearly \$16 billion and restores funding to a number of critical programs affecting children and education.

This includes a broad range of programs that I very strongly support: Head Start, education reform, safe and drug free school programs, the Women Infants and Children Program, the childcare block grant program, title I programs to improve reading, writing, and math skills for educationally disadvantaged kids, impact aid, and the TRIO Program for first generation college-bound students, and the national service college scholarship program—AmeriCorps.

However, the legislation still cuts too deeply into important programs which the American people approve of such as assisting the States in protecting the quality and safety of our drinking water, the opening of Jobs Corps centers already announced, and for which communities across the country have expended funds and resources and funding for the promised environmental cleanup of military bases.

One of the great disappointments on this bill was the defeat of the Mikulski amendment by a vote of 68 to 32.

The Mikulski amendment would have restored funds for a number of important national programs such as the housing program, and also would have funded the EPA Center in Bay City, the CIESIN facility in Saginaw, and announced Job Corps centers in nine cities across the country, including Flint.

I have already begun discussions with colleagues in an effort to restore some of these cuts in conference between the House and the Senate.●

U.S.-HONG KONG POLICY ACT REPORT

• Mr. MACK. Mr. President, the March 31, 1995 report required by the U.S.-Hong Kong Policy Act made some useful contributions to the historical record of Hong Kong's transition from a dependent territory of the United Kingdom to a special administrative region of the People's Republic of China. The report correctly assessed Governor Patten's highly touted legislative reforms as modest.

The account given of threats to press freedoms was also important, in light of the People's Republic of China's recent actions against Hong Kong and other journalists. While the report included the case of Xi Yang, the Hong Kong reporter imprisoned inside mainland China for "stealing state financial secrets," it would have been appropriate for the report to have included the detail that the secrets were planned increases in interest rates and the sale of gold.

Most important, the report expressed U.S. support for "continued development of democratic institutions * * * and the conduct of free and fair elections after July 1." I hope the United States Government is making this position clear to the People's Republic of China in no uncertain terms.

The report neglected to discuss a number of important developments which I highlight here because they are so critical to the future of the territory.

Much as China's treatment of the press has had a chilling effect on Hong Kong journalists, the People's Republic of China's harsh and arbitrary treatment of businessmen is having pernicious effects in Hong Kong. The People's Republic of China frequently arrests, imprisons, and holds incommunicado, foreign businessmen—almost 20 in the past 3 years—particularly those with whom People's Republic of China state-owned enterprises have commercial disputes. For example, at the instigation of the People's Republic of China, James Peng, an Australian citizen, was arrested by Macau police and deported to Shenzhen in Guangdong Province. Mr. Peng's offense was that he won a legal battle to retain control of his company, a Sino-foreign joint venture listed on the Shenzhen stock exchange. Another businessman, Zhang Guei-Xing, who holds an American green card, was jailed under horrific conditions in a detention camp in Zhengzhou for 2½ years. A Miami businessman, Troy McBride, has been detained in Anhui province since mid-March, his passport confiscated, because of a commercial dispute. In the People's Republic of China today, economic disputes have become economic crimes. Arrests, detention, and harassment of businessmen are just one more business practice. The ultimate goal is a settlement involving the surrender of property or other assets—in effect, a ransom payment.

Hong Kong's Independent Commission Against Corruption [ICAC] reports a sharp increase in corruption complaints as the People's Republic of China and Hong Kong markets become more intertwined. The People's Republic of China's treatment of businessmen, the absence of the rule of law, and the insidious spread of corruption from the mainland to Hong Kong, must be included in future U.S.-Hong Kong Policy Act reports.

The report's recognition of the lack of progress and even stalling on rule of law issues within the joint liaison group is also important. However, the report should have acknowledged that the role the joint liaison group has assumed in this transition period is contrary to the terms of the joint declaration, which expressly states that the joint liaison group is "not an organ of

power." Under the joint declaration's terms, Great Britain has the authority to govern Hong Kong until June 30, 1997.

The People's Republic of China's manipulation of the joint liaison group is part of the People's Republic of China's 10-year pattern of renegeing on its commitments under the joint declaration. Notwithstanding the recent public relations tour through the United States by Lu Ping, Beijing's top Hong Kong official, the People's Republic of China has repeatedly displayed its contempt for the joint declaration. Five years ago this week, in April 1990, Beijing codified significant deviations from the joint declaration in the basic law, the so-called miniconstitution for post-1997 Hong Kong that Beijing wrote and rubberstamped in its National People's Congress. The basic law subordinates the Hong Kong Legislature to the Beijing-appointed executive, and assigns the power of judicial interpretation to the standing committee of the National People's Congress rather than to Hong Kong's judges. The basic law's provisions on the legislature may become moot however, since the People's Republic of China has promised or threatened to dismantle the Legco and Hong Kong's two other tiers of government.

Beijing also threatens to abolish the Bill of Rights, enacted by the Legco in 1991 in reaction to the Tiananmen Square Massacre, and over the objections of the Hong Kong government. Finally, a high official of the Chinese supreme court has suggested that Beijing will replace Hong Kong's common law system, which is synonymous with individual rights and the rule of law within a civil law system. China's own civil law system is explicitly subordinated to the Communist Party.

The status of plans for establishing a high court before 1997 is cause for concern as well, and here the report's brief treatment of the issue is troubling. The details of a Court of Final Appeal, to replace the Privy Council in London, as the territory's highest court were agreed to in the joint declaration. The U.S.-Hong Kong Policy Act report mistakenly accepts the 1991 agreement between the British Government of Hong Kong and China as a basis for the Hong Kong government's legislation implementing the court. The 1991 agreement explicitly violates the joint declaration and basic law. Accordingly, democratic legislators plan to amend it to bring it into accord with the joint declaration.

I was surprised and disappointed that the report did not address two matters of tremendous significance in this transition period and to post-1997 Hong Kong. First, the report omitted any discussion of the Patten government's rejection of proposals by Hong Kong's democrats for an official human rights commission. Over the next 27 months, the commission could define a human rights standard against which to judge the Hong Kong SAR government. The People's Republic of China's expressed

hostility to independent and democratic government institutions after 1997 is an argument for moving full-speed ahead with a human rights commission and other institutional reforms, not for backing off.

Also missing from the report was any mention of Great Britain's failure to report on human rights in the colony according to its obligations under the International Covenant on Civil and Political Rights.

As 1997 draws near, there will be a greater need for accurate and timely reporting on developments in Hong Kong. There is also a need for a clearer recognition of the implications of the People's Republic of China's behavior for the people of Hong Kong. I look forward to future reports and hope that, in the intervals between reports, my colleagues in the United States, Congress and other friends of Hong Kong will pay close attention to the statements and actions of the Beijing and Hong Kong governments. Above all, there must be more attention to the voices and concerns of the Hong Kong people.●

IMPACT AID

● Mr. SPECTER. Mr. President, last night we completed action on H.R. 1158, the supplemental appropriations and rescissions for fiscal year 1995. I wanted to briefly discuss one provision included in the leadership amendment adopted last evening to restore funding for impact aid. As my colleagues know, the Impact Aid Program is designed to provide aid to assist communities which have significant Federal presence in meeting education objectives. Specifically, this funding is important to Hatboro-Horsham school district in eastern Pennsylvania. My colleague, Senator SANTORUM, and I have heard from the local school district regarding this funding.

I am aware of the importance of this funding to other areas of the country. In particular, I want to note the efforts of my friend and colleague from South Dakota, Senator PRESSLER, to preserve the impact aid funding. He personally told me of the adverse effect of the proposed rescission would have on a number of South Dakota schools, including the Pollock school district in northern South Dakota. I commend Senator PRESSLER for his leadership and for looking out for the educational interests of South Dakota schools, students, and families.●

ORDERS FOR MONDAY, APRIL 24, 1995

Mr. GORTON. Mr. President, when the Senate completes its business today, I ask unanimous consent that it stand in adjournment, and on Monday April 24, 1995, at 12 noon, following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be waived, the morning

hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 1 p.m., with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. GORTON. Mr. President, at the hour of 1 p.m., it will be the intention of the majority leader to proceed to the consideration of H.R. 956, the product liability bill. For the further information of all Senators, the Senate will begin the product liability bill at that point but no votes will occur before 3 p.m. on Monday.

ORDER FOR RECESS UNTIL MONDAY, APRIL 24, 1995

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that following my own remarks, the Senate stand in adjournment under the provisions of House Concurrent Resolution 58.

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

ORDER FOR RECORD TO REMAIN OPEN

Mr. GORTON. I ask unanimous consent that the RECORD remain open until 2 p.m. today for the introduction of bills and statements.

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

ACCOMPLISHMENTS OF THE 104TH CONGRESS

Mr. GORTON. Mr. President, I wish briefly to add my reflections on the accomplishments of this Congress and especially of our colleagues in the House of Representatives during this first 100 days of that historic Congress.

The new leadership of the House of Representatives made certain commitments, ambitious commitments to the people of the United States in the course of last year's campaign covering a number of vitally important subjects to the people of the United States. Those commitments were repeated after the election was over. Those commitments have been kept to the letter by our colleagues in the House.

I believe that this remarkable record of achievement has created a distinct resonance on the part of the American people whose opinion of Congress, extremely low as recently as 6 months ago, has at least begun to recover. Perhaps more significant in the long run will be the content of the 100 days' promises, dramatic changes in the way in which Congress does its business, a very real attack on the problem of violent crime in our society, a major step

forward toward welfare reform, toward tax relief for families, and for the creation of jobs, toward our national security, and toward legal reform, Mr. President.

As each of us knows in this body, on the other hand, no one can safely make 100-day promises. The right of unlimited debate, vital to the liberties of the people of the United States, causes more careful consideration frequently of particular items and often frustration on the part of Members of the Senate and of the country itself. Nevertheless, at least three items in the contract for America have passed this body as well as the House.

The announcement I just made on behalf of the majority leader indicates that a portion of the legal reform agenda will be the first item to be discussed by the Senate upon its return, and I would hazard the estimate that before this year is over every one of the items on the Contract With America will have been discussed and voted on in the Senate. We can no more promise than the Speaker of the House can that all will be passed. Each and every one of these items requires at least a degree of bipartisan support in the Senate given the rules of this body. But it is

clear that this Congress as a whole has acted more decisively and has created a greater change in course and direction for the country than any Congress literally in decades.

Finally, Mr. President, I would be remiss if I did not express my personal pride in the new Members of the House of Representatives from my own State. My own State has provided more new Members from my party, more freshmen Members than any other State in the United States of America, five men and one woman of great distinction in their previous careers, enthusiastically dedicated to the goals of the contract on which they ran, and major participants, even though they are freshmen Members, in the wonderful successes which the House of Representatives has shown. I am proud to be a part of that delegation and express my great gratitude to them for all they have accomplished in as yet short but highly distinguished congressional careers.

Mr. President, I yield the floor

ADJOURNMENT UNTIL MONDAY,
APRIL 24, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now

stand in adjournment until 12 noon Monday, April 24.

Thereupon, at 12:48 p.m., the Senate adjourned until Monday, April 24, 1995.

NOMINATIONS

Executive nominations received by the Senate April 7, 1995:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601(A) AND 3033:

CHIEF OF STAFF OF THE ARMY

To be general

GEN. DENNIS J. REIMER, 000-00-0000

CONFIRMATION

Executive nomination confirmed by the Senate April 7, 1995:

DEPARTMENT OF VETERANS AFFAIRS

DENNIS M. DUFFY, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.