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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 14, 1996, at 12:30 p.m.

## Senate

MONDAY, MAY 13, 1996

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Rev. Richard B. Foth, Assemblies of God, Arlington, VA.

### PRAYER

The guest Chaplain, Rev. Richard B. Foth, Assemblies of God, Arlington, VA, offered the following prayer:

Gracious Father, we come to You on this magnificent spring day with grateful hearts for the ways in which You speak to us. With all creation shouting "new life," we ourselves ask for refreshing and vigor from Your spirit as we begin a new week.

Each Senator here carries more burdens, personal and corporate, than most of us can fathom. The challenge of carrying a vision for the Nation, while holding in concert the philosophy of party and the needs of particular States is always with them. Help these chosen men and women, whom You have gifted, to be firmly grounded in principle while dealing on every hand with issues that insist on pragmatic solutions.

We acknowledge on this Monday in May that we cannot enact enough laws to solve the deepest challenges of every American, but we can have open hearts toward You and toward each other. In these Chambers, where battles of philosophy and budget can wear public servants out, let trust that nurtures life keep knocking at the door.

In the name of Him who gives us life and that more abundantly, we pray these things. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. LOTT. Mr. President, we thank the distinguished guest Chaplain for his prayer this morning.

### SCHEDULE

Mr. LOTT. Mr. President, there will be a period for morning business until the hour of 3:30 p.m. Following morning business, the Senate will resume consideration of H.R. 2937, which is the White House Travel Office legislation. There will be no rollcall votes today. Senators are reminded that a cloture motion was filed on the pending Dole amendment to H.R. 2937, with that vote occurring on Tuesday at 2:15 p.m.

This week it is hoped that the Senate can complete action on the White House Travel Office bill, resolve the gas tax repeal issue, the minimum wage bill, and the TEAM Act issues, as well as consider the budget resolution. In order to achieve all of that this week, Senators should be on notice that there will be votes throughout the week, with the strong possibility of late-night sessions so that we can complete a very aggressive agenda.

Again, I know the distinguished majority leader has been meeting with the minority leader, and they are working to come up with a process whereby these very important issues can all be considered during this week.

Mr. President, I am prepared to yield the floor, and I observe the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. What is the time limitation?

The PRESIDING OFFICER. The time until 2 o'clock is under the control of the Democratic leader.

### MORNING BUSINESS

Mr. BYRD. Is the Senate in a period of morning business?

The PRESIDING OFFICER. Yes, it is, morning business.

Mr. BYRD. Are Senators permitted to speak therein?

The PRESIDING OFFICER. For 5 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I may take just a little longer than 5 minutes. I ask unanimous consent that I may proceed for not to exceed 10 minutes.

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

### "TINKER" AND ELNORA ST. CLAIR

Mr. BYRD. Mr. President, I was deeply saddened by the recent death of Elnora Hall St. Clair, a loving mother, a doting grandmother, and the devoted wife of Arthur M. "Tinker" St. Clair, an important individual in our Senate family and a man whom I have been long glad to count as my friend.

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



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Elnora Hall was born in Waiteville, in southern West Virginia, deep in the heart of mining country. Like my own wife, Erma, Elnora was a coal miner's daughter. She grew up among solid, hard-working, faithful people—mountain people—in the hollows of my State. She graduated from Gary High School in McDowell County. On May 25, 1940, she married Tinker St. Clair, a lucky day for each of us whose lives that this couple has touched.

Elnora was a homemaker, and that is a noble occupation that is vastly undervalued today. In addition to her membership in the Eastern Star of Welch, WV, and the Parent Teachers Association, she was active in the Democratic Party. Her interest in politics—Democratic politics—was one of the many passions that she and Tinker shared.

With Elnora at his side, Tinker—after several years of driving a school bus and a company bus—became a deputy sheriff in McDowell County. He served as a court bailiff, the criminal investigator for the county's prosecuting attorney, and later became a justice of the peace.

In 1965, Tinker was elected county clerk of McDowell County and Elnora pitched in whenever she could be of help. In 1971, well satisfied with his performance of his duties, the people of McDowell County selected him again to serve another 6-year term.

But in 1979, Elnora informed Tinker that she wanted to go to Washington and she wanted to go to stay and she would not be coming back. "The grandchildren are there," she told him, and she wanted to be near them. So, in July of that year, Tinker retired as county clerk of McDowell County, and he was appointed by me to serve as a doorkeeper in the U.S. Senate. Thus, this pair of southern West Virginians ended up here in Washington, where they would be close to their grandchildren and could watch them grow.

While Elnora and Tinker set up house here, they never severed their ties to their West Virginia home. In all the years that they lived in the Washington area, Tinker rarely missed a Jefferson/Jackson Day dinner back in Charleston. He is a life member of the Brown's Creek Democratic Committee, and in election years, he still travels along the winding mountain roads of southern West Virginia, going up and down the hills and back into the hollows nailing up the campaign posters and spreading the Democratic word. Elnora accompanied him on many of those "politicking" trips. Whenever possible, they would drive back to Welch and visit with long-time friends, and when it came time to lay her to rest, Tinker took Elnora back home to West Virginia, back in Mercer County.

Mr. President, on May 25, Tinker and Elnora would have celebrated 56 years of marriage. How blessed they were that God would give them so many years together. Indeed, how blessed many of us have been by their long union.

They made quite a pair. Elnora was lively and animated. She loved to hear a good joke and she had a knack for telling them. She complemented Tinker very well. He, the more serious, you would think, more reserved of the two, delighted in her ways. They cajoled and kidded each other. She would tease him about his thrifty ways. He would tell folks of his plans to hand her a toothpick and take her to the Price Club for Sunday brunch. They looked after each other. She would fiddle with his twisted suspenders. They loved each other.

In addition to Tinker, Elnora is survived by two daughters, Patty St. Clair and Linda Pence, and three grandchildren, Kimberly George, and Eddie and Mack Pence. Also surviving is one great grandson, Nicholas George, in whom Elnora revelled.

And so Erma and I extend our sympathies to this wonderful family, and especially to Tinker, a diligent and loyal Senate staffer—one who reveres this institution—a solid citizen, a compassionate, honorable man, an outstanding West Virginian.

And on a personal note, I would say to Tinker, you have the promise of seeing Elnora again. She knows of your grief today. I lost a loving grandson about 14 years ago, and I felt that Michael knew of my grief and I was sustained, as I walked through the deep valley, by the hope that some day I might see Michael again, because we are taught by the Bible to believe in a life beyond the grave.

William Jennings Bryan perhaps said it best when he said:

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn to make it burst forth from its prison walls, again the mighty oak, will he leave neglected in the cold and silent grave, the soul of man, made in his own image? And if he stoops to give to the rosebush, whose withered blossoms float upon the Autumn breeze, the sweet assurance of another springtime, will he refuse the words of hope to the Sons of Men when the frosts of winter come? And if matter, mute and inanimate, though changed by the forces of nature into a multitude of forms, can never be destroyed, then will the imperial spirit of man suffer annihilation after a brief visit like a royal guest to this tenement of clay? No, I prefer to believe that He, who, in His apparent prodigality, created nothing without a purpose and wasted not a single atom in all of his vast creation, has made provision for a future life in which man's universal longing for immortality shall achieve its realization. I am as sure that we will live again, as I am sure that we live today.

That was William Jennings Bryan in his book "The Prince of Peace."

I should like to think, in closing, of a bit of verse written by someone—I know not whom—which conveys a comforting thought that I would like to dedicate to Tinker and his daughters and grandchildren.

Near a shady wall a rose once grew,  
Budded and blossomed in God's free light,  
Watered and fed by morning dew,  
Shedding its sweetness day and night.  
As it grew and blossomed fair and tall,

Slowly rising to loftier height,  
It came to a crevice in the wall,  
Through which there shone a beam of light.  
Onward it crept with added strength,  
With never a thought of fear or pride.  
It followed the light through the crevice's length,  
And unfolded itself on the other side.  
The light, the dew, the broadening view  
Were found the same as they were before,  
And it lost itself in beauties new,  
Spreading its fragrance more and more.  
Shall claim of death cause us to grieve,  
And make our courage faint or fall?  
Nay! Let us hope and faith receive:  
The rose still grows beyond the wall.

Scattering fragrance far and wide,  
And just as it did in days of yore,  
Just as it did on the other side,  
And just as it will forevermore.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1743 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, it was on Friday, February 23, 1996, that the Federal debt broke the \$5 trillion sound barrier for the first time in history. The records show that on that day, at the close of business, the debt stood at \$5,017,056,630,040.53.

Twenty years earlier, in 1976, the Federal debt stood at \$629 billion, after the first 200 years of America's history, including two world wars. The total 1976 Federal debt, I repeat, stood at \$629 billion.

Then the big spenders really went to work and the interest on the Federal debt really began to take off—and, presto, during the past two decades the Federal debt has soared into the stratosphere, increasing by more than \$4 trillion in two decades—from 1976 to 1996.

So, Mr. President, as of the close of business Friday, May 10, 1996, the Federal debt stood—down-to-the-penny—at \$5,092,815,215,705.75. On a per capita basis, every man, woman, and child in America owes \$19,230.19 as his or her share of that debt.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, "to preserve [our] independence, we must not let our leaders load us with perpetual debt. We

must make our election between economy and liberty, or profusion and servitude." Isn't it about time that Congress heeded the wise words of the author of the Declaration of Independence?

**JUSTICE FLORENCE K. MURRAY—  
40 YEARS OF EXCELLENCE**

Mr. PELL. Mr. President, I rise to share with my colleagues the good news of a major landmark in Rhode Island history and in the life of Justice Florence Kerins Murray. This month we celebrated the 40th anniversary of her appointment as the first woman justice in Rhode Island history.

I have known and admired Justice Murray for much of my life, and I would like to share some of the many highlights of this remarkable woman's dramatic career with you.

She was born in Newport on October 21, 1916, educated in Newport public schools and received her B.A. from Syracuse University. After a brief teaching career at the Prudence Island School, she earned her LL.B. in 1942 from Boston University Law School and was admitted to the Massachusetts Bar.

With World War II in progress, Justice Murray enlisted in the Women's Army Corps, and was commissioned as a second lieutenant in 1942. Serving in a variety of posts she left the corps as a lieutenant colonel at war's end, only to be recalled to duty for a special assignment in 1947.

Returning to Rhode Island, she sat for the State bar, was admitted, and practiced law alone and in association with her husband, Paul F. Murray, to whom she was married in 1943 at St. Mary's Church, Newport. They are the parents of a son, Paul M. Murray.

She began her distinguished political career in 1948, serving simultaneously on the Newport School Committee and in the Rhode Island State Senate until 1956. She focused on issues ranging from the welfare of children and youth to facilities for the elderly.

In 1956, Florence Murray was appointed by Governor Dennis J. Roberts as an associate justice of the Rhode Island Superior Court, the first woman justice in Rhode Island history.

Twenty-two years later she became the first woman presiding justice of that court. In 1979, she was elected to her present position on the Rhode Island Supreme Court, one of the first women to serve on a State court of last resort in the United States.

Justice Murray's career is marked by service and leadership in the regional and national Trial Judges Association, and the National Judicial College—where she served as chair of the board of directors of the college.

The recipient of numerous awards for outstanding service, including nine honorary doctorates, Justice Murray was honored at a ceremony 6 years ago in which the Newport County Courthouse was rededicated as the Florence Kerins Murray Judicial Complex.

Once again, it was a first. The program notes from the ceremony state the rededication "marks the first time that a major court facility in the United States has been designated in honor of a woman jurist."

Justice Murray is truly a wonderful, remarkable individual who has earned her place in the history of both Rhode Island and the Nation. I know that I reflect the thoughts of countless Rhode Islanders as we wish her well on the 40th anniversary of her appointment as a Rhode Island State Justice.

**VIETNAM HUMAN RIGHTS DAY**

Mr. KENNEDY. Mr. President, this past Saturday was Vietnam Human Rights Day, and I join in urging all Members of the Senate to express their support for it. Six years ago, on May 11, 1990, one of Vietnam's foremost human rights advocates, Dr. Nguyen Dan Que, published the Manifesto of the Non-Violent Movement for Human Rights in Vietnam. Vietnam Human Rights Day marks that historic occasion. The manifesto calls on the Vietnamese Government to respect basic human rights, establish a multiparty system of government, and allow free and fair elections.

Tragically, Dr. Que's appeal led to his arrest and imprisonment in 1990. He was sentenced to 20 years of hard labor, and he has spent the past 2 years in solitary confinement.

Last November, Dr. Que and Prof. Doan Viet Hoat, a leading Vietnamese dissident who has also been imprisoned, were recipients of the Robert F. Kennedy Human Rights Award. At that time, I called on the Vietnamese Government to release Dr. Que and Professor Hoat and all political prisoners in Vietnam. Today, 6 months later, Dr. Que and Professor Hoat and other political prisoners remain in prison, and their plight and the future of human rights in Vietnam remain bleak.

I take this opportunity on Vietnam Human Rights Day to call on the Government of Vietnam to respect fundamental human rights and release their political prisoners. The people of Vietnam have waited too long for these basic changes to take place.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

**THE FUTURE OF THE ATLANTIC  
ALLIANCE**

Mr. KYL. Mr. President, this weekend there was an important conference in Prague, the Czech Republic, in which both Europeans and Americans discussed the future of the Atlantic alliance.

I wanted to report briefly on that and submit statements for the RECORD later.

First, let me ask unanimous consent to have printed in the RECORD an op-ed piece written by our colleague, the Senator from Mississippi, Senator COCHRAN, relating to the subject of missile defense.

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

[From the Washington Post, May 8, 1996]

UNREADY FOR ROGUE THREATS

(By Thad Cochran)

When it comes to thinking about ballistic missile defense (BMD), most opponents of defending America are mired in the logic of the Cold War. Critics would do well to consider new ideas, as their old logic is inadequate for the emerging security environment.

It was suggested in an op-ed piece by Michael Krepon [The Last 15 Minutes, March 27] that the START process of reducing the number of Russian nuclear weapons should be a preferred alternative to national missile defense. This argument is, in fact, a staple from the past. The ability to defend against Soviet missiles was considered anathema to achieving U.S.-Soviet strategic arms control agreements, and therefore it was sacrificed for the goal of reducing Soviet nuclear arms through negotiation.

This position, questionable at the time, now ignores reality. It misses one of the primary features of the changed world: the proliferation of missiles and nuclear weapons to rogue states outside the old East Bloc. The central point of the Defend America Act now before Congress is that American cities must be protected against those rogues now bent on acquiring long-range missiles and nuclear, biological and chemical weapons. The START process does not help us here—it doesn't even apply.

START II, ratified by the Senate with overwhelming bipartisan support, cannot and does not pretend to take a single missile or mass-destruction weapon out of the hands of countries such as North Korea, Iran and Libya. The Defend America Act calls for defenses against the limited missile arsenals existing and sought by such rogue states.

The notion is also put forward that we should focus on various multilateral and nonproliferation measures instead of national missile defense. Again, the old Cold War debating tactic of pitting diplomatic efforts against BMD shines through. And again, it does not fit the new world. We know that diplomatic efforts to prevent the spread of missile technology alone are inadequate to address the proliferation threat.

Despite some modest diplomatic successes, such as with the Missile Technology Control Regime, the list of countries acquiring missiles and mass-destruction weapons continues to grow. Rogue states have proven themselves capable of sidestepping our diplomatic nonproliferation measures. For example, inspections in Iraq, the world's most heavily inspected regime, have been on the ground for years, yet we are regularly surprised by new revelations of previously unknown Iraqi proliferation efforts.

Diplomatic efforts to help slow the pace of proliferation must continue. But nobody should be fooled into believing that arms control agreements alone can solve the problem; and nobody should be fooled by the old Cold War argument that missile defense must be sacrificed to pursue various arms control efforts. This is not an either/or choice, as the critics would like us to believe.

It should be common knowledge, but it isn't, that America has no operational national missile defense system. Consequently, because we cannot be confident in our various diplomatic efforts to stop missiles before the "last 15 minutes" of their deadly flight, it makes sense to focus attention and resources now on the capability to intercept missiles and warheads before they reach their targets. The proliferation of missiles and mass-destruction weapons now makes missile defenses essential to American security.

Some argue that there is no missile threat to the United States for the foreseeable future. This notion comes on the heels of statements by Chinese officials to American officials that the United States would not support Taiwan in a crisis because of the Chinese capability to rain nuclear bombs on Los Angeles. It also ignores the fact that, according to U.S. intelligence estimates and private accounts, the North Koreans have in development a missile that, when operations, will be able to target parts of the United States. In the past, the North Koreans have sold missiles to anybody with the cash to pay. How far and wide might this missile be sold? Nobody inside or outside the intelligence community knows.

We do know that North Korea has sold its missiles to rogue states in the past, including Iran. We also know that Libya's Qadhafi and Saddam Hussein have both expressed their longing for missiles and nuclear weapons with which to threaten the United States, and willing sources of technology and brain power exist to help them.

For America to delay moving ahead on BMD until multiple rogue missile threats emerge—and there is consensus in the intelligence community that such is the case—carries high risks that Americans need not be vulnerable to.

Some think tanks may be able to convince American leaders that they should not worry about emerging missile threats, but providing the common defense is a constitutional responsibility those in authority dare not forfeit or ignore. That is why I support the Defend America Act and that is why the president should sign it.

Mr. KYL. Mr. President, the conference to which I referred was to discuss the future of the Atlantic alliance given the fact that the Central European nations of Europe have not yet been taken into either the economic or the political organizations to which the Western European nations have belonged since the end of World War II. Specifically, would these countries be taken into NATO, and would they be taken into the community of European nations in terms of the economic arrangements that currently exist? The answer to those questions by most of the members at this conference was that it was time for the Western European nations, including the United States, to reach out to the Central European countries like the Czech Republic, Poland, Hungary, and others who wished to be a part of the alliance both to develop stronger economic ties and also to provide for common security arrangements. The basis for this conclusion was primarily philosophical, not practical, though the practical benefits of the arrangement are clear for all to see.

From a practical standpoint, it goes without saying that exports and imports benefit all nations participating,

that there are benefits to common defense, and certainly from the United States' perspective a forward defense by having friends in Europe as preferable to an isolationist position. But the philosophical reasons were the ones that were dwelt upon by the participants in this Atlantic alliance conference because of the understanding that the Western nations, among others in the world, share a common set of values, a common heritage, and an understanding that mankind should be free, that government should protect that freedom and independence based upon the philosophical and moral values of the Western nations. There is a sense that we do not have an option to be apart but rather must continue to work together to advance that philosophy.

Why is that so? Mr. President, it is important for the people of the United States to see the advantages of democracy in the world. If I could sum up in one sentence what our national interest is abroad, it would be to advance the cause of democracy for the peoples who share that common value with us.

As I said, it benefits the United States from a philosophical point of view because, if there is conflict in the world, the United States is less free not only from a military point of view but from the point of view of the rights that we exercise as American citizens. We know from the depths of the cold war that Americans were less free at home because of the commitments that we had to make abroad.

That is why, both from a practical and a philosophical point of view, it is important for the United States to participate with our Western European allies and why it is important for all of us to try to advance the cause of freedom by extending the number of democratic states in the world.

There is another important point that was reached by most participants in the conference. That was that of all of the threats that face the civilized nations of the world today, as Lady Margaret Thatcher said in one of the key addresses at the conference, the most critical threat of all is the threat of weapons of mass destruction and the missiles to deliver those weapons. That same theme was articulated by others at the conference as well.

The conclusion of the policy statement at the conference was that a concerted action by the alliance leaders to develop and to deploy an effective ballistic missile defense for all of the democratic peoples of the world was an important goal for us to be achieving, and that, if we could achieve that goal, we would no longer have to answer the question of why NATO continued to have a purpose in the world today.

Conceived as an organization to protect Western Europe from the threat of communism and the expansion of communism, some have felt that NATO has no more purpose because that ideological threat no longer exists. That is true; but what does exist is the threat

from rogue nations, whether ideologically oriented or not, rogue nations who are, one could say, the world's criminal element because they have no regard for the democratic rights of other nations and have exhibited aggressive tendencies. Iraq and Iran are two of the most recent examples. These are nations, along with others like North Korea, who have acquired or are acquiring both weapons of mass destruction and the missiles, the means, to deliver them, and who can use those missiles not only in military activity against the Western alliance such as in the gulf war but also in conduct of their foreign policy to blackmail states such as the Western European nations and the United States.

Let me conclude with this point. As Margaret Thatcher pointed out to the conference, the threat is primarily against nations of the so-called civilized world attempting to advance legitimate foreign policy goals by making threats with the use of ballistic missiles. If Iraq, for example, had had a nuclear capability and we knew that, the question that I posed in the conference was, would the United States have, and would the United States conference have voted to use military action against Saddam Hussein? It was a close enough question in the conference even knowing that we could defeat Saddam Hussein, but if Saddam Hussein had had a nuclear warhead, or if we knew that he would use chemical or biological weapons, would the United States Congress have voted to thwart his actions after he invaded Kuwait? For that matter, would the European nations have joined the grand coalition if they knew that they were vulnerable to a missile attack from Saddam Hussein?

Asking that question raises the point of the use of these weapons for blackmail, because a nation which can blackmail, others obviously is a criminal nation and a nation who can expand its foreign policy goals and thwart ours. But with the development and deployment of effective missile defenses, that ability to blackmail is gone because the United States and the Western European allies, who would have such an effective defense at that point, would be able to say to Saddam Hussein or to the rulers of Iran or North Korea or Syria, whatever country it might be, "You cannot push us around; you cannot threaten the nations of Europe; you cannot threaten your neighbors with these ballistic missiles because, as you know, we can destroy them; we have a defense against them."

So, Mr. President, I think it is an important development that, at this Atlantic alliance, leaders there concluded by and large that it was important for us to develop in a concerted way—our European allies as well as the United States—an effective ballistic missile defense to thwart this blackmail use of weapons of mass destruction by the outlaw or so-called rogue regimes of the world.

I will just conclude by saying that the importance of the United States proceeding with this and bringing it to the floor in the next couple of weeks, along with the budget that we will be debating later this week and the authorization bill for the Armed Services Committee which the distinguished Presiding Officer sits on—as we debate this bill we will be discussing specifically the issue of whether or not we will continue to adequately fund and to begin deployment of an effective missile defense system.

That will be a matter of great debate on this Senate floor, and I hope my colleagues, in consideration of that, will pause and reflect upon the conclusions of this Atlantic alliance which, as I said, has now come much farther along the path of agreeing that in the end there should be a coordinated, combined effort. It would not just be the United States, but it would be our Atlantic allies as well participating with us in some kind of effective global ballistic missile defense system.

Mr. President, I will at a future time insert in the RECORD some of the statements that were made at this important conference. For the moment, I simply wanted to alert my colleagues to the fact that, as we begin this budget debate and as we begin the debate on the Defense authorization bill, a consensus is developing around the world, and the United States needs to lead in this effort. I know the distinguished Presiding Officer and I will be involved in that debate in a significant way as it unfolds in the next few days.

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

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

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the time until 3:30 shall be under the control of the Senator from Georgia.

Mr. COVERDELL. I thank the Chair.

It is my understanding that before the Senate we have a cloture motion against the travel provision against which lays the majority leader's proposal to repeal the administration's 4.3-cent gas tax inaugurated in August 1993. Is that correct?

The PRESIDING OFFICER. The motion the Senator talks about will be voted on tomorrow.

Mr. COVERDELL. At what time, if I might ask the Chair?

The PRESIDING OFFICER. It is set for 2:15 p.m.

#### GAS TAX AND THE BUDGET

Mr. COVERDELL. Mr. President, for an extended period of time, we have been engaged in an attempt to repeal the President's and this administra-

tion's imposition of a 4.3-cent gas tax that was imposed on the country in August 1993. The President has now said that he will sign the repeal of this gas tax, and he gave several suggestions as to how it should be funded. The other side of the aisle for the last week has been standing in front of our attempt to repeal this gas tax; it has gotten caught up in the minimum wage, whereupon the majority leader came forward with new suggestions about the new workplace. That was objected to by the other side of the aisle.

We are now in the midst of having to file a cloture motion to see if we can end debate on the majority leader's suggestion and proposal to repeal the gas tax. As the Chair has suggested, there will be a vote at 2:15 p.m. tomorrow on whether or not we can come to cloture, whether or not we can end debate, whether or not we can stop day after day after day of standing in the way of the repeal which is so important to America's average working families.

The specific amendment offered by Senator DOLE, repeals the 4.3-cent-per-gallon gas tax until December 31, 1996, although there are many of us—this is the interim repeal—who, in the budget, want to repeal it permanently. It expresses the sense of Congress that 4.3 cents per gallon should be passed on to the consumers.

There has been a lot of discussion about whether or not this would actually get to the pump and that the price was lowered in the midst of these very large gasoline prices at the pumps all across the country. So this has a sense of the Congress that this reduction in tax we expect to see occur at the pump. It authorizes a study by the Comptroller General as to whether the 4.3-cents-per-gallon savings were passed through to the consumer. That report would be due January 31, 1997.

The repeal does not add to the deficit. It specifically pays for it. This has been modified; \$800 million of this tax relief will come in reduced expenditures at the Department of Energy in their administrative overhead; \$2.5 billion of this tax relief will come from the spectrum auction completed by March 1997, and \$1.7 billion in the offset from the bank insurance fund and the savings association insurance fund, raising the revenues to capitalize that fund, reduce pressure on the general fund, bringing \$1.7 billion in additional tax relief.

So, as you can see here, it is about \$4.5 billion worth of tax reductions on the average working families in our country.

With regard to the suggestions which began to surface last week that this was an exercise in futility because the American people would never see it, you will note that it commissions the Comptroller General to certify that the consumers got it. It has a sense of the Congress suggesting that it must be passed on to the consumers.

In addition to this, when Senator DOLE spoke late last week, he intro-

duced into the RECORD letters from Arco, Texaco, and Exxon. Here is one:

ARCO Chairman and CEO, Mike R. Bowlin, said today that "if the Federal Government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon."

A similar letter from Texaco, Incorporated; a letter to Senator DOLE from the American Bus Association:

DEAR SENATOR DOLE: On behalf of the American Bus Association, I thank you once again for your proposal to repeal the 4.3 cents per gallon deficit reduction fuel tax. We fully support your efforts in this regard.

From Carol Hallett, the Air Transport Association:

DEAR MR. LEADER: We have been asked whether the reduction in the 4.3 cents-per-gallon transportation fuels tax will result in lower air fares to consumers. As you know, the Air Transport Association has no role in the setting of air fares. Moreover, we do not suggest or take any action which may result in our member carriers adjusting fares. However, notwithstanding those limits, I would like to address your inquiry.

It goes on to say that it would, indeed, reduce air fares.

So air fares, bus fares, cab fares, the working family, the car pool, this effort puts additional and very much needed funds into the checking account of every working family, every working business, all those who depend on public transportation and private transportation. It has a positive effect that is reached all across the board.

So, I am very hopeful that this week we will see a conclusion and a positive step taken on behalf of American families and businesses all across our land as we begin the process of reducing the economic burden on those families.

Mr. President, I understand the Presiding Officer would like to speak on this proposal. I am prepared to yield up to 10 minutes to the Presiding Officer to match with his schedule, and then I will assume the role of Presiding Officer during the remarks of the Senator from Wyoming.

(Mr. COVERDELL assumed the chair.)

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to take advantage of the 10 minutes you granted to talk a little bit about this tax decrease that is on our menu today. We have talked about it for some time, but I think it is always useful to refresh ourselves about exactly what we are talking about, as the Senator from Georgia indicated, and I appreciate him bringing together this time to talk about it.

We are talking about 4.3-cent tax cut on the gas tax. The average gas tax in this country is about 38 cents, about half of which is Federal, half of which is State. We had a chart the other day at a hearing that we held. It showed the cost of crude, the cost of refining, and the cost of taxes. The three of

them were nearly equal. So we have substantial tax on fuel. The unique thing about this 4.3 cents, that I think everyone needs to understand, is that it is the only part of the gas tax that does not go to the maintenance and preparation of highways. This was added onto highway users and to drivers for other purposes—to go to social programs, to go to general spending. I think that is a problem. I think that is a problem in direction. We have always tied together the gas tax to the preparation of highways and the maintenance of highways, to building the Federal highway program to serve all States. Here, now, we deviate from that and use this source—we take it away from what gas taxes were really intended to be for and to use them for general spending. I think that is a mistake. Why should it not be 10 cents more or 15 cents more, when some believe we need the money?

The reduction would be, temporarily at least, until the end of this calendar year. That is what we are talking about. We are talking about a tax that was part of the President's tax increase in 1993, the largest tax increase in the history of this country, \$260 billion of tax increase. The President has indicated when he had his tax increase he was going to tax the rich. Let me tell you, a gas tax does not tax the rich. A gas tax taxes everyone. Selfishly, I have to tell you, it taxes people in my State twice as much as it does the people in the District of Columbia because we are the ninth largest State—100,000 square miles and 50,000 people. We drive a lot. We have no public transportation.

So it is an unfair tax regionally. It is an unfair tax in terms of income. It is paid by everyone, despite their income. In fact, the lower one-fifth of earners in this country pay  $4\frac{1}{2}$  times as much in this tax as do the top fifth, because it is not related to income.

Mr. President, I have never favored the tax. I voted against it, as you did, and all Republicans did; partly because I am not one who thinks we ought to look for more taxes. I believe strongly in what I think was the message of the 1994 election, that the Federal Government is too big and it costs too much and we are overregulated. So we ought to be looking at ways to find efficiency, we ought to be looking at ways to reduce the expenditures, as opposed to finding more taxes so we can continue to grow.

By the way, there is a great deal of talk, and I am pleased for that, that the deficit is down. It is down because we have more taxes. Spending is up. Spending continues to go up. I think we ought to be going the other way.

Some say a reduction in taxes by 4.3 cents will not go to the consumer. I think it will. I do not think it should be done necessarily because gas prices are high. That does focus on it and gives us an opportunity to talk about it, but I think it should be done regardless of where gas prices are. When the

money does not go to highways, when it is an increase in taxes to the lowest income-earners in our country, then I think we ought to change that.

I ran into this in the House a couple of years ago. When we talk about the details of issues—in that case it happened to be land use issues, in this case it happens to be taxes—we can go on and on about the details of why you should do it or why you should not do it. The fact is, it is basically a philosophical question. My friend on the other side of the aisle who talks quite often comes from a Western State and is against the repeal. He is against the repeal and I am for it because he and I differ in philosophy. He likes more Government. I would like to have some less. If you like more Government you need more taxes. If you think the Government is better at spending people's money than having them keep it for themselves, then more taxes are the appropriate thing to do, and I understand that. It is a legitimate point of view. It does not happen to be mine. My only point is, when we get into the details of some of these things, the details really are not the issue. The issue is the philosophy. The issue is the philosophy.

If you want more Government, if Government is the best answer to all of our problems, then you should be for more taxes because you certainly ought to pay for at least a portion of the program you have. If you believe Government can spend the money better than the people who earn it, and more efficiently—and there are those who do—then you should be for more taxes.

The argument that is used is: It harms the deficit. Let me tell you something, spending next year will be \$1,600 billion, \$1.6 trillion. In that budget, if we cannot find offsets of \$4 billion in programs that ought to be reduced, indeed ought to be eliminated, I will—almost anybody can find them. The Presiding Officer has outlined most of them. They will be used for offsets.

The other argument is it will not be used for consumers. I do not believe that. As competitive as this industry is, if I have a service station on one corner and I reduce the price, you do not think everyone else on the other corners is going to? Of course they are. Furthermore, they have said they would.

So, I think this is an issue that really reaches in the direction we have been going. I think the Presiding Officer talked a little bit about the frustration of the slowness of action on this particular issue. We have been talking about it now for 2 weeks. Our friends on the other side of the aisle will not let it move and have adopted a very defensive position about everything that is sought to be done.

I just want to say a little bit, off that subject. I have thought about this a little bit, and frankly I am a little frustrated. This is my second year in the Senate. I am pretty frustrated with the

fact we do not move, we do not decide to take up an issue and vote on it. That is what voting is for, to make those decisions. Instead, we use the system to procrastinate.

But, as I reflected on it, I am really pleased in what has happened over the last year and a half. We have seen a total redirection in this Senate. We have seen a total redirection from what has been going on for 40 years—and that has been one of the difficulties. We have been going along with pretty much of a New Society, Great Society Program started with Lyndon Johnson. How long ago was that? Each year we have come here and we have said, "How much more will we spend on these same programs?" For the first time in 25 years, we talked about balancing the budget. We are going to balance the budget. We are going to commit ourselves to it.

We have changed the whole direction of the discussion from how much more do you add to balancing the budget and doing it by reducing the size of Government and reducing taxes, by transferring some functions to States, doing away with some functions, putting some functions in the private sector, but continuing then to look for efficient ways to deliver those services that are essential, that do need to be there. Let me tell you, there are plenty of them that are not that essential and many that are.

So I am delighted that we have done that. We have done a lot of things. We have the line-item veto; we have congressional accountability; we passed unfunded mandates reform; we reduced congressional spending; we have small business regulatory reform; a telecommunications bill; lobbying reform; gift ban; a farm bill that moves it back to the marketplace for the first time in how many years? Fifty. Securities litigation reform.

So, Mr. President, I think we get frustrated, and we should. On the other hand, we have changed the whole complexion of this place in 1 year, and it is going to take longer than that to change 40 years of habits. But this is one of the ways that I think you begin, by saying, "Look, gas taxes ought to be dedicated to highways and highway construction." We have one here that is not. We have one here that is designed to keep the Government going as it was. We have an opportunity to reduce spending for the American families. We have a chance to do that.

I am very hopeful that the other side of the aisle will give us an opportunity to vote on the gas tax reduction and give us a chance to vote on some of the other issues that are there as well so we can move forward. The fact there is now a Presidential election going on does not mean that we should stop doing something, that everything has to be tied to the Presidential election. Things ought to be talked about on the merits. I understand there is a difference of view, and I recognize that.

I guess that is really what I have been trying to say. There is a philosophical difference about the size of Government, a philosophical difference about how people ought to spend their own money, a philosophical difference about taxation. And that is where we are.

I support strongly the idea of reducing this tax of 4.3 cents, continuing to reduce it in the budget and finding some places in this \$1.6 trillion budget that we can offset this and continue to do that, continue to make programs more efficient, more responsive, more close to people by involving the States.

Mr. President, I appreciate you giving me this opportunity. I appreciate what you are doing on the floor. I think we need to talk about these issues. People need to know what they are. People need to know this is a different gas tax than the other 14, 15 cents that is there. This was designed for a specific purpose, and this is a great opportunity to change it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COVERDELL. Mr. President, I am convinced if Thomas Jefferson, or any of our august Founders were here today, they would be absolutely aghast to find that this Nation, that the workers—and it is better to characterize workers as working families today, because virtually 80 percent of what has happened in the workplace has been about working families. It is no longer a breadwinner with the family at home; it is the whole family in the workplace. Not only are both spouses in the workplace, often children of the spouses are in the workplace.

We did not have a celebration but we had a revelation last week when we were here on the floor on May 8—May 8—to acknowledge that that would be the first day that these working families would have the right to keep their paychecks. Every day prior to that—May 7, 6, 5, 4, all the way back to January 1—their paychecks belonged to the Government. It is almost unfathomable that we would have come to the point that a family would work from January 1 to May 7 and forfeit all of those wages to the Government before they had the first dime for themselves to take care of those very special needs that we charge the American family to do—house, educate, transport, feed, health, prepare the Nation for the future, to get America up the next day and to school and to work, to get them home, to get ready for the next week, the next month, the next generation. January 1 to May 7 before they get to keep their first check—that is hard to fathom.

Just to put this in perspective, and I am going to in a moment recognize the distinguished Senator from Texas, but in 1992, the President, in his campaign for Presidency, said the gas tax was a bad thing to do. He was right. The gas tax, he said, would punish the poor inordinately and the elderly. He was right. But when he got to the White House, he adopted this 4.3-cent gas tax, and as the Chair has acknowledged, the tax did not even go to build better highways or safer highways; it was put into new Federal spending—out of the pocket, out of the checking accounts of working America into the checking account of the Treasury.

Here we are 3 years later and we are simply trying to fulfill what the President said when he campaigned. We are trying to get rid of this tax that he has called an improper tax, one that is particularly hard on the poor, particularly hard on the elderly. It is exceedingly difficult for the poor. The lowest 20 percent are faced with having to pay somewhere between 7 and 8 percent of all their disposable income on gasoline. So it is entirely appropriate that this regressive tax be repealed.

With that, Mr. President, I yield up to 10 minutes to my distinguished colleague from Texas.

The PRESIDING OFFICER. The distinguished Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Georgia for taking this time to talk about this gas tax and why we are still talking about it.

We had this bill on the floor last week. We have been trying to make tax cuts throughout this Congress. Every time we submit a tax cut to the President, it comes back with a big veto on it.

I think we need to talk a little bit about the philosophy of why we want tax cuts. A lot of people say, "Well, why do you want tax cuts when you have a deficit?" The reason is twofold. One is, if you are going to lower the rate of growth of spending by the Government, tax cuts put more money into the economy.

But the second reason is who makes the decision about how to spend the people's hard-earned money. That is the question here. So when someone says, why tax cuts? it is because we believe that the people of this country who are working so hard to make a living for themselves and for their families should have the ability to spend their money that they earn rather than sending it to Washington for someone to decide whether this program is more important to your family than going on a family vacation or buying food to eat or having a new dress for the senior prom. Whatever the decision for a family is, we believe that family ought to be able to decide how they spend their money. That is why we are trying so hard to provide tax cuts for the middle class.

This is something that the President promised in 1992. He promised it in his

election campaign in the book "Putting People First." He said his would pass tax cuts for the middle class. But instead, what the middle-class people of this country got was the largest tax increase in the history of America. That is what happened in 1993. There were no tax cuts for the middle class in 1993 or 1994 or 1995.

The only tax bills that have been passed have been tax increases. In the 1993 President Clinton budget he increased taxes, including a 4.3-cent-per-gallon increase in gasoline taxes. This was a different kind of gasoline tax than we have seen in the past. In the past, a gasoline tax has automatically gone into the highway trust fund. It has gone as a user fee to finish and maintain our National Highway System. But not the 4.3-cent-per-gallon tax of 1993. No. That was a tax increase that was supposed to go against the deficit. 4.3 cents per gallon just went into the general fund. So we have been trying to repeal this tax since the time we voted against passing it in the first place. In fact, every Republican in the U.S. Congress and the U.S. Senate voted against this tax increase in 1993.

We are now trying to repeal the gas tax. We believe the American family is quite capable of making the decision on how that family spends its money, and so we oppose all tax increases. We think the family is more capable of making good decisions about what is right for them than somebody in Washington, DC. In my home State of Texas or in Senator COVERDELL's home State of Georgia, we believe the people who earn the money can make the decisions.

So that is why we are fighting so hard against the Democrat filibuster for this gasoline tax cut, because we believe it is very important for the working people. It is especially important in a State like mine, where people have to drive so much because there are wide open spaces and they have to go so far to get to work and to school. We think that this tax cut will be very beneficial to the working families and particularly the families that are barely making ends meet and have to drive long distances to go to work or for the essential needs for themselves and for their families.

So, Mr. President, we are trying very hard to stay consistent. We did not vote for this tax increase in the first place. Now that gasoline prices are so high, we want to take this opportunity to give a little relief to the people who are using their cars for the essentials of life, or even if it is for recreation—that is important in a family, too—we want people to have a little relief from these high gasoline prices.

We think 4.3 cents per gallon is a good place to start. I heard it said the other day say that somebody in California was trying to make the decision on whether to pay their home mortgage this month or fill up the van with gasoline. That is not a serious statement, but a joke, but it is getting to be



more and more serious when it costs \$60 to fill up a van. That will make a dent in a working person's salary and their expendable income.

So, Mr. President, I hope that the people who are going to be voting on the floor of the Senate tomorrow on this very important measure will consider the working people of this country and the tax relief that they were promised, and I hope they will make their promise good because I think it is about time that the people in Washington, DC, started thinking about the people who are out there earning a living, hoping that Government will not continue to encroach on their lives to a greater extent than is absolutely necessary.

That is what we are trying to do, Mr. President. So I appreciate the Senator from Georgia. I hope that people will think about the 4.3 cents per gallon for somebody who is filling up a car every 4 days or so. It may not seem like a lot, but it is a lot if you are barely making ends meet. This determines what disposable income is and whether you are able to do some of those extra things that you would like to do for your own family.

The bottom line is, Mr. President, we want the working people of this country to have as much of the money they earn as we can possibly let them keep. That is the difference between Congress and the President. The President would rather have Washington make these decisions.

He does not like the gas tax cut. As I understand it, he has now said that he would sign it because he is hoping to have this with the minimum wage increase as well, but it is clear that it was not his first choice. He has said on many occasions he does not want this tax cut. But, Mr. President, I hope this is just the first of many tax cuts.

I hope that we will enact the tax cuts for families in this country that were vetoed last year because that is what is going to make a difference for American families—the \$500 per child tax credit, homemaker IRA's, so the women who are staying home and raising their children will have the same opportunities for retirement security that anyone who works outside the home has. That is in the bill we sent to the President that he vetoed along with the \$500 per child tax credit and lessening the marriage penalties so families would not have to pay such a great price for getting married.

All of these things will help the American family keep the money they earn. That is the bright red line of difference between the President and this Congress. We want people to keep the money they earn for their families. We think that will make the American family stronger.

So, Mr. President, I hope that everyone will think about how much this could mean to the people of this country. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I am going to yield in a moment to my distinguished colleague from Idaho, but I do want to make a point about this. When President Clinton campaigned for the highest office in the land, he told America that he was going to lower—lower—the pressure—I want to thank my colleague from Texas for her remarks here today; I appreciate her very much, all that she does; and she alluded to this as well—but that he was going to lower the economic pressure on the working family. And I just said a moment ago that Americans work from January 1 to May 7, and every paycheck they get for every one of those days goes to the Government.

The point I want to make before I yield to the Senator from Idaho is that when President Clinton came to the White House, they earned their first check on May 6. So he has added 3 more days because of his policies—3 more days that American families have to work in addition. That is going in the wrong direction, particularly when you promised you were going to reduce the number of days that they had to work. And then we turn around and we have American families working even more. Just another example of the campaign pledge that got jettisoned in the White House.

With that, Mr. President, I yield up to 10 minutes to the Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank the Senator from Georgia for, once again, taking time to bring us to the floor of the Senate to debate what has become a very important issue to Americans—America's consumers and America's driving public.

As has been said by our colleague from Texas, there are those of us who live in rural States where it is literally hundreds of miles between communities, where people commute 60, 70 miles a day, where business occurs and goods and services are provided by long distances of transportation. Any time we raise the cost of delivery of goods and services, or the cost it takes the individual consumer to provide for themselves and their families in the normal course of daily activity, we have impaired the economy of our country. That is exactly what has happened here with the kind of tax that President Clinton pushed through several years ago, of which a part was the 4.3 cent gas tax that we are talking about today and that I hope the Senate will vote to repeal this week.

Unique to this gas tax increase was the fact that, up until that time, in a temporary way, we had only had one small gas tax that had ever gone to the general fund. All the rest of the permanent increases, like this particular increase, had gone to the highway or transportation trust funds of our country, which then were dedicated to the building of roads and bridges and transportation infrastructure. As a result of

that, we have an excellent highway and transportation system, because we have always been smart enough and clear enough in our direction as a country to recognize that citizens would be willing to pay dedicated taxes to dedicated funds for specific purposes. And that has always largely been true of raises or increases in the fuel or gas tax when it was dedicated. I know it has certainly been true in my State of Idaho.

While our citizens are concerned about taxes and believe, as I do, that they are much too high, they have always largely been willing to support the kind of taxes that were dedicated to a broad, general purpose like transportation. And as a result of it, we have had and seen built excellent transportation systems.

This is different—substantially different. Our President said that he would oppose increasing a gas tax as a candidate in 1992. He said it was regressive and unfair to working families. And he was right. In fact, I have a letter here from the International Brotherhood of Teamsters, Ron Carey, general president, asking the Senate of the United States and the Congress to repeal the 4.3-cent tax. The reason is exactly the kind of reason I have just given. Not only does it affect the working men and women of the Brotherhood of Teamsters, but based on the average trucker purchasing 14,000 gallons per year of diesel fuel, it is estimated that a repeal of the 4.3-cent tax per gallon will save trucking companies \$600 per vehicle per year—largely a \$600 cost that must be passed through to the goods and services that the trucking industry sends around our country.

That, of course, is exactly, I think, the concern that many of us have. Once you start a tax like this, unless it is truly a dedicated tax, it simply begins the snowballing effect of being added onto the cost of consuming in this country and to the costs that our families must bear up under as they go about their daily lives. Certainly, in the farming and ranching business of my State, where all goods and services must be transported over long distances to get to the home operation, this kind of tax increase has a substantial impact upon the working families of my State.

It is said that the tax-and-spend attitude of this administration, and this tax, coupled with the largest tax increase in history that was pushed through by a Democrat Congress and by this President several years ago, has destroyed over 1.2 million jobs in our country, and that the cost to the average American family has been \$2,600 a year in higher taxes and lower earnings. We have heard of the frustration that the working families of our country have this year, and that the average citizen has, that somehow their wage increases do not translate into greater spendable income. Mr. President, here is one of the reasons why. Immediately, they have to pay more



dollars at the pump on an annual basis, and their cost of living and providing for their families, as a result, goes up. That has clearly been a part of the reason that we have seen the rather flat growth in the U.S. economy, as a result of the Clinton tax increase. Now I think all of us recognize it as truly the Clinton crunch on the working men and women of our country.

In Idaho alone, repeal of this gas tax increase would represent a \$32 million savings to consumers, to people who stop nearly two times a week at the gas pump to fill up because of their long-distance commuting.

There is something else that is interesting. I serve, as does the Presiding Officer, on the Energy and Natural Resources Committee here in the Senate. Just last week, we went through a morning of hearings looking at why we are in the gas price spiral that the consuming public is now experiencing, and what it was doing, and whether we could anticipate some leveling off of it, and what the general impact is of what is happening.

Here is a chart that came out of that hearing that I thought was most significant. It begins to explain part of the overall picture of what the average consumer pays for at the gas pump. The real cost of raw materials is 42 percent of what you pay for at the pump. But the thing I found most interesting was this figure over here—that motor fuel taxes represents over 30 percent of every dollar spent at the fuel pump. That is both State and Federal. You know, Mr. President, I know of no other consumer good in our country where within the cost of the purchase of that good is built in a 30-percent tax. While I think all of us would agree that some of these taxes over the years built into the cost of fuel have been very positive—I have already talked about the roads, bridges, interstate transportation system, and now some of the inner-city rail that is receiving the benefits of this tax—but none of it ever went in a permanent way—I repeat, a permanent way—to welfare, to food stamps, to the general fund expenditures of the Federal Government, until President Clinton pushed through this tax a couple of years ago. This tax had always been dedicated to the general economic well-being of our country. By that I mean the constant ability to improve the transportation systems that allow the flow of our economy to improve on an aggressive basis. Clearly, our wealth as a nation has been our ability to move goods and services at low costs, and that is why we were always committed to this kind of a tax.

That is why I stood on the floor of the Senate, having opposed this tax when it was passed and now supporting its repeal because instead of it going into the pool that builds the roads and bridges, it is now being used in a way where it should not be. And, yet, the American people are led to believe, because of the historic use, that it is part of this mix.

I think 30 percent of any good in the market going to taxes is extremely high, and is in this instance much, much too high.

I hope that the Senate will agree with us this week and support a full repeal of the 4.3-cent gas tax.

Mr. President, I ask unanimous consent that the letter from the president of the International Brotherhood of Teamsters be printed in the RECORD.

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

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, AFL-CIO,  
Washington, DC, May 7, 1996.

DEAR SENATOR: The International Brotherhood of Teamsters supports the repeal of the 4.3 cents per gallon gas tax. Almost three-hundred thousand of our members who work in the trucking industry are directly affected by the recent upward spiral of gasoline prices. And, all of our 1.5 million members and their families, as consumers, are paying much higher prices for gas at the pump than a few weeks ago.

The trucking industry, in particular the less-than-truckload (LTL) sector, has experienced a severe decline in recent years due to industry overcapacity and the severe erosion of rates. Deregulation of intrastate trucking in January 1995 has produced a wave of discounting as regional carriers expanded aggressively into new shortfall markets, while demand for trucking services softened because of slower economic growth. Those trucking companies hanging on for survival are now experiencing increased costs because of the jump in gas prices at a time when they can least afford it.

Based on the average trucker purchasing 14,000 gallons per year of diesel fuel, it is estimated that a repeal of the 4.3 cents per gallon gas tax will save trucking companies \$600 per vehicle per year. For many, that means the difference between surviving the current downturn in the industry or going out of business. Teamsters and other truck drivers face a "double whammy." They may not only lose their jobs, but they also suffer from the regressive nature of a gas tax at the pump.

While repeal of this gas tax would mean a loss of revenue of over \$5 billion a year, the Teamsters offer this solution—put real "fairness" back in the tax code. A good first step would be to repeal or modify the oil depletion allowance, which lets oil companies claim tax deductions that are worth more than the cost of their investments. That would more than make up for this shortfall! We urge you to support the repeal of the 4.3 cents per gallon gas tax.

Sincerely,

RON CAREY,  
General President.

Mr. CRAIG. Mr. President, let me close by saying that the billions of dollars that the consuming public now pays in the form of this tax—the \$32.1 million that Idahoans pay—does nothing to improve or stimulate the economy of our country. It is not building a road. It is not building a bridge. It is not patching a pothole. It is being spent on day-to-day costs of our Government through the general fund. This is the first time in our history that we have done this.

It is now time that in a little but most significant way we can drop the price of gas at the pump by repealing

this tax and, as importantly, righting the wrong that occurred several years ago when President Clinton passed this tax through. I hope once we correct this, we will say that never again will we ever put a dedicated fuel tax into the general fund of our country, that, if we are going to continue to increase this part of the dollar purchasing pie of the American consumer, when it comes to transportation costs of fuel, that it go to serve the transportation needs of our country and to continue to build and maintain that infrastructure that has served us so well.

Having said those words, I believe it is so important that we respond now and as soon as the Senate can to this issue. I heard from a good many of my constituents who think the Senate is clearly moving in the right direction to repeal this tax. I hope we respond this week.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Idaho for his very informative demonstration of the distribution of the cost of gasoline. I wonder before he leaves the Chamber if I might borrow the letter that he entered into the RECORD for discussion maybe a little bit later on this afternoon.

At this time, Mr. President, I am going to yield to my colleague from Arizona up to 10 minutes on the issue of repeal of the gasoline tax.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I thank the Senator from Georgia for yielding the time and for bringing us to the floor to talk about this most important matter.

In my State of Arizona, people drive long distances, as they do in the State of Idaho. The gas tax, therefore, is a very important matter to us. Most Arizonans, by the way, are very much in favor of the repeal of this Clinton gas tax.

I want to start by quoting from Bill Clinton, who was then a candidate for President. When he ran for office, he said, "I oppose Federal excise gas tax increases." Then, of course, about 2½ years later, he included a Federal gasoline excise tax as part of the biggest tax increase in the history of this country, which he and the majority of the Members of Congress imposed upon our taxpayers.

The point that I would like to begin with is that, as much as the President talks about trying to protect the poorer in our society, the gasoline tax is a tax that hits the poor the hardest. As a matter of fact, according to the Bureau of Labor Statistics, in 1987, it shows that the poorest 20 percent of Americans devote 8.8 percent of their expenditures to gasoline and motor oil while the wealthiest 20 percent devote only 3.1 percent of their expenditures to such things.

So when we talk about a tax that really hits those who are the poorest in

our society, it is the gasoline tax that stands right up there as one of the harshest taxes on the poor. That is one of the reasons why Republicans are so dedicated right now to trying to repeal this 4.3-cent gas tax because of the harm that it does to the poorest in our society.

Taxes are a lot like Federal spending programs. They are very difficult to cut, and once they are in place they are almost impossible to repeal. Repealing this Clinton gas tax is illustrative of the efforts that we have had underway here to change the status quo in Washington and to begin to send power back to the people. It is very hard to do. But it is a question of whom you trust. Who would you rather have spending the money—the people of the country, the taxpayers, or the bureaucrats here in Washington? We believe that repealing this Clinton gas tax of 4.3 cents per gallon is a small but necessary step toward reducing the overall tax burden imposed upon the American people. It represents a ratcheting down of the size of the Government. It reduces taxes and it reduces spending.

Mr. President, I want to make the point. Opponents of repealing the gas tax said, "Well, Republicans are just trying to make a political issue out of this. It is not very much money," to which there are two or three answers.

First, if it is not very much money, then why are you so concerned about it? Why are you opposing our efforts to repeal the tax if it is not a big deal?

Second, if it is not very much money, then we certainly do not have to worry about what it does to our efforts to balance the budget. As a matter of fact, we can balance the budget very easily, as I will point out in a minute. Our budget for this next year assumes the repeal of the gas tax. We do not need that money to run the Federal Government. It seems to me that there is not a good argument against reducing the—

Mr. COVERDELL. Mr. President, will the Senator yield?

Mr. KYL. I am happy to yield to my friend from Georgia.

Mr. COVERDELL. The Senator from Arizona is clarifying a point that I did not mention effectively in the beginning—that, while the majority leader's proposal for the repeal is through December, the new budget revision is a permanent repeal, as the Senator just alluded to.

Am I not correct?

Mr. KYL. The Senator is absolutely correct. According to the budget which we will be taking up here in the next couple of days, revenues to the Treasury are expected to exceed \$1.7 trillion in the 1997 fiscal year. This amount factors in the proposed repeal of the Clinton gas tax.

I also note that that figure compares to \$1.05 trillion collected by the Government just 5 years ago. In other words, Mr. President, the Treasury is flush with a 40-percent increase in revenues in just the last 5 years. We hard-

ly need the revenue from this 4.3-cent gas tax.

I talked in the beginning about the effect on the State of Arizona where motorists have to travel fairly large distances to get where they are going. I note that in my own State, in the city of Phoenix, for example, the price of regular unleaded gas is now about \$1.39 to \$1.45 a gallon. Super is about \$1.63 gallon. So clearly this spike in gasoline prices is hurting motorists.

One thing we can do. The Congress cannot repeal the law of supply and demand. We cannot directly affect the market by what we do. At least, we should not try to. Clearly, the market is working here. But if we can have an effect on the tax burden imposed by the gas tax and reduce that by 4.3 cents, that is an additional savings for the people in my State which would certainly help them. It may not be a big deal, as some of the opponents are talking about here, but it does add up.

As a matter of fact, I point out that the Heritage Foundation recently estimated that the cost of the Clinton gas tax on a State-by-State basis—in this case for the State of Arizona—will result in motorists paying an additional \$78 million in 1996. To some opponents of the gas tax, \$78 million may not seem like a lot of money. But, frankly, to the people of the State of Arizona, \$78 million out of their pockets is a fair amount of money. Repeal will put that much money back into the pockets of the citizens of Arizona, whom I trust to make better decisions on how to spend that money than I do bureaucrats back here in Washington, DC.

It was also pointed out by the Senator from Idaho that no part of this 4.3-cent levy goes toward transportation costs, which most motorists think is happening to their money. It goes instead to the general fund of the Treasury where the President would like to use it to finance additional Government spending rather than to be used for deficit reduction.

In order to satisfy the President's demand for more spending, Congress recently had to add \$5 billion to the omnibus appropriations bill. Although the additional spending was ostensibly offset by savings in other areas, Congress had in fact counted on using much of that savings to implement the balanced budget that it passed last year. Using the offsets to finance the President's additional spending instead will, in effect, make it \$5 billion harder to achieve the balanced budget.

Mr. President, as I said a moment ago, the real question here is, Whom do you trust to spend the money the best? Is it the people who earn it, who would like to spend it on their families back home, or is it bureaucrats back here in Washington, DC? This money is not being used to build more highways. It goes into the general fund where the President wants to use it to spend more money. I believe, and we Republicans believe, that this is the time and the place to start by cutting.

For those who say it is not much, I say a long journey starts with the first step. Every little bit will help. If we can cut out this 4.3-cent gas tax that was part of the Clinton increase of 2 years ago, No. 1, it will help reduce the price of gasoline a little bit; No. 2, it will help restore some balance to our budget because we will be cutting the size of Government rather than using this money to spend on Government programs. And third, and perhaps most importantly, it will begin to further our efforts to put more trust in the American people—let them keep what they earn rather than sending money back here to Washington to be spent by Washington bureaucrats.

Mr. President, I thank the Senator from Georgia for yielding this time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I wish to underscore one more time that the majority leader's amendment to this legislation repeals it through December 1996 but that the intent is to repeal the 4.3-cent gas tax not only through December but thereafter, which is being shaped, as the new Presiding Officer alluded to, through the new budgets that the majority will be bringing forward very shortly.

With that, I should like to yield up to 15 minutes to the majority whip, the distinguished Senator from Mississippi.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LOTT. I thank the distinguished Senator from Georgia for arranging for us to have this time to talk about the gas tax repeal and, frankly, about other opportunities to return taxes to the people who are working and earning those wages and our desire to see them be able to keep the fruits of their labor. It is important we have this discussion this afternoon under the leadership of the distinguished Senator from Georgia because there has been a lot of misunderstanding and misinformation that has been put out with regard to what we are trying to accomplish.

First, let me sum up where we are in terms of considering this issue. When the Senate resumes consideration this afternoon of the White House Travel Office employee reimbursement, the pending amendment will be the Dole amendment to repeal President Clinton's gas tax increase. There has been a great deal of confusion over exactly what that amendment does, so let me take a brief moment to explain that.

Two weeks ago, Senator DOLE proposed that we repeal the 4.3-cent gas tax which was implemented by the Congress in 1993. And I emphasize, that was done by the Democrats in the Congress. Not one Republican voted for it because, as has been pointed out by the Senator from Arizona, we thought it was a mistake to turn what has traditionally been a user fee going into the

highway trust fund into just another tax being put into the deep dark hole of the General Treasury, in fact, in my opinion, not really reducing the deficit and maybe even contributing to it because, once again, it puts a damper on the ability of people to work and keep their own money. Any time you take money in taxes away from people, I think it hurts the enterprise of those people to do their job.

With gasoline costs rising, though, the majority leader proposed to help Americans by cutting part of the taxes levied back in 1993 on American consumers. Last week, many Democrats, including President Clinton, conceded that they would support this tax rollback. In response to this, Senator DOLE offered an amendment to repeal the gas tax as part of a package that included the minimum wage increase and the so-called TEAM Act, which is a bill that would allow employers and employees to work together for more safety and productivity in America's workplace.

Despite weeks, then, of claiming that all they wanted was a straight up-or-down vote on the Kennedy minimum wage amendment, there was an objection offered by Senator DASCHLE saying that that was not sufficient. Even though they would have a straight up-or-down vote on the minimum wage, they did not like it because it was connected to these other very important issues, the repeal of the gas tax and allowing us to have cooperation in the workplace. They objected to that.

So Senator DOLE offered the minority a straight up-or-down vote on the minimum wage, on the gas tax repeal, and on the TEAM Act, and again that was objected to. Now you are talking about obstructionist tactics. As a matter of fact, the majority leader has had to file more cloture motions in this Congress than the other two Congresses combined, the 102d and 103d. Sixty-three times cloture motions have had to have been filed to cut off filibusters.

So now we find ourselves where the people who are saying, yes, we think maybe we will be for a gas tax repeal, they are now filibustering that very issue.

As a matter of fact, I have the statistics here now. In the 102d and 103d Congresses, we had a total of 87 cloture motions. In the 104th Congress alone, which has just been 1 year and 4 months, we have already had to file 64 cloture motions to cut off these obstructionist efforts to keep us from getting a straight vote on these issues.

Why is this happening? Because they now have an outside partner, outside of this institution; the President will not allow the Senate to work together to reach a compromise, a fair compromise to move beyond this parliamentary impasse. The Senate's Democrats do not want to vote on repealing the gas tax if it is in any way combined with these other issues. And so they have objected.

Now we are trying to see if there is some other way that we could move this issue forward.

On Thursday, Senator DOLE withdrew his original amendment and offered a new one which now contains the gas tax repeal only. It has been disconnected from the other two issues I have been talking about. The pending business is the gas tax repeal only. Senator DOLE did so to accommodate President Clinton and other Members in the Senate who said they wanted to support the gas tax, but they will only do it as a separate bill. So he has now set it up that way.

The majority leader further accommodated the President by changing the amendment's offset to use an issue which President Clinton has been very aggressively advocating, and that is the BIF-SAIF issue. It is not the way I would prefer to go, but it is one that has been promoted by the President. The Secretary of the Treasury is sending letters to the Senate saying we want to get this done. So now the argument that maybe it is not paid for or they did not like the offset, that has even been addressed.

Now the Senate is scheduled to vote on the gas tax repeal amendment on Tuesday at 2:15 so that we can get beyond the filibuster and get to a direct vote. This should not be a partisan vote. The President said he is for it. Many Democrats say they support repeal of the gas tax. The question is, will they vote that way?

The national awareness of the direct impact of that 1993 gas tax increase and what it is doing to taxpayers today is affecting this issue. That is why it is picking up momentum. President Clinton has admitted that he had raised the people's taxes too much in 1993, with his own words, and he, too, has indicated he would support this rollback. So I think it is time that we do it.

Now, in a typical Washington, inside-the-beltway mentality, you hear various and sundry complaints about why we should not repeal this tax. They say, well, it should not have been added to the general Treasury, maybe it should have gone in the highway trust fund, but it will affect the deficit if you take it away. Well, it is paid for. It is offset. It will not contribute to the increase of the deficit directly or indirectly. I think, in fact, by repealing that gas tax you will have more revenue coming into the Treasury. But that is the kind of attitude you get: Well, it is not much.

As a part of the big 1993 tax increase—\$265 billion, the biggest in the history of this country—maybe this is a small amount, but when you ask the people out in the real world it is not small. First of all, it is about \$25 billion over the next 6 years, and it affects middle-class working people. I understand that about 23 percent of this gas tax repeal will go to people making under \$20,000 a year.

Mr. President, \$35 or \$40 a year to a family that is only making \$20,000 a

year, that makes a difference. But it is more than that.

Let me just tell you what it means to the poor State that I have the great honor of representing, the State of Mississippi. As a matter of fact, it would reduce the fuel costs for the average Mississippi automobile \$38 over the course of a year. But it affects much more than that. Many of the people in my State have their own trucking rigs. They have their own commercial truck. They contract with others but they are the driver and they drive their own truck. For that commercial truck driver in my State it would mean over \$766 in a year. That is an impact. Remember, this is not just automobile gas. We are also talking about diesel fuel for farmers, for inland waterways, for jet fuel. By the time you add it all up, once again in my State, the estimated revenue that will be raised in 1996 from this 4.3-cent-per-gallon Federal gas tax, it will cost our State \$86 million. This is not insignificant. This is a real tax burden on the American people.

When you couple it with all the other taxes, again they say it is such a small part—yes, it is. When you consider Federal taxes, payroll taxes, State income taxes, property taxes, capital gains taxes, gasoline taxes, death taxes—there is no end to this. In my State, when you couple the Federal gas tax with the State gas tax you are talking about 36.3 cents per gallon. In other States it is more than that. I understand the average nationally is 39.9 percent, or something like that—40 cents a gallon in taxes, Federal and State.

Also, when you live in California and some other States, gasoline prices have gone up to \$2 a gallon. If you could roll back a little bit on the Federal gas tax, maybe a little bit on the State gas tax, you will see this does add up to real money. Plus I do not view this as an end-all, of all of our problems—no. This is a first small step. It is a downpayment. What we need to do is give the people some real tax relief on their payroll taxes. What we need is across-the-board tax relief for the American people who are working and paying all these taxes. What we really need is genuine tax reform. The income tax system is the worst possible tax. Then you add on top of that the payroll tax. The working people are really getting hammered.

Unfortunately we made a sincere effort last year to get tax relief for the American people and it was vetoed by the President. We tried to get \$400 per child tax credit for families with children. We tried to give spouses working in the home the opportunity to have an individual retirement account. We tried to give an adoption tax credit. It looks like maybe we will get that now that the President signed on board to that. We tried to give relief from the marriage penalty. We tried to give relief to the American workers from the unfairness of the Tax Code and also

take some action to provide a little growth in the economy with capital gains relief.

We also tried to raise the earnings of our seniors who are retired. Why in the world do we want to make people who are between 65 and 70 years old pay, really, for continuing to work if they make over \$11,500 a year? Of course we have now raised that, thank goodness. We are getting it up to \$30,000, and I hope that is a step toward eliminating the penalty on Social Security if you are between 65 and 70 and you want to keep working. You are productive. You want to pay into the General Treasury. You make more money and you pay taxes on it.

There is a terrible disincentive in America to work hard and be productive so you can provide for your children, for your family, for the needs in your community and in your churches and synagogues. There is a mentality in this city that Washington knows best. We will bring it to Washington in every form of tax increase known to the minds of men and then we will decide how your children will be taken care of, what money will go for what education programs.

That is wrongheaded. We should begin tomorrow by eliminating this gas tax increase. I appreciate this opportunity to address this issue. I believe the American people are overwhelmingly with us on this issue and, as a matter of fact, on overall fairness in the Tax Code and some relief so they can keep more of their money and invest it or save it or use it to help their children in a way that, frankly, will help the future economy of our country.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the majority whip, the distinguished Senator from Mississippi, for the contributions he has made to this debate, laying it out, underscoring the pressures that this tax has put on the American working family.

Just as an aside, the third paragraph of the letter that was referred to by the Senator from Idaho a few moments ago is very interesting. It has been printed for the RECORD but I want to underscore it:

Based on the average trucker purchasing 14,000 gallons per year of diesel fuel, it is estimated that a repeal of the 4.3 cents per gallon tax will save trucking companies \$600 per vehicle per year.

Across the board—we have been talking about what it means to the average family. We have seen figures from \$50-plus to nearly \$200 per year that the average working family will save, that will stay in their checking account instead of being sent to the Treasury. But the thing we have not heard a great deal about is that when you lower the cost to operate that truck \$600 per year, when you lower the cost

to operate the sales fleet thousands of dollars, when you lower the cost of every form of public transportation—of jet fuel, taxicab gasoline, the public bus—what happens is throughout the economy the costs come down so the consumer will ultimately save, not only their own direct costs, which is what we have heard so much about, but the indirect saving. Somewhere down the line the cost of goods is less. It does not cost as much to ship the jar of peanut butter. So somewhere down the line there is a saving that works its way through the entire economic system.

We have had a lot of discussion about: This is just a beginning. Unfortunately, that is the case. But it is going in the right direction. A few moments ago I said every working family gave their paycheck to the Government from January 1 to May 7 and that it was May 8 before they got to keep their first paycheck. Maybe this repeal will start moving it back towards May 6, keeping in mind that, as far as the American people are concerned, we need to move that day all the way back to March 1. That is the date. January 1st to March 1 is the period of time which every segment of American society is prepared to contribute to the Government for the services they receive. Every day after March 1, March 2, 3, 4, 5—all the way through May 7, the American people feel is an excessive burden. And they are right. I am going to come back to that in just a moment.

President Clinton in his book, "Putting People First," declared, "I oppose Federal excise gas tax increases." Earlier that year, reacting to Paul Tson-gas, who was also a candidate for President, and who had proposed increasing the gas tax, President Clinton, then candidate Clinton said: "It sticks it to the lower income and middle income retired people in the country and it is wrong." He was right. It is wrong. But then the President was elected and in August of the next year he proposed the largest tax increase in American history, which included raising gas taxes—diesel fuel, jet fuel—4.3 cents per gallon.

There was a lot of debate at that time, just like there is right now. All these facts that have been pointed out by all these Senators on the floor were made clear then. But the President sided with those in his administration who wanted very much to impose this new tax increase.

This is a statement that I find uniquely interesting:

"A buck a week"—

Mr. President, I want to repeat that.

"A buck a week," Clinton scoffed at those who suggested he was hurting the very middle class he had promised to help.

He scoffed at it; it is only a buck a week.

I will tell you what, Mr. President, about 2 years ago, the Georgia Legislature, responding to a request from the Governor's office, imposed a license on

auto tags, a new fee. It ranged from \$10 to \$15 per tag. That is \$1 a month, not \$1 a week; just \$1 a month, and we almost had another Boston Tea Party in Georgia. That was repealed very quickly. A buck a month.

Of course, as we now know, it is not just a buck a week, but say it was. You do not scoff at this, and the reason you do not is because the American working family has been pushed to the wall—pushed to the wall—in their ability to do those things which we ask them to do.

To revisit it, a Georgia working family earns on an average \$45,000 a year. They have two parents working and two kids. Their total Federal tax on income comes to \$9,511. The total State and local tax is \$5,234. The estimated cost of Federal regulation to the family—and this is a number most Americans are not appreciative of—is \$6,615.

Incidentally, Mr. President, if you add the cost of regulatory burdens, you do not really get to keep your paycheck on May 8. That is just taxes. You really—and it is a unique date—you really do not get to keep your first paycheck until—it is an interesting day—July 4th, Independence Day. That is really the first day when you add on regulatory burdens.

But this average family, then, in Georgia is basically paying 52 percent of their gross income to the government, to regulatory burdens, and it is no wonder they have become so anxiety ridden. It is no wonder that they are so worried about fulfilling their responsibilities for their family, their community and their country.

As I said when I began these remarks, Thomas Jefferson, if he were here today, would wonder if we are still free. He would pose the question: "Can a country be free when the governments that run it confiscate and take over half the wages of the bread earner?"

If you read through Thomas Jefferson's work, he alludes to this throughout his work. It was the nature of government to grow, and it is the nature of government to consume the wages of those who deserve it, those who work for it. He warned us not to do that. This repeal of the gas tax is the first step of a long, arduous journey. It is at the core of fundamentally sound policy that we begin to return the fruits of labor to those who work for it and that we quit interfering with their rights to determine their own priorities for their own family, for their own dreams.

This is an elegant work, Mr. President. It is an allegiance to the founding principles of this country, to the work of Thomas Jefferson, Adams, Monroe, and Franklin. They never would have envisioned—ever—that this country would be governed in such a way as to absolutely take from the bread earner half of what they earned. They would never in their wildest dreams have imagined that we could come to that kind of condition.

In Georgia alone, this fuel tax, which has been described by some on the

other side of the aisle as inconsequential, removes from the State nearly a quarter of a billion dollars. This 4.3 cents takes \$168 million out of the checking accounts of the working families and businesses in motor fuel. It takes \$28.5 million out of the State in new taxes for diesel fuel. It takes \$27.5 million out of the State in jet fuel. It takes it out of those local accounts and moves it to the Treasury for an expanding Federal Government.

It was wrong when it was imposed. It is a regressive tax, uniquely hard on the elderly and the poor. It was appropriated from users to expand Federal spending. It was not even used to make better highways and safer highways for the people who use them. It was used to expand Federal spending. It hurts the working family, it hurts the economy, and it raises costs of all goods, because energy is built into the cost of all goods.

So, Mr. President, as I said, the American family cannot keep their first check until May 8. Maybe we can save them a day and give them 1 more day's pay by getting this money back into their checking accounts where it belongs.

#### OBSERVANCE OF 1 MINUTE OF SILENCE

Mr. COVERDELL. Mr. President, on behalf of, I know, public officials throughout the country, but particularly those from Georgia where ValuJet is headquartered, I ask unanimous consent that the Senate fall into silence for 1 minute in acknowledgment of the deaths of the people from across our land as a result of this very tragic airplane crash in the Everglades coming out of Miami.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will observe 1 minute of silence in accordance with the wishes of the Senator from Georgia.

[A minute of silence was observed.]

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. As with all of these occurrences, you never really can appreciate the far reach that it has. My young press assistant's fiancée, in Atlanta, is an honor graduate at Emory University. Her grandparents were on the flight, on their way to attend her graduation. I am sure, of course, that story is repeated 109 times, multiplied to all the families of these 104 passengers and 5 crewmembers.

Atlanta is an airline town. Any time anything like this happens, it is a grief felt very widely throughout our city and State. I, on behalf of all in our State, extend our condolences to the families wherever they are that were affected by this tragic crash.

Mr. President, I ask unanimous consent that I be given up to 5 minutes to speak to an issue that has occurred on the borders between our country and Mexico with regard to drug smuggling.

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

#### DRUG SMUGGLING

Mr. COVERDELL. Mr. President, the Los Angeles Times ran an article today, May 13, 1996, and it is just a stunning article.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

[From the Los Angeles Times, May 13, 1996]

#### DRUG RUNNERS ARRESTED AT BORDER OFTEN GO FREE

(By H.G. Reza)

SAN DIEGO.—During the federal government's yearlong narcotics crackdown along the Southwest border, hundreds of suspected smugglers have been allowed to go free after U.S. authorities arrested them with substantial quantities of drugs at ports of entry in California.

In the past year, about 2,300 suspected traffickers were taken into custody for bringing drugs across the border but, according to records and interviews, more than one in four were simply sent home to Mexico because of jail overcrowding and prosecutorial discretion.

Two suspects with 32 pounds of methamphetamine, and another with 37,000 Quaalude tablets, were simply "excluded" from the United States after their drugs and vehicles were confiscated.

The handling of drug cases at the border, most involving at least 50 pounds of marijuana, reflects shifting and sometimes conflicting pressures on the federal law enforcement community.

The threshold for prosecutions, drug agents say, has risen as the government has stepped up narcotics interdiction at border crossings and made more seizures. In addition, they say there often is no room for drug suspects at the federal jail here because it is overflowing with people awaiting trial on immigration law violations and other charges.

After a seizure of 158 pounds of cocaine, one defendant was cited and released because there was no room at the federal jail, said the woman's attorney. The charges against her were dropped, the attorney added.

Officials at the U.S. attorney's office confirm that under a program quietly adopted two years ago, an increasing number of suspected traffickers have been sent back to Mexico without arrest or prosecution in either federal or state court. Instead, they are prohibited from returning to this country pending an immigration hearing.

Government figures show that more than 1,000 smuggling suspects have been processed this way since 1994 after seizures by the U.S. Customs Service and the Border Patrol.

The number of such cases rose from 215 in 1994 to 636 last year at San Ysidro, Tecate and Otay Mesa. There were 288 cases in the first four months of 1996—and officials project that the total will reach more than 800 for the year.

"This is, in our opinion, a powerful prosecutorial tool," Assistant U.S. Atty. John Kramer said in an interview. "Immigration exclusion cases principally involve first-time offenders who face the sanction of losing permanent residency in the United States or their border crossing cards."

Justice Department and U.S. Customs Service officials have reported unprecedented drug seizures in the first year of Op-

eration Hard Line, an anti-drug program along the entire border with Mexico. Last year, they said, total drug seizures from vehicles, cargo containers and pedestrians at all ports were up 25% over the previous year.

"To the extent that drug seizures are up, there is perhaps the perception that we're not doing more in the prosecuting area [but] more felony cases have been filed than ever before," Kramer said.

The overall number of felony drug prosecutions originating from border arrests more than doubled in San Diego County, Kramer said, with almost two-thirds prosecuted in state court.

The government's "exclusion policy" has caused frustration among some Customs inspectors, who are making increasing numbers of seizures. After two Mexican women with 32 pounds of methamphetamine and 24 pounds of marijuana were sent back across the border, one inspector wrote in an Aug. 13, 1995, report:

"Lack of enforcement is not because inspectors aren't trying. It's because of the policy coming from upstairs."

Anyone caught smuggling drugs, even a single marijuana cigarette, can be charged with a felony offense, carrying a minimum of two years in prison, or a misdemeanor, carrying up to a year in jail.

But since the early 1990s, the U.S. attorney's office has struggled with its inability to prosecute all drug cases—especially marijuana cases—because of inadequate resources. Officials previously had set loose guidelines for deciding whether to seek misdemeanor or felony charges, depending on the amount of marijuana.

Now, officials say the U.S. Customs Service is operating under guidelines limiting any prosecution—including misdemeanors—to cases involving 125 pounds of marijuana or more.

And Mexican nationals who are first-time offenders usually are taken before an immigration judge and given the option of being excluded from the country, pending an immigration appeal, or of being prosecuted. So far, officials said, no one has chosen prosecution.

"Generally prosecution is deferred if the amount is below 125 pounds, or if the defendant is a Mexican citizen, or if in the opinion of the prosecutor, it's not a strong case," said Jeff Casey, Customs deputy special agent in charge in San Diego.

However, Kramer said, suspects who escape prosecution for their first seizure will automatically be charged if they are caught a second time, regardless of the drug type or quantity.

U.S. Customs Service records reviewed by The Times show that some smugglers have been caught two or more times—even in the same week—yet still were not jailed or prosecuted. In addition, no action was taken against a number of suspected smugglers captured with more than 125 pounds of marijuana.

One 58-year-old U.S. citizen, according to seizure records, was arrested three times this year at the border—in January with 53 pounds of marijuana, in February with 51 pounds and this month with 41 pounds. Although he had a criminal history that stretched back four decades and included an alien smuggling charge, he was not prosecuted for the first two seizures, according to a law enforcement source.

In one case that exceeded the threshold, records show that two U.S. citizens arrested Oct. 22, 1995, for smuggling 151 pounds of marijuana were not prosecuted. And neither was a 21-year-old U.S. citizen arrested March 16 with 386 pounds of marijuana who had been caught a week earlier with a smaller amount.

Citing privacy concerns, the U.S. attorney's office declined to state the reasons why specific cases were not prosecuted.

"If a person is arrested at the border and a case isn't filed, sometimes there are legitimate law enforcement reasons to do that," Kramer said. "The point is, there are a number of reasons other than not wanting to go forward with the case."

Some federal law enforcement officials have complained that lack of jail space has forced them to release drug suspects outright or issue them citations, which are also promises to appear in court.

Kramer acknowledged that prosecutors and law enforcement agents are sometimes "forced to make hard decisions because of a lack of bed space" at the jail. But, he added, "If there is a belief that our emphasis on immigration prosecutions has detracted us from felony prosecutions of drug cases, that assumption is incorrect."

One cause of the overcrowding, critics say, is Operation Gatekeeper, a controversial crackdown on illegal immigration that has helped fill the local federal jail.

Last week, 49% of the 930 inmates housed at the Metropolitan Correction Center were charged with immigration law violations, while 36% were being held for drug offenses, said a spokeswoman.

Mario Conte, head of the Federal Defenders of San Diego Inc., alleged that U.S. Atty. Alan Bersin, the Clinton administration's border czar, is pursuing a tough prosecution policy on illegal immigration to score political points for the White House.

"He's created a crisis by his policy, which has led to overcrowding at [the federal jail]," said Conte, whose group of attorneys represents indigent defendants in U.S. District Court.

Bersin denied that the immigration prosecutions are politically motivated, noting that most of the defendants have previous convictions for serious crimes. "By targeting people with substantial criminal histories, we have not only helped reduce crime . . . but have stopped targeting economic migrants who were previously filling the jail," he said.

The jail has an approved capacity of 950 but until recently housed an average of 1,200 inmates each month. To ease overcrowding, officials sent 174 inmates facing immigration charges to Miramar Naval Air Station, where they rioted and burned part of the brig in March.

In examining federal court records for 30 of the biggest seizure cases at San Ysidro, The Times found that felony charges are often plea-bargained to misdemeanors, and those convicted seldom do more than six months in jail. Many other cases are settled, with federal attorneys agreeing not to prosecute if the suspect does not commit attention offenses for a year.

Customs inspectors and federal drug agents said narcotics rings know that chances are slim that a marijuana courier will be prosecuted. So, they say, traffickers have no trouble recruiting people and paying them \$200 to drive small loads of marijuana through the port, time and again.

"There is virtually no risk [to smugglers] as long as they keep quantities down. First of all, the chances of getting caught are slim, and the chances of prosecution are almost zero if you get caught with a small quantity and if you're a Mexican national," said a veteran Drug Enforcement Administration agent who requested anonymity.

Even when smuggled in small amounts, marijuana generates huge profits for dealers, said the agent. A Jamaican drug ring recently was buying Mexican marijuana in San Diego at \$500 per pound—purchasing 20 pounds to 50 pounds at a time—and selling it

in Rhode Island for \$1,500 a pound, the agent added.

Cases are turned over to the district attorney here for prosecution when the suspect or vehicle owner lives in San Diego County, or the drugs are destined for the county. Officials said that in the last two years, 1,462 cases were referred to local prosecutors, compared to 1,030 handled by the federal government.

Deputy Dist. Atty. Joan Stein said that in almost every case the defendant pleads guilty to a single felony count. Usually, she said, defendants are first-time offenders and are given light sentences by judges.

Mr. COVERDELL. The headline reads, "Drug Runners Arrested at Border Often Go Free."

Smuggling: Crackdown leads to more seizures, but jail overcrowding and clashing priorities force suspects' release.

During the Federal Government's yearlong narcotics crackdown along the Southwest border.

I know this will be of interest to the Presiding Officer.

Hundreds of suspected smugglers have been allowed to go free after U.S. authorities arrested them with substantial quantities of drugs at ports of entry in California.

In the past year, about 2,300 suspected traffickers were taken into custody for bringing drugs across the border but, according to records and interviews, more than one in four were simply sent home to Mexico because of jail overcrowding. . . .

Two suspects with 32 pounds of methamphetamine, and another with 37,000 Quaalude tablets, were simply "excluded" from the United States after their drugs and vehicles were confiscated.

After a seizure of 158 pounds of cocaine, one defendant was cited and released because there was no room at the federal jail, said the women's attorney. The charges against her were dropped, the attorney added.

Mr. President, it is just one travesty after another.

One 58-year-old U.S. citizen, according to seizure records, was arrested three times this year at the border—in January with 53 pounds of marijuana, in February with 51 pounds and this month with 41 pounds.

Customs inspectors and federal drug agents said narcotic rings know that chances are slim that a marijuana courier will be prosecuted. So, they say, traffickers have no trouble recruiting people and paying them \$200 to drive small loads of marijuana through the port, time and again.

Mr. President, in the last 36 months drug use among our children age 8 to 13 has doubled—doubled. We are in the midst of a drug epidemic that threatens our youth from Georgia to Arizona to California. The fact that this condition is not immediately rectified is deplorable. Interdiction has been decimated, and this is the result we get from it. Interdiction is a key component, not the only one.

We need to be supporting parent and community groups and education because children today have not had a proper role model. The White House has been silent on this, and does not think drugs are a problem. We have to turn that around. But we must get this straightened out, Mr. President.

I will be entering remarks in the RECORD later today. We will immediately begin looking for amendments

and funding so that this condition simply will not be tolerated by U.S. authorities on our side of the border. I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed the consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3961 (to amendment No. 3955), to provide for the repeal of the 4.3 cent increase in fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## RECESS

Mr. KYL. Mr. President, I ask unanimous consent that the Senate stand in recess until 5 p.m..

There being no objection, the Senate, at 4:08 p.m., recessed until 5:04 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CRAIG).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Idaho, notes the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.



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

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

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

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

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on May 10, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2137. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

#### MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of the reading clerks, announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints the following Members on the part of the House to the United States Delegation of the Canada-United States Interparliamentary Group: Mr. DREIER of California, Mr. UPTON of Michigan, Mr. GIBBONS of Florida, Mr. DE LA GARZA of Texas, Mr. OBERSTAR of Minnesota, Mr. JOHNSTON of Florida, Mr. PETERSON of Minnesota, Ms. DANNER of Missouri, Mr. UNDERWOOD of Guam, and Mr. FRAZER of the Virgin Islands.

The message also announced that the House having proceeded to reconsider the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message further announced that the House disagrees to the amendment

of the Senate to the bill (H.R. 1296) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Alaska, Mr. HANSEN, Mr. ALLARD, Mr. HAYWORTH, Mrs. CUBIN, Mr. MILLER of California, Mr. RICHARDSON, and Mr. VENTO as the managers of the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 1260) to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs for the Federal Government to States and localities, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEACH, Mr. LAZIO, Mr. BEREUTER, Mr. BAKER of Louisiana, Mr. CASTLE, Mr. GONZALEZ, Mr. VENTO, and Mr. KENNEDY of Massachusetts as the managers of the conference on the part of the House.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3286. An act to help families defray adoption costs, and to promote the adoption of minority children.

#### MEASURES REFERRED

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

H.R. 3286. An act to help families defray adoption costs, and to promote the adoption of minority children; to the Committee on Finance.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2568. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of five proposed rescissions of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to Committee on the Budget, and the Committee on Armed Services.

EC-2569. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AH83); to the Committee on Veterans Affairs.

EC-2570. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AH05); to the Committee on Veterans Affairs.

EC-2571. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule

(RIN2900-AG65); to the Committee on Veterans Affairs.

EC-2572. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AH87); to the Committee on Veterans Affairs.

EC-2573. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AH16); to the Committee on Veterans Affairs.

EC-2574. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AE41); to the Committee on Veterans Affairs.

EC-2575. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AH59); to the Committee on Veterans Affairs.

EC-2576. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AE50); to the Committee on Veterans Affairs.

EC-2577. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AH74); to the Committee on Veterans Affairs.

EC-2578. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AI02); to the Committee on Veterans Affairs.

EC-2579. A communication from the Director of Office Relations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule (RIN2900-AI08); to the Committee on Veterans Affairs.

EC-2580. A communication from the Assistant General Counsel for Regulation, Department of Education, transmitting, pursuant to law, the report of a rule relative to Training Personnel for the Education of Individuals with Disabilities Program and Program for Children and Youth with Serious Emotional Disturbance; to the Committee on Labor and Human Resources.

EC-2581. A communication from the Assistant General Counsel for Regulation, Department of Education, transmitting, pursuant to law, the report of a rule relative to the State Vocational Rehabilitation Services Program (RIN1820-AB13); to the Committee on Labor and Human Resources.

EC-2582. A communication from the Director of Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to medical devices; to the Committee on Labor and Human Resources.

EC-2583. A communication from the Director of Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to medical devices; to the Committee on Labor and Human Resources.

EC-2584. A communication from the Director of Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic



Drug Products for Over-the-Counter Human Use; to the Committee on Labor and Human Resources.

EC-2585. A communication from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting, pursuant to law, the report of rule (RIN1218-AA71); to the Committee on Labor and Human Resources.

EC-2586. A communication from the Director of the ADEA Division of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a final rule; to the Committee on Labor and Human Resources.

EC-2587. A communication from the Labor Member of the Railroad Retirement Board, transmitting, the report of Dissent of Labor of the Board concerning majority of the Board's proposal to amend the Railroad Retirement Act to change the state of limitations that applies to the creditability of compensation under the Act; to the Committee on Labor and Human Resources.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs, with amendments:

S. 1579. A bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act") (Rept. No. 104-266).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1745. An original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 104-267).

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

S. 1025. A bill to provide for the exchange of certain federally owned lands and mineral interests therein, and for other purposes (Rept. No. 104-268).

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

Report to accompany the bill (S. 1624) to reauthorize the Hate Crime Statistics Act, and for other purposes (Rpt. 104-269).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 3074. A bill to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone (Rept. No. 104-270).

### 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. BINGAMAN (for himself, Mr. DOMENICI, and Mr. DASCHLE):

S. 1743. A bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 1744. A bill to permit duty free treatment for certain structures, parts, and com-

ponents used in the Gemini Telescope Project; to the Committee on Finance.

By Mr. THURMOND:

S. 1745. An original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. GRAMM:

S. 1746. A bill to correct the marking requirements for American-made hand tools; to the Committee on Finance.

By Mr. GRAMM (for himself and Ms. MOSELEY-BRAUN):

S. 1747. A bill to correct the marking requirements for American-made feather and down-filled products; to the Committee on Finance.

By Mr. SIMPSON (by request):

S. 1748. A bill to permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the reorganization of the headquarters of the Veterans Health Administration; to the Committee on Veterans' Affairs.

S. 1749. A bill to amend title 38, sections 8101(2) and 8109(h)(3)(B), United States Code, to delete the references therein to "working drawings" and substitute therefor the words "construction documents," and to further delete the references therein to "preliminary plans" and to substitute therefor the words "design development."; to the Committee on Veterans' Affairs.

S. 1750. A bill to amend title 38, United States Code, to modify disbursement agreement authority to include residents and interns serving in any Department facility providing hospital care or medical services; to the Committee on Veterans' Affairs.

S. 1751. A bill to amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans' service organizations as their representatives in claims before the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

S. 1752. A bill to amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities; to the Committee on Veterans' Affairs.

S. 1753. A bill to amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to suspend a special pay agreement for physicians and dentists who enter residency training programs; to the Committee on Veterans' Affairs.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. DASCHLE):

S. 1743. A bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### THE TEMPORARY EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1996

Mr. BINGAMAN. Mr. President, my home State of New Mexico is currently experiencing a very severe drought, as

is much of the Southwest. As with any drought, many of my State's citizens are experiencing severe hardships.

Saturday, 2 days ago, I saw what fire had done to the Carson National Forest in my State. This is one of several major fires that New Mexico has experienced this year. The fire in the Carson National Forest was designated the Hondo fire. To date, over 20,000 acres have burned in our State. People have been burned out of their homes, Bandelier National Monument, Questa, Red River, NM, have all had their existence threatened, and the community of La Lama in northern New Mexico has been utterly destroyed.

The size of these fires can be directly attributed to the lack of rain in our State for a very long period of time. And if the current weather conditions continue and no relief is in sight, the rest of this year will be tense and dangerous.

Mr. President, I am here today to talk about another danger that is posed by this same lack of rain, and it is a threat to the finances and the livelihood of those who depend on the rain to make the grass that feeds their herds.

The bill that I am introducing today along with my cosponsors, Senator DOMENICI and Senator DASCHLE, is entitled the "Temporary Emergency Livestock Feed Assistance Act of 1996." It is intended to help those ranchers who otherwise cannot afford to feed their cattle during this time of drought. With terrible range conditions, the options available to a rancher have become very limited.

The rancher can either buy feed or he can sell the livestock that he owns at market prices. Neither option is very desirable at this time. Feed prices are extremely high, and cattle prices are the lowest that they have been for over a decade. The situation places the rancher in dire straits. In Lea County in southeastern New Mexico, ranchers usually budget about \$125 to raise a cow. Now the cost has risen to about \$250 to \$300 per head because of the high cost of feed.

In Curry County on the eastern side of New Mexico, the local paper reported that winter wheat crop faces an 80 to 90 percent loss. That crop is usually about 2.5 million bushels that are harvested. All parts of New Mexico are suffering. For the third year in a row, we have had less than our average rainfall in the northwest part of the State. Near Window Rock, AZ, we had 2.1 inches of precipitation during the period from October to March, the driest for that period since the year 1904. In the western part of our State, in Quay County, we have reported much less than average amounts of rainfall. In the south, Las Cruces usually receives about 8.5 inches a year, which I know would be a drought for most parts of the country even if we were to receive that, but for the past 3 years Las Cruces has consistently received less than that amount.

This bill, this Temporary Emergency Livestock Feed Assistance Act of 1996, is not meant to be a permanent solution to the current problem. The bill revives the livestock feed program for a 1-year period. That is 1996. The program was suspended in the recently enacted farm bill. Under the provisions of this act, those who raise cattle or sheep or goats would be eligible for assistance.

Funding for the old program was through the Commodity Credit Corporation, and this bill changes that funding mechanism. It restricts the program to \$18 million, specifically identifies a fund that already has 1996 appropriations dedicated to it.

If market conditions remain, the funds that are targeted for use by this particular bill we are introducing today will otherwise remain unspent at the end of the fiscal year. So given the current crisis, it is clear to me that this money will be best utilized in helping the ranchers to survive the situation they face.

Several provisions have been placed into the bill to ensure against abuses of the program. For example, a rancher will have to have owned or leased the livestock for at least 180 days. If the rancher has not owned or leased the livestock for the required time, there are certain exceptions that the Secretary of Agriculture will have to approve. This will ensure that additional livestock are not purchased for the sole purpose of benefiting from this program we are proposing to enact.

Also, there is language that allows the Secretary to determine the quantities of forage sufficient to maintain livestock, based on the normal carrying capacity of the land. This language is intended to discourage a person from overstocking the land above the carrying capacity and receiving assistance for that effort. This will help to ensure that long-term damage to the land does not occur.

Another important provision concerns the commodities reserve program. The bill asks the Secretary to examine using the Department's millions of bushels of stored grain for the emergency that we now face. The Secretary is asked to report back to Congress within 30 days of enactment of this bill. If the reserve can be used, the ranchers will be able to receive grain at lower than market prices.

After examining the facts, I am confident that my colleagues here in Congress will agree that the current emergency situation demands immediate action. This legislation extends the program—for only 1 year—that was suspended permanently by the farm bill. Consistently in times of need, the rancher has turned to this program. Clearly, ranchers are in need of this program one more time.

The reintroduction of this program will not dramatically alter the budget that was agreed upon in the farm bill. Instead, this legislation will spend funds that have already been appro-

priated for fiscal year 1996 and in all likelihood will go unspent this year if this bill is not enacted.

Mr. President, a former Member of this Senate and a former President, Harry Truman, used to state that the facts should determine the conclusion that we reach. In this matter, the severe conditions of the drought warrant immediate action by Congress. I urge serious consideration of this legislation and expeditious passage of this legislation.

By Mr. INOUE (for himself and Mr. AKAKA):

S. 1744. A bill to permit duty free treatment for certain structures, parts, and components used in the Gemini telescope project; to the Committee on Finance.

THE GEMINI TELESCOPE PROJECT ACT OF 1996

Mr. INOUE. Mr. President, I rise today to introduce legislation that is of great importance to the entire international scientific community and to the State of Hawaii. This legislation grants tariff relief to the Gemini project, an international astronomical project.

The Gemini project, which is run by the Association of Universities for Research in Astronomy [AURA] on behalf of the National Science Foundation [NSF] and several foreign nations, consists of two 8-meter optical telescopes to be constructed over the next few years on Mauna Kea, HI, and on Cerro Pachon, Chile.

AURA is a private, nonprofit consortium of United States and foreign affiliated education and other nonprofit institutions that operate several world-class astronomical observatories throughout the world. The Gemini project is an international partnership and draws funding from the Governments of the United States, the United Kingdom, Canada, Chile, Argentina, and Brazil. Fifty percent of the project's cost is borne by the United States and 50 percent by the project's foreign partners.

Because of the international cooperation involved in the Gemini project, the specific partner countries have been assigned work packages and bids for components of the telescope have been requested from both United States and international suppliers. For example, Corning Glass Works in New York produced the 8-meter mirrors required for the telescopes and then shipped them to France for polishing. Once this polishing is completed, the mirrors will be sent to Hawaii for installation.

Gemini's international cooperation is a model for major scientific projects in the future. We all realize that we must reduce the Federal deficit, and that will mean belt-tightening across Government. The Gemini model offers an innovative way to do significant scientific research in such a climate because the United States and its international partners share the cost of construction, and, in turn, benefit by

shared use of the telescopes once they are constructed.

However, this international cooperation has presented a problem for AURA. Although all non-U.S. partner countries have already waived all taxes and duties related to the Gemini project, the U.S. Customs Service has initially ruled that the mirror is subject to duties upon reentry into the United States. The Customs Service classifies the mirror as a component of the telescope. This initial ruling appears to negate the terms of the "Florence Agreement," an international trade agreement from the 1950's which permits scientific instruments duty-free entry when used by a nonprofit organization.

The customs duties for the importation of all Gemini project, components basically means that one Federal Government agency—the NSF—will end up paying another Federal Government agency—the U.S. Customs Service—for an import duty which, I believe, clearly violates the terms of the "Florence Agreement."

Not only will the Customs Service's tariff ruling cause a problem with cost and schedule for the Gemini project, but it will also threaten future international scientific collaborations because of the potential problem it poses to such a project's cost. It would appear that as these international partnerships become more crucial in this era of ever-tightening budgets, the Customs Service's position will undermine the viability of these kinds of scientific arrangements.

Mr. President, I am pleased to advise my colleagues that there is a strong precedent for the Congress to enact legislation that would provide relief for the Gemini project. In the Omnibus Trade and Competitiveness Act of 1988—Public Law 100-418, the Congress agreed with the same arguments I have described here today and provided tariff relief for the W.M. Keck Observatory project administered by the California Association for Research in Astronomy. This legislation is comparable in scope to the 1988 provision, except for the fact that the Keck Observatory was a privately funded telescope whereas the Gemini project carries an official designation as a U.S.-owned and operated facility.

Time is critical to the successful completion of the Gemini project. Key components of the telescope are scheduled for arrival in the United States early next year, and it does not appear that the U.S. Customs Service will provide any specific relief for the Gemini project. As a result, this legislation is vital to avoiding serious cost or schedule disruption to the Gemini Program.

I urge my colleagues on the Finance Committee to take up this important legislation at the earliest possible opportunity so that the Gemini project may proceed on schedule and within budget.

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. 1744

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

**SECTION 1. CERTAIN STRUCTURES, PARTS AND COMPONENTS USED IN THE GEMINI TELESCOPES PROJECT, MAUNA KEA, HAWAII.**

(a) IN GENERAL.—The Secretary of the Treasury is authorized and directed to admit free of duty after March 31, 1997, the following articles for the use of the Association of Universities for Research in Astronomy, Inc. in the construction of the Gemini North Telescope, Mauna Kea, Hawaii, as part of the international Gemini 8-Meter Telescopes Project:

(1) The telescope enclosure, produced by Coast Steel Fabricators, Ltd., Port Coquitlam, British Columbia, Canada.

(2) The telescope structure assemblies, produced by G.I.E. Telas, Cannes le Bocca, France.

(3) The telescope mirror coating plant, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(4) The telescope primary mirror, polished by REOSC, Saint-Pierre-du-Perray, France.

(5) The telescope secondary mirror, produced by Carl Zeiss, Oberkochen, Germany.

(6) The telescope acquisition, guiding, and wavefront sensing equipment, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(b) RELIQUIDATION.—If the liquidation of the entry of any article described in subsection (a) has become final before April 1, 1997, the entry shall, notwithstanding any other provision of law, be reliquidated on April 1, 1997, in accordance with the provisions of this section and the appropriate refund of duty made at time of such reliquidation.

By Mr. SIMPSON (by request):

S. 1748. A bill to permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the organization of the headquarters of the Veterans Health Administration; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

• Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1748, a bill to facilitate the reorganization of the headquarters of the Veterans Health Administration [VHA], Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 22, 1995. That letter was referred to the Committee on Veterans' Affairs on July 20, 1995.

This measure, Mr. President, also requests that the Congress authorize a VHA reorganization notwithstanding the notice and wait provisions of section 510 of title 38, United States Code. By the time that this request had been referred to the Committee on Veterans' Affairs, July 20, 1995, the waiting period specified under section 510 of title

38, United States Code, had nearly expired and, thus, those provisions were, for practical purposes, moot at the time the committee received this request. Nonetheless, I have introduced this bill in its entirety today since it contains provisions which are not related directly to the reorganization which is now being implemented.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1748

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. (a) The Secretary of Veterans Affairs may proceed with the reorganization described in subsection (b) of this section without regard to section 510 of title 38, United States Code.

(b) The administrative reorganization referred to in subsection (a) is the reorganization of the Veterans Health Administration of the Department of Veterans Affairs as that reorganization and related activity are described in a letter dated March 17, 1995, and the detailed plan and justification enclosed therewith, submitted by the Secretary to the Committees on Veterans' Affairs of the Senate and the House of Representatives pursuant to section 510 of title 38, United States Code.

SEC. 3. Section 7305 is amended to read as follows:

"The Veterans Health Administration shall include the Office of the Under Secretary for Health and such professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration."

SEC. 4. Section 7306 is amended—

(a) in subsection (a)—

(1) by striking "and who shall be a qualified doctor of medicine" in paragraph (2);

(2) by striking paragraphs (5) and (6) and redesignating paragraphs (7), (8), and (9) as paragraphs (5), (6), and (7).

(b) by amending subsection (b) to read as follows:

"(b) Of the Assistant Under Secretaries for Health appointed under subsection (a)(3), not more than two may be persons qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicines."

THE SECRETARY OF VETERANS AFFAIRS,  
Washington, June 22, 1995.

Hon. AL GORE,  
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To permit the Sec-

retary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the reorganization of the headquarters of the Veterans Health Administration." We request that it be referred to the appropriate committee for prompt consideration and enactment.

The draft bill contains several provisions intended to assist VA in its reorganization of the Veterans Health Administration (VHA). The first provision would waive the waiting period otherwise required by 38 U.S.C. §510 for the planned VHA reorganization which the Department reported to its oversight committees on March 17, 1995. Enactment would permit the Department to begin implementing the reorganization immediately, and would assist the Under Secretary for Health to more rapidly achieve the improvements and advantages of that plan, as discussed extensively in our report. By sending a signal of Congressional support for this new direction for the VA health-care system, enactment would give strong impetus to implementation of the plan, and would assist the Under Secretary to achieve the "culture change" within VHA which is essential to fully realize its benefits.

The other provisions in the draft bill are aimed at facilitating the reorganization of VHA's headquarters. The current centralized management model for VHA, which is in part required by statute, impedes the system's ability to adapt to the rapidly changing health-care environment. The statutory structure limits the Department's flexibility to establish functions and offices in the organizational structure that are most necessary, and that are located in the geographic setting that best supports the goals of the health-care system.

To enhance organizational flexibility in VHA headquarters, the draft bill would eliminate the statutory requirement that VHA have a centralized Medical Service, Dental Service, Podiatric Service, Optometric Service, and Nursing Service. It would also eliminate a legal requirement that VHA have Directors for each of those services. The bill would additionally eliminate statutory requirements that VHA have an Assistant Under Secretary for Health who is a dentist, and an Assistant Under Secretary for Health with expertise and training in geriatrics. The Department does not plan to eliminate the functions of those offices and positions. Rather, the Department seeks the flexibility to determine which office and which position in the organization can best provide management direction to assure that those functions are appropriately carried out.

As a final matter, the draft bill would eliminate the requirement that the Associate Deputy Under Secretary for Health be a doctor of medicine. That change would provide the Veterans Health Administration with greater management flexibility by allowing the appointment to that position of an individual whose training and experience may be primarily in management, budgeting, or some other administrative area, rather than in medicine.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

SECTION-BY-SECTION ANALYSIS

Section 2 would waive the notice and wait requirements of 38 U.S.C. §510 with respect

to an administrative reorganization of the Veterans Health Administration. The reorganization is one described in a letter dated March 17, 1995, and the detailed plan and justification enclosed therewith, submitted by the Secretary to the Committees on Veterans' Affairs of the Senate and the House of Representatives pursuant to section 510 of title 38, United States Code.

Section 3 would amend 38 U.S.C. § 7305 to delete the current statutory requirement that the Veterans Health Administration include a centralized Medical Service, Dental Service, Podiatric Service, Optometric Service, and Nursing Service. It would provide the Administration with greater flexibility to provide the functions those services now provide in the most appropriate setting and geographic location.

Section 4 would amend 38 U.S.C. § 7306. It would first eliminate the legal requirement that the Veterans Health Administration have Directors for each of the services deleted from 38 U.S.C. § 7305 by section 3 of the draft bill. Section 4 would also eliminate a requirement in section 7306 that the Veterans Health Administration have an Assistant Under Secretary for Health who is a dentist, and an Assistant Under Secretary for Health with expertise and training in geriatrics. Finally, section 4 would delete the requirement in section 7306 that the Associate Deputy Under Secretary for Health be a doctor of medicine. The proposed amendments would all facilitate reorganization of the headquarters of the Veterans Health Administration. •

By Mr. SIMPSON (by request):

S. 1749. A bill to amend title 38, sections 8101(2) and 8109(h)(3)(B), United States Code, to delete the references therein to "working drawings" and substitute therefor the words "construction documents," and to further delete the references therein to "preliminary plans" and to substitute therefor the words "design development."; to the Committee on Veterans' Affairs.

#### VETERANS' LEGISLATION

• Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1749, a bill to amend certain provisions of title 38, United States Code, first, to delete references to "working drawings" and substitute therefor the words "construction documents;" and second, to delete references to "preliminary plans" and substitute therefor the words "design development." The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 18, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the trans-

mittal letter and the enclosed analysis of the draft legislation.

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

S. 1749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8101(2) and section 8109(h)(3)(B) of title 38, United States Code, are amended—

SEC. 2. By striking the words "working drawings" each time they appear and to substitute therefor in each instance the words "construction documents."

SEC. 3. By striking the words "preliminary plans" each time they appear to substitute therefor in each instance the words "design development."

THE SECRETARY OF  
VETERANS AFFAIRS,  
*Washington, September 18, 1995.*

Hon. ALBERT GORE,  
*President of the Senate,*  
*Washington, DC.*

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To amend title 38, sections 8101(2) and 8109(h)(3)(B), United States Code, to delete the references therein to "working drawings" and substitute therefor the words "construction documents," and to further delete the references therein to "preliminary plans" and to substitute therefor the words "design development." It is requested that the bill be referred to the appropriate committee and that it be favorably considered for enactment.

This draft bill would simply change terminology used in reference to design activities to bring the Department of Veterans Affairs in line with the terminology used in the private design and construction industry. These proposed changes are a result of the Department's Office of Construction Management's restructuring its design activities to follow those used by private industry.

This proposal will not result in any additional costs to, or savings for, the Department. The requested changes will result only in greater uniformity of construction project terminology between the Department and private industry.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

Enclosures.

#### SECTION-BY-SECTION ANALYSIS

Section 1 of the draft bill provides that section 8101(2) and section 8109(h)(3)(B) of title 38 shall be amended.

Section 2 of the draft bill would change the design document references in sections 8101(2) and 8109(h)(3)(B), from "working drawings" to "construction documents." Enactment of this change would represent a terminology change only, which would result in terminology used within the Department of Veterans Affairs paralleling that used within the private design industry.

Section 3 of the draft bill would change the design document references in section 8101(2) from "preliminary plans" to "design development." Enactment of this change would represent a terminology change only, which would result in terminology used within the Department of Veterans Affairs paralleling that used within the private design industry. •

By Mr. SIMPSON (by request):

S. 1750. A bill to amend title 38, United States Code, to modify disbursement agreement authority to include residents and interns serving in any Department facility providing hospital care or medical services; to the Committee on Veterans' Affairs.

#### VETERANS' LEGISLATION

• Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1750, a bill to modify the disbursement agreement authority to the Department of Veterans Affairs [VA] to include residents and interns who are serving in any VA facility providing hospital care or medical services. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 26, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1750

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 7406(c) is amended—

(a) by striking "Department hospital" wherever it appears and inserting in lieu thereof "Department facility furnishing hospital care or medical services";

(b) in paragraph 4(C) by striking "hospital" after "participating" and inserting in lieu thereof "facility";

(c) in paragraph 5 by striking "hospital" both places it appears and inserting in lieu thereof "facility".

DEPARTMENT OF VETERANS AFFAIRS,  
*September 26, 1995.*

The Honorable AL GORE,  
*President of the Senate,*  
*Washington, DC.*

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To amend title 38, United States Code, to modify disbursement agreement authority to include residents and interns serving in any Department facility providing hospital care or medical services." We request that it be referred to the appropriate committee for prompt consideration and enactment.

Typically, residents and interns are trained at a number of medical institutions and each institution is individually responsible for paying the residents and interns

serving there. As a result, residents and interns often receive differing levels of pay and fringe benefits from institution to institution, which sometimes creates confusion and morale problems. Under disbursement agreements, medical institutions that participate in training residents and interns designate one institution to pay all residents and interns a set amount. Thus, pay and fringe benefits do not change when residents and interns rotate among participating institutions.

The enclosed draft bill would authorize VA to enter into disbursement agreements with participating medical institutions for the centralized administration of pay and other employee benefits to residents and interns training at any Department facility providing hospital care or medical services. Section 7406(c) of title 38, United States Code, currently provides for such agreements only "for the period that such intern or resident serves in a Department hospital." The law does not authorize VA to enter into such agreements to provide pay and fringe benefits for residents and interns serving in VA outpatient clinics, nursing homes or other VA medical facilities.

This draft bill would allow VA facilities which are not hospitals, such as outpatient clinics and nursing homes, to receive the cost saving and other benefits provided by disbursement agreements. These facilities are an increasingly important component of the VA health care delivery system. With greater emphasis being placed on primary care, the training of residents and interns takes place in nonhospital settings such as outpatient clinics and nursing homes. This draft bill is particularly important in the case of two of our hospitals in California (Martinez and Sepulveda) which, due to earthquakes, have been modified into clinics. Both facilities have had long-standing academic affiliates and residency training programs with disbursement agreements. There are not costs to VA associated with this draft bill.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

#### ANALYSIS OF PROPOSED BILL

The bill would expand VA authority to enter into disbursement agreements with participating medical institutions for the central administration of pay and other employee benefits for residents and interns who train at Department facilities. Currently, the law authorizes the use of disbursement agreements only for residents and interns serving in Department hospitals, but not those serving in outpatient clinics, nursing homes or other Department medical facilities. The bill would eliminate this restriction and provide authority for VA to enter into disbursement agreements for the central administration of pay and other employee benefits for interns and residents serving in any Department facility providing hospital care or medical services, including outpatient clinics and nursing homes. •

By Mr. SIMPSON (by request):

S. 1751. A bill to amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans' service organizations as their representatives in claims before the

Department of Veterans Affairs; to the Committee on Veterans Affairs".

#### VETERANS' LEGISLATION

• Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1751, a bill to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals decisions and to protect the right of claimants to appoint veterans service organizations as their representatives in claims before the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated October 11, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter.

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

#### S. 1751

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

#### SECTION 1. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

(a) PROVIDING THE DECISIONS.—Section 7104(e) of title 38, United States Code, is amended by—

(1) striking out "mail" and inserting in lieu thereof "send"; and

(2) adding at the end of that subsection the following:

"For the purposes of this subsection, the Board may send a copy of its written decision by any means reasonably calculated to provide the claimant and the claimant's authorized representative (if any) with a copy of the decision within the same time a copy of the decision sent by first-class mail would be expected to reach them."

(b) BEGINNING OF THE APPEAL PERIOD.—Section 7266(a)(1) of title 38, United States Code, is amended by—

(1) striking out "person" and inserting in lieu thereof "claimant";

(2) striking out "mailed" and inserting in lieu thereof "sent"; and

(3) inserting "to the claimant's authorized representative or, if none, to the claimant" following "title".

#### SEC. 2. APPOINTMENT OF A VETERANS SERVICE ORGANIZATION AS A CLAIMANT'S REPRESENTATIVE.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 of title 38, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting the following new subsection (c):

"(c)(1) Unless a claimant specifically indicates his or her desire to appoint only a recognized representative of an organization

listed in or approved under subsection (a) of this section, the Secretary may, for any purpose, treat a claimant's power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as an appointment of the entire organization.

"(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a) of this section, a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving each kind of notification."

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs regardless of the date of its execution.

THE SECRETARY OF VETERANS AFFAIRS,  
Washington, October 11, 1995.

Hon. ALBERT GORE,  
President of the Senate,  
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend title 38, United States Code, to revise the procedures for providing claimants and their representatives with copies of Board of Veterans' Appeals (Board) decisions and to protect the right of claimants to appoint veterans service organizations as their representatives in claims before the Department of Veterans Affairs (VA). This legislation would permit the Board to provide copies of its appellate decisions to claimants' representatives reasonably and efficiently. It would also permit VA to continue a longstanding method of claimant representation which has proven efficient and beneficial to claimants. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

#### PROVISION OF COPIES OF BOARD DECISIONS

Section 7104(e) of title 38, United States Code, specifies that "the Board shall promptly mail a copy of its written decision to the claimant and the claimant's authorized representative (if any)." In the past, the Board's method of representative (if any). In the past, the Board's method of "mailing" a copy of a decision to a representative depended on where the representative was located. For a representative at the Board's offices in Washington, D.C., a contractor hand-delivered the Board decision to the representative. For a representative at a VA regional office, the Board gave the decision to the contractor, who "bundled" mail for the 58 VA regional offices and delivered the bundles to the United States Postal Service. After the United States Postal Service delivered the bundles to the VA regional offices, each regional office sorted its bundled mail and distributed any Board decision to the appropriate representative at that regional office. For a representative not at an office at a VA facility, the Board mailed its decision directly to the representative.

This past practice made sense considering the number of Board decisions and the number of representatives who have offices at VA facilities. The Board decides more than 25,000 cases per year. In more than 85 percent of those cases, one of the various veterans service organizations represents the claimant. Often, as authorized by 38 U.S.C. §5902(a)(2), the service organization occupies free office space in either a VA regional office or at the Board's offices in Washington, D.C. Thus, the

Board's past practice of distributing decisions to representatives was flexible and efficient.

This past practice, however, was invalidated by the Court of Veterans Appeals. In *Trammell v. Brown*, 6 Vet. App. 181 (1994), the Court of Veterans Appeals held that an apparently late notice of appeal was timely filed because the Board's decision-distribution procedure did not accord with 38 U.S.C. § 7104(e). In *Davis v. Brown*, 7 Vet. App. 298 (1995), the court held that the phrase "the Board shall promptly mail" in section 7104(e) means that the Board decision "must be correctly addressed, stamped with the proper postage, and delivered directly by the [Board] into the custody of the U.S. Postal Service." *Id.* at 303. The court then concluded that the apparently late notice of appeal in *Davis* was timely filed. *Id.* at 304.

The court's interpretation of section 7104(e) creates problems with logistical solutions the Board has developed over the years to provide representatives with copies of its decisions. Indeed, it leads to some absurd results. For example, instead of a Board employee (or a contractor) simply walking down the hall to deliver a Board decision to a service organization representative on the same floor, now the employee, not a contractor, must place the decision in an envelope, affix proper postage, and deliver it directly into the United States Postal Service's custody. We understand that the Postal Service takes this mail to Maryland for sorting, then returns it to the District of Columbia for delivery. The Postal Service delivers VA mail to the VA building across the street from the Board's offices, where a contractor sorts it for international delivery. The contractor must then carry the Board decision across the street to the building housing the Board and the service organization representative and deliver it to the representative.

The Board should be permitted to provide representatives with copies of its decisions sensibly. Thus, we propose this legislation to permit the Board to "send" its decisions to claimants and their representatives by any means reasonably calculated to provide them with a copy of the decision within the same time a copy of the decision sent by first-class mail would be expected to reach them.

Section 1(b) of this draft bill would also make a corresponding change to 38 U.S.C. § 7266(a)(1), which currently provides that, to obtain review by the Court of Veterans Appeals, a person adversely affected by a final Board decision must file a notice of appeal within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e). Our proposed amendment would require that a notice of appeal be filed within 120 days after the date on which notice of the Board decision is sent pursuant to section 7104(e) to the representative or, if none, to the claimant.

#### APPOINTMENT OF A VETERANS SERVICE ORGANIZATION AS A CLAIMANT'S REPRESENTATIVE

Current law authorizes the Secretary to recognize individuals to prepare, present, and prosecute claims for VA benefits on behalf of claimants. Section 5904(a) of title 38, United States Code, authorizes the Secretary to recognize any individual as an agent or attorney for the preparation, presentation, and prosecution of VA benefit claims. Section 5903 of title 38, United States Code, authorizes the Secretary to recognize any individual for the preparation, presentation, and prosecution of any particular VA benefit claim. In addition, section 5902(a)(1) of title 38, United States Code, authorizes the Secretary to recognize representatives of certain veterans service organizations in the preparation, presentation, and prosecution of VA benefit claims.

With respect to representatives of veterans service organizations, VA's policy and practice has been to recognize any accredited representative of an approved service organization if a claimant files a power of attorney in favor of the organization itself, a specific office of the organization, or a particular representative of the organization. This practice affords several advantages. First, it allows different representatives of an organization to handle a particular claim at different stages of the claim, without the claimant having to file a separate power of attorney for each representative. For example, a representative of an organization at a VA field office can prosecute a claim there and initiate an appeal. Another representative of the same organization at the organization's national office can then argue the claim on appeal before the Board in Washington, D.C. Second, it allows different representatives of the organization to handle a particular claim at different locations and times, without the claimant having to file another power of attorney. For example, if a claimant moves from New York to Los Angeles while his or her claim is pending, a representative of an organization at a local office in New York can initially handle the claim there, and another representative of the organization at a local office in Los Angeles can subsequently pursue the claim at the location. Similarly, a second representative of an organization can assume responsibility for the prosecution of a claim if the original representative of that organization moves, becomes incapacitated, or leaves the organization. Third, the practice allows VA to notify a claimant's representative in a manner best suited to assure notice is received. For example, the Board can mail a copy of its decision to a representative of a given organization in Washington, D.C., as well as to a local representative at a field station, thereby doubling the likelihood that the claimant's representative will actually receive notice.

Cases pending before or recently decided by the Court of Veterans Appeals are imperiling VA's longstanding practice of recognizing any accredited representative of a veterans service organization in a particular claim. In *Leo v. Brown*, U.S. Vet. App. No. 93-844 (June 16, 1995), the court again held that an apparently late notice of appeal was timely filed because the Board's decision-distribution procedure did not accord with 38 U.S.C. § 7104(e). In this case, the claimant executed a power of attorney in which, in the space for designation of a representative, he entered the American Legion and the address of the Greenville, South Carolina, Veterans Affairs Office, where the American Legion had a local representative. The Greenville office stated that it had no record of having received a copy of the Board's decision on the veteran's claim. The court ruled that actual receipt of a copy of the decision by the American Legion's national office in Washington, D.C., did not cure the failure to mail a copy to the claimant's designated representative, "i.e., the Greenville, South Carolina, office."

Based on inquiries from the court in cases currently pending, we are concerned that the court may go further and hold that, based on the plain meaning of 38 U.S.C. § 5902(A)(1), a claimant may appoint only an individual, not an organization, to prepare, present, and prosecute a claim before VA on the claimant's behalf. Such a holding would play havoc with the traditional role of veterans service organizations in the claim process and inject additional technical demands into that process. If a claimant could appoint only an individual, the claimant would have to file another power of attorney each time it became necessary or expedient for another

accredited representative to assist with his or her claim. VA could not allow another representative of the same organization access to the claimant's files or mail another representative a copy of a Board decision without risking violation of the Privacy Act. Under the *Leo* decision, similar problems would frequently arise in the cases of claimants who designate a particular office of an organization on their power-of-attorney forms.

A recent survey at the Board showed that 79 percent of appellants who designated a veterans service organization on their power-of-attorney form (which, as noted above, occurs in more than 85 percent of the 25,000 cases that pass through the Board each year) designated only the organization, not a specific office or an individual representative of the organization. Thus, if the court were to invalidate VA's practice of recognizing organizations rather than individuals, it would cast doubt on the validity and meaning of nearly 16,800 powers of attorney in cases coming before the Board alone over one year. It would delay decisions on numerous claims while VA tried to clarify what individual representative, if any, each appellant wanted to represent him or her.

The impact on the Compensation and Pension Service (C&P) would be even greater. Last year, C&P completed action on 2,127,265 compensation and pension claims. As of December 31, 1994, national veterans service organizations represented approximately 36 percent of the beneficiaries receiving monthly compensation or pension payments from C&P. It would be fair to conclude that veterans service organizations represented approximately 36 percent of the compensation or pension claimants whose cases were handled in 1994. Although C&P does not have statistics on the number of claimants who designate only an organization (as opposed to a specific office or recognized representative of an organization), let us assume that, as at the Board, approximately 79 percent of claimants represented by service organizations designated only an organization on their powers of attorney. Thus, an "individuals only" holding by the court would cast doubt on the validity and meaning of nearly 605,000 powers of attorney coming before C&P during one year.

An "individuals only" rule would require extensive and costly reprogramming of the Veterans Benefits Administration's (VBA) automated data processing system and greatly increase VBA's annual postage costs. In connection with claim development, award notification, and routine communications concerning awards, VBA's regional offices annually produce more than 3 million letters for veterans service organizations representing claimants or beneficiaries. Currently, the Hines, Illinois, computer center prepares and mails one copy of each letter to the claimant or beneficiary and ships three copies to the appropriate regional office, where one copy is filed in the claim folder and two are delivered through internal mail to the organization. If required to notify individual representatives of organizations by mail, VBA would have to reprogram the computer system and, most likely, mail the representatives' copies from Hines. Postage costs alone could approach \$1 million annually. We think that such a procedure would waste limited resources, particularly since the current procedure provides an efficient means of notifying organizations.

An "individuals only" rule would also probably force VBA to curtail or eliminate veterans service organizations' access to veterans' computer records. Currently, an accredited representative of an organization may access the records of any veteran represented by that organization. Under an "individuals only" system, however, VBA would



have to restrict a representative's access to only the files of those veterans whose powers of attorney designate that representative. The cost of establishing appropriate security for the computer files in a system that includes over 6,000 individual representatives would probably be too great to justify continued access to the records. The Board would also face a similar problem with access it provides veterans service organizations to its computer records.

Section 2 of the draft bill would address these problems. Section 2(a) would authorize the Secretary to treat a power of attorney naming an organization, a specific office of an organization, or a recognized representative of an organization as an appointment of the entire organization, unless the claimant specifically indicated his or her desire to appoint only a recognized representative of the organization. Under this amendment, whether a claimant's power of attorney is executed in favor of an approved organization, a local office of that organization, or an individual representative of the organization, the claimant could rest assured of the assistance of an accredited representative of the organization at every stage of the claim or appeal before VA, regardless of location or the inability of a particular individual to continue representation, without having to file additional powers of attorney.

Section 2(a) of the draft bill would also require the Secretary, when required or permitted to notify a claimant's representative, and when the claimant has in effect appointed a veterans service organization as representative, to notify the organization at the address designated by the organization for the purpose of receiving each kind of notification.

Under section 2(b) of the draft bill, the amendments made by section 2(a) would apply to any power of attorney filed with VA regardless of the date of its execution.

#### COSTS AND SAVINGS

We estimate that the savings from enactment of the provision authorizing the sending of Board decisions would be insignificant, i.e., administrative savings of less than \$100,000 per year. Depending on how the Court of Veterans Appeals interprets current 38 U.S.C. §5902(a), enactment of the provision regarding the appointment of veterans service organizations as claimants' representatives could result in cost avoidance in excess of \$1 million annually.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to Congress from the standpoint of the Administration's program.

Sincerely yours,

JESSE BROWN.●

By Mr. SIMPSON (by request):

S. 1752. A bill to amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities; to the Committee on Veterans' Affairs.

#### VETERANS' LEGISLATION

● Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1752, a bill to amend certain provisions of title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities. The Sec-

retary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated February 21, 1996.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1752

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 7423 is amended—

(a) in subsection (b) by striking paragraph (1) and redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5);

(b) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g); and

(b) by inserting after subsection (b) the following new subsection (c):

“(c) A physician, dentist, podiatrist, or optometrist appointed as a full-time employee under this title (other than an intern or resident appointed pursuant to section 7406 of this title) may not assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the appointee, upon request and with the approval of the Under Secretary for Health, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be met for a period not to exceed 180 calendar days, which may be extended by the Under Secretary for Health for additional periods not to exceed 180 calendar days each.”.

THE SECRETARY OF VETERANS AFFAIRS,  
*Washington, February 21, 1996.*

Hon. AL GORE,  
*President of the Senate,*  
*Washington, DC.*

DEAR MR. PRESIDENT: We are transmitting a draft bill, “To amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities.” We request that it be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would amend section 7423 to exempt VHA full-time registered nurses, physician assistants (PA's), and expanded-function dental auxiliaries (EFDA's) from the restriction on moonlighting applicable to all title 38 employees. Specifically, the draft bill would exempt these professional groups from the prohibition in subsection (b)

of that section against assuming responsibility for the medical care of any patient not admitted to a VA facility. The registered nurses, PA's, and EFDA's would continue to be subject to conflict of interest restrictions on outside remuneration for the performance of official duties. In addition, the draft bill would correct a technical flaw in the recodification of title 38 by reimposing the remunerated outside activity restriction on VA Central Office executive physicians, dentists, podiatrists and optometrists.

Congress enacted the outside professional activities restrictions to assure the availability of health care professionals who are responsible for around the clock care of VA patients. This availability primarily concerns physicians, who must be on-call 24 hours a day, 7 days a week, to meet patient care needs. The moonlighting restriction is unnecessary as to nurses, PA's and EFDA's because VA has considerable flexibility to assure adequate coverage by these professional groups without it.

\* \* \* \* \*

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill and that its enactment would be consistent with the Administration's program.

Sincerely yours,

JESSE BROWN.

#### ANALYSIS OF DRAFT BILL

The draft bill would amend section 7423 by: 1. adding a new subsection (c); 2. in subsection (b), deleting paragraph (1), and redesignating paragraphs (2), (3), (4), (5), and (6), as paragraphs (1), (2), (3), (4), and (5), and redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively.

The new subsection (c) would exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional employment. Instead, new subsection (c) would apply the restrictions on remunerated outside professional employment only to physicians, dentists, podiatrists and optometrists. The registered nurses would continue to be subject to restrictions on outside remuneration for the performance of official duties. New subsection (c) also would correct a technical flaw in the recodification of title 38 by reimposing these restrictions on VA Central Office executive physicians, dentists, podiatrists and optometrists, by broadening its application so as to cover all title 38 Veterans Health Medical Administration professionals. Current law limits the restrictions to Veterans Health Administration professionals appointed under Chapter 74. Executive medical professionals are appointed under Chapters 3 and 73.●

By Mr. SIMPSON (by request):

S. 1753. A bill to amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to suspend a special pay agreement for physicians and dentists who enter residency training programs; to the Committee on Veterans' Affairs.

#### VETERANS' LEGISLATION

● Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1753, a bill to expand the authority of the Secretary of Veterans' Affairs to suspend special pay agreements for physicians and dentists who enter residency training programs. The



Secretary of Veterans' Affairs submitted this legislation to the President of the Senate by letter dated October 18, 1995.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 1753

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Subsection 7432 (b)(2) is amended:

(a) by inserting "A" after "(2)" before "The", and

(b) adding a new subsection to read as follows:

"(B) The Secretary may, in the case of physician or dentist who enters a residency training program, suspend the special pay agreement. When the physician or dentist completes, withdraws from or is no longer a participant in the program, the special pay agreement shall be reinstated. During such suspension the physician or dentist shall not be subject to the refund requirement of paragraph 1.

SECRETARY OF VETERANS AFFAIRS,  
Washington, October 18, 1995.

Hon. AL GORE,  
President of the Senate,  
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to suspend special pay agreements for physicians and dentists who enter residency training programs." We request that it be referred to the appropriate committee for prompt consideration and enactment.

Under current law, in order to recruit and retain highly qualified physicians and dentists in the Veterans Health Administration, the Secretary is authorized to provide them special pay. This special pay is provided under an agreement that stipulates a period of service in return for receipt of special pay and, in the event of a breach, the amount of special pay paid to the recipient under the agreement must be refunded. The special pay is in addition to any other pay and allowances the recipient of the special pay is entitled to receive.

However, a physician or dentist entering a residency training program must convert to a special appointment category that is excluded from receipt of special pay. Therefore, accepting a residency training position or entering a non-VA sponsored residency program prior to the expiration of the terms of

the special pay agreement constitutes a breach of the agreement triggering an obligation to repay the special pay received in that year.

This proposal would amend subsection 7432(b)(2) of title 38, United States Code to authorize VA to suspend the special pay agreement of a physician or dentist who enters a residency training program, VA sponsored or not. When the physician or dentist completes, withdraws from or is no longer a participant in the program, the special pay agreement shall be reinstated. During such suspension the physician or dentist shall not be subject to the refund requirement of paragraph 1.

The refund requirement penalty fixed in law for those choosing to enter residency training programs is punitive and counterproductive to VA's medical mission to provide veterans the services of highly qualified and trained health care professionals. In keeping with VA's mission, this proposal would remove the imposition of adverse financial consequences for those wishing to enter residency training programs and would allow them to pursue educational opportunities designed to increase and develop their professional knowledge and skills.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

JESSE BROWN.

#### ANALYSIS OF DRAFT BILL

This draft bill would amend subsection 7432(b)(2) of title 38, United States Code by adding a new subsection "B" that would expand the authority of the Secretary of Veterans Affairs to suspend a special pay agreement for physicians and dentists who enter residency training programs. When they complete, withdraw from or are no longer participants in the program, the special pay agreement shall be reinstated. During such suspension the physician or dentist shall not be subject to the refund requirement of paragraph 1.

Under existing law, a physician or dentist who enters a residency training program is converted to a special appointment category that is excluded from receipt of special pay. Entering a residency training position constitutes a breach of the agreement and triggers the obligation to repay the special pay the recipient received in that year.

The amendment would temporarily suspend the special pay agreement during residency training and allow the return of the physician or dentist to VA employment without incurring a special pay refund obligation. If the physician or dentist does not return, then a repayment obligation would arise.●

#### ADDITIONAL COSPONSORS

S. 722

At the request of Mr. DOMENICI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the names of the Senator from Virginia [Mr. WARNER], the Senator from Rhode Island [Mr. PELL], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1150, a

bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1400

At the request of Mrs. KASSEBAUM, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1493

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1493, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. GRAMS] was withdrawn as a cosponsor of S. 1493, supra.

S. 1623

At the request of Mr. WARNER, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1647

At the request of Mr. PRESSLER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1647, a bill to amend the Federal Land Policy and Management Act of 1976 to provide that forest management activities shall be subject to initial judicial review only in the United States district court for the district in which the affected land is located, and for other purposes.

S. 1661

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

S. 1724

At the request of Mr. THOMAS, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1724, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1729

At the request of Mrs. HUTCHISON, the names of the Senator from Maine [Ms. SNOWE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1729, a bill to amend

title 18, United States Code, with respect to stalking.

S. 1737

At the request of Mr. BUMPERS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1737, a bill to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River, and the Absaroka-Beartooth Wilderness Area, and for other purposes.

#### SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

### NOTICES OF HEARINGS

#### SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a forum on Tuesday, May 14, 1996, at 10 a.m., in room 106 of the Dirksen Senate Office Building. The forum will discuss the shortage of geriatricians in the Nation's health care system.

#### SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 14, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the management and costs of class action lawsuits at Department of Energy facilities.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 15, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

#### SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 16, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 621, a bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to

the National Trails System; H.R. 531, a bill to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, S. 1049, a bill to amend the National Trails System Act to designate the route from Selma to Montgomery as a National Historic Trail, S. 1706, a bill to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chicamauga and Chattahoochee National Military Park in Georgia; S. 1725, a bill to amend the National Trails System Act to create a third category of long-distance trails to be known as national discovery trails and to authorize the American Discovery Trail as the first national discovery trail.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight field hearing regarding the Tongass Land Management Plan and the Administration of Timber Sale Contracts scheduled for Tuesday, May 28 in Ketchikan, AK, will begin at 1 p.m. instead of 10:30 a.m., as previously announced.

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to consider the possible need for changes to the Commodity Exchange Act. The hearing will be held on Wednesday, June 5, 1996, at 9:30 a.m., in SR-332.

### ADDITIONAL STATEMENTS

#### INDIANA WINNERS OF THE 1995-96 EIGHTH GRADE YOUTH ESSAY CONTEST

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1995-96 Eighth Grade Youth Essay Contest, which I sponsor in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "Farming for the Future." Students were encouraged to consider and creatively express what future they envision for Indiana agriculture. I submit for the RECORD the winning essays of Kimberly Bogue of Howard County and Brent M. Frey of Carroll County. As State winners of the Youth Essay Contest, these two outstanding students were recognized on Friday,

May 10, 1996, during a visit to our Nation's Capital.

The essays follow:

#### FARMING FOR THE FUTURE

(By Kimberly Bogue, Howard County)

I woke up to the sound of the robotic maid at my door. When I let her in, she gave me my breakfast. After I ate, I got dressed and went outside. I sat in my tree condo and just started thinking how different the farm is now from what it has been over the last fifty years. . .

Then, they had families working on their own farms. Next, 25 years ago, they had corporations. That was a failure. They had big factories and people worked at minimum wages. Now, we are back to family farms. I know Dad likes it better.

Ever since Purdue pioneered the genetic engineering of seed, plants have been growing a lot better. Now they are more resistant to diseases and stress factors. The new oil plant is a big accomplishment. Now we don't have to buy oil from other countries. Instead, we can grow it in Indiana. This new plant is one of our main crops, along with corn and soybeans.

Fifty years ago, there were rolling hills in the country. Now the towns are expanding into each other. The houses are packed tight, along with mega-malls and office buildings. There are fewer farms, but more products per acre are produced than were fifty years ago.

Recently, we bought the perfect cow. It was an exact replica of a cow from my grandparents' day, but this one was cloned. Now, cloning is common since Purdue discovered the safe way to clone animals. . .

Just then, I saw a fire in the field. A neighbor's EHM (electronic harvest machine) was burning. Suddenly, there were neighbors all around helping. I'm glad that's something that hasn't changed. When a neighbor is in trouble, we still all go together and do what we can to help. I hope it will always be that way.

#### FARMING FOR THE FUTURE

(By Brent M. Frey, Carroll County)

The year is 2045. Imagine going to work at your 50 acre self-contained climate controlled field of corn. You set the temperature at a warm 70 degrees, perfect for your newest variety of genetically engineered high oil corn. This corn oil will be used for gasoline and biodegradable plastics. Tomorrow's weather will be programmed to be a humid 78 degrees with an inch of light rainfall.

As the 90 day perfect growing season is coming to an end we are getting ready to begin harvesting, with our computer controlled hovering combine. It reduces compaction by floating above the corn and using a suction device to pull the corn up into the combine. The corn is sent straight to the elevator where it is processed into plastic and shipped out the same day. Next, you replant your field with high-protein soybeans to be used for human and animal consumption.

Later that day you go to your off-site farrowing hog building to do chores. You walk in and at the press of a button the sows are fed. You do this in all 150 farrowing barns. This is not uncommon because the smallest hog operation around has more than one 175,000 sows. Today you are selling pigs. You drive the pigs straight out of the finishing building into your own personal consumer packing plant. The pigs are killed and packaged within one hour of arrival reducing the risk of contamination.

Fifty years ago in 1995 we never would have imagined the technological advances we have made.

#### 1995-96 DISTRICT WINNERS

District 1: Lyndsey Hazen, Bill Bohling.

District 2: Jessica Monique Lieftring, Andy Rummel.

District 3: Rachel Carlson, Brent M. Frey.  
District 4: Kimberly Bogue, Paul Vaughn.  
District 5: Beth Rhodes, Jim Champlin.  
District 6: Sarah Prange, Tom Nicholson.  
District 7: Betsy Ann Villwock, Robert Morris.

District 8: Gillian Robertson, David M. Kuhns.

District 9: Jenny Gogel, Brent D. Williams.  
District 10: Corinne Beiersdorfer, Mack Dyer.

#### 1995-96 COUNTY WINNERS

Allen: Angie Mann, Matthew Hallien.  
Bartholomew: Gillian Robertson, David M. Kuhns.

Boone: Mary Gibbs, Sean Strawmyer.  
Carroll: Brent Frey.  
Cass: Rachel Carlson, Matthew Blume.  
Clay: Braiden Jackson, Robert Morris.  
Dearborn: Corinne Beiersdorfer, Michael Heffelmire.

Decatur: Leah Nahmias, Jesse Abell.  
Delaware: Kindra Harvey, Hans Buckley.  
Dubois: Jenny Gogel, Alvin Boeglin.  
Elkhart: Andy Rummel.  
Fayette: Kate Muggleworth, Leighton Wood.

Franklin: Andrea Meyer.  
Fulton: Lyndsey Hazen.  
Gibson: John Kiefer.  
Greene: Jacob Pirtle.  
Hamilton: Tom Nicholson.  
Hancock: Sarah Prange.  
Howard: Kimberly Bogue.  
Huntington: Sara Beaver.  
Jackson: Jamie Lambring, Justin Steward.  
Jay: Martina Caldwell, Paul Vaughn.  
Jefferson: Erin B. Geyman, John Adam Hoffman.

Knox: Betsy Ann Villwock, Drew Hecht.  
Kosciusko: Jessica Monique Lieftring, Kurt Kammerer.

Lake: Becky Cochran, Peter Felus.  
LaPorte: Amanda Yeakey, Chris Smith.  
Madison: Christy McDermit, Billy Kessinger.

Marion: April Grant, Michael O'Keefe.  
Marshall: Emely Ryan, Wesley Myers.  
Montgomery: Beth Rhodes, Jacob Brown.  
Morgan: Jim Champlin.  
Newton: Lea Stoller, Justin Pruitt.  
Noble: Jillian Bolen, Justin Bradley.  
Pike: Jennifer Lloyd.  
Porter: Beth Doshan, Bill Bohling.  
Posey: Laura DeShields, Brian Clem.  
Rush: Marla Lynn Bacon, Jeremy Waits.  
St. Joseph: Dawn Nagy, Neil Herceg.  
Scott: Jessamine Cutshall.  
Spencer: Stacy Kern, Nick Frey.  
Starke: Regina Yost, Kenton Altman.  
Switzerland: Jessica McCord, Mack Dyer.  
Vanderburgh: Lesley Keil, Brent D. Williams.

Wabash: Noelle Myers.  
Warrick: Amanda Kaiser, Andy Emmons.  
Washington: Mary Pavey, Cameron England.●

#### COMMENDING ENDANGERED SPECIES NEGOTIATIONS

● Mr. REID. Mr. President, for the past 2½ years Congress has debated the reauthorization of the Endangered Species Act. The issues have been divisive and controversial. The issues have been so volatile that for over a year there was a moratorium on the listing of species, which the proponents argued was necessary to reform a flawed listing process. Obviously, others of us disagreed over the impact of the moratorium and we fought to have it repealed.

Even more telling is the intense polarization that has existed among the many different interests, including large land owners, environmental groups, State and local governments, and public service organizations. For too long the disputing sides in this controversy have devoted more of their energies to furthering that polarization than to finding workable solutions to real problems.

For the past 1½ years, I have indicated to the Environment and Public Works Committee chairman, Senator CHAFEE; the ranking member, Senator BAUCUS; the Drinking Water, Fisheries and Wildlife Subcommittee chairman, Senator KEMPTHORNE, that I want to see the Endangered Species Act reauthorized with necessary reasonable reforms. Clearly as different pieces of legislation were offered in both Chambers of Congress, no progress was made for some time.

However, in a Herculean effort, some organizations representing all of the many different perspectives and interests sat down in a series of meetings and have actually come up with a reform package to the Endangered Species Act. The following were part of the process, the Environmental Defense Fund, the Center for Marine Conservation, the World Wildlife Fund, the Nature Conservancy, the National Realty Committee, and the Western Urban Water Association, and two very significant companies, Georgia Pacific and Plum Creek Co. They were joined from time to time in their discussions by representatives of the International Association of Fish and Wildlife Agencies and the Western Governors Association. These groups began their talks about the same time that we in the committee began our bipartisan discussions. I don't know at this point whether all that this private compromise accomplished will be incorporated into legislation; but I do know that their effort, in fact, assisted our process here.

When Members of the Senate of opposite parties start meeting over legislation, we call it responsible compromise. When some of the private interests sat down to work out compromises on the Endangered Species Act, they were isolated and scorned by the right and left. Consequently, these groups have suffered because they tried to assist the larger public good. And isn't the public good exactly why we are here?

Ultimately, the only way to overcome the polarization that has characterized this debate about the Endangered Species Act is to do what these folks have done. They reached across the considerable gulf that separates the environmental and regulated communities in a good faith effort to find common ground.

Whether we are able to incorporate all of the substance that they arrived at is still uncertain, but I do know that it is true compromise and a respectable effort at finding consensus. This process these organizations have engaged in

will be immensely helpful to Senator CHAFEE, myself, and others who are searching for good, creative ideas on this highly charged issue.

So, I have committed myself to a sincere examination of their work in light of the negotiations we are conducting in the Environment and Public Works Committee. I hope that their good faith effort may be a model for dialog and communication to build the consensus necessary to build even stronger support for an effective endangered species conservation effort.●

#### DOROTHY RABINOWITZ

● Mr. MOYNIHAN. Mr. President, on Saturday morning last, Nat Hentoff devoted his ever-insightful column to a tribute to Dorothy Rabinowitz. Much deserved; beautifully accomplished. I ask that Mr. Hentoff's column be printed in the RECORD.

The column follows:

[From the Washington Post, May 11, 1996]

SHE LISTENED TO THE CHILDREN—AND HAD SOME DOUBTS

(By Nat Hentoff)

I.F. Stone, one of my mentors in this business, used to tell young reporters: "If you intend to use the First Amendment to change the world, forget it. If you're lucky, you may be able, over time, to make small, incremental changes."

Once in a while, however, a journalists does make a big difference, even rescuing innocent people from prison—and changing the way many other journalists cover a particular kind of story.

For much of the past 10 years, Dorothy Rabinowitz has been rigorously investigating cases of preschool teachers and others around the country who have been convicted of sexual child abuse. She first became involved in the New Jersey sentencing of Kelly Michaels to 47 years in prison on 115 counts of bizarrely molesting 20 children from the ages of 3 to 5. (One child testified that Michaels had turned her into a mouse. Others said the teacher made them eat a "cake" of her feces.)

The press at the time found the testimony of the accusers entirely convincing, and a Pulitzer Prize winner, Anna Quindlen, then a columnist for the New York Times, urged her readers to "believe the children."

Rabinowitz interviewed everyone she was able to reach, including the furious parents of the allegedly abused children. She also obtained transcripts of the state's "investigators" who questioned the children until the kids gave the required answers.

I also had those transcripts. The manipulation and intimidation of the children was so obvious that if the trail had not been about sexual violations of kids, the charges would have been dismissed. The prosecution did not introduce a single piece of physical evidence to support the charges and the children's stories.

After five years in prison, Michaels was released because lawyers who had read Dorothy Rabinowitz's investigative pieces volunteered to prove her innocence. By then, most of the press had come to the belated conclusion that somehow an injustice had been done, but there were no apologies.

Rabinowitz had joined the Wall Street Journal by then, writing commentary. But an inveterate reporter, she bases her commentaries on research that comes from legwork.

Although she writes on other issues, Rabinowitz continues to confront prosecutors and juries who have convicted defendants accused by children—coached by therapists and law enforcement “specialists” in sexual abuse. As Alan Kors, a history professor at the University of Pennsylvania, notes: “What Rabinowitz has disclosed to full public scrutiny and understanding is sadly reminiscent of Europe’s witch-craze—a jurisprudence of leading questions, socio-pathology, disregard of evidence and logic, and careerism joined to fanaticism.”

In the Massachusetts *Amiraults’* case, Rabinowitz’s persistent stories finally led to the release from prison of two of the three defendants. She has not given up on the third. In the *Boston Globe*, critic at large Ed Siegel emphasizes that Rabinowitz was “the first journalist to provide in-depth reporting on the case” and “her series had a ripple effect.” And Malcolm Gladwell noted in *The Post* that “the *Amiraults’* case became a national cause celebre because of doubts about the veracity of the children’s testimony against them.” Those doubts came largely from stories in the *Wall Street Journal*.

A movie could be made about Dorothy Rabinowitz, journeying alone, to the city of Wenatchee in the state of Washington, where many have been charged and imprisoned on the testimony of children in a nightmarish setting that resembled a fusion of the TV series “*Picket Fences*” and a Stephen King novel.

A local television reporter, Tom Grant, told me he had to fight to get air time to report the story, which he nonetheless did with much courage in a town that had aspects of 17th-century Salem, Mass. This year, Grant received a George Polk Award for local television reporting.

He says, however, that Wenatchee became a national concern because of Dorothy Rabinowitz. “Six months after I started on the story,” he said to me, “Dorothy came and everything exploded. Then the other media came.”

Rabinowitz was a finalist for a Pulitzer Prize in commentary this year, but was not considered worthy. Some members of the ultimate Pulitzer Board had been told—as one of them assured Tucker Carlson of the *Standard*—that she had had no effect on the local situations she wrote about. So much for accuracy of reporting on high.

In 1965, when the august Pulitzer board overruled a music jury award to Duke Ellington, he said: “Fate doesn’t want me to be too famous too young.” Ellington easily survived the ignorance of the Pulitzer Board. And Dorothy Rabinowitz also knows she is worth a lot more than one of its prizes.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### DR. PHILIP M. BLATT

● Mr. BIDEN. Mr. President, few of us are ever called upon by our genes to bear a burden comparable to that which is borne by those in lifelong contention with the condition known as hemophilia. Even fewer of us, I believe, whatever physical burdens we may be obliged to bear, ever encounter a physician such as my friend and neighbor in Delaware, Dr. Philip M. Blatt, a hematologist who treats many patients suffering from hemophilia.

On Wednesday, May 15, Dr. Blatt will be honored by the Delaware Valley Chapter of the National Hemophilia Foundation, not merely for applying

his medical skills to helping his patients survive, but especially for the warm, human, caring manner in which he does so.

Hemophilia, which affects the ability of the blood to coagulate and thus can make even a minor injury into a major threat from the uncontrollable loss of blood, tends, in a sense, to isolate its victims. They know that they must manage their lives with an uncommon degree of caution and avoidance. They know that what might be a negligible scratch for someone else can, in their case, become a life-threatening wound. And because of the fragility of their blood, they must often undergo constant treatment—and that necessity, in the years before the effect of the AIDS virus was known, placed many of them innocently at risk to that deadly disease.

It would be very easy, Mr. President, for any victims of hemophilia to suffer as much from the psychic as from the physical effects of their condition—to perceive themselves as put upon through no fault of their own, to think of themselves as the outcast victims of a genetic condition totally beyond their control—but not so easy if they are Philip Blatt’s patients.

Dr. Blatt knows that his hemophilia patients suffer from a condition that has an almost all-consuming effect on their lives, but goes to great lengths to make sure it does not consume their spirits. He knows that their hemophilia makes them relative rarities among the general run of people, but he never forgets that they are—first, foremost, and always—people, with the same general inheritance of strengths and deficiencies we all share, with the same rights and responsibilities, with the same dreams and aspirations.

Philip Blatt is not a doctor who simply treats his patients’ frailties, but a physician in the classic tradition who treats them as whole persons, and who cares not only about saving their lives but also about helping them keep their lives whole and rewarding. He practices medicine in its finest sense, and it is that quality, Mr. President, for which the Delaware Chapter of the National Hemophilia Society will honor him this week, as I do today here on the floor of the U.S. Senate.●

#### THE BATTLE OF ADWA

● Mr. SIMON. Mr. President, recently I was catching up on my reading and I read in a bulletin published by the Embassy of Ethiopia the speech of President Negasso Gidada on the 100th anniversary of the battle of Adwa.

Frankly I had never heard of the battle of Adwa before reading this speech but because of its insight into this historic event as well as insights into Ethiopia I ask to have it printed in the RECORD after my remarks.

Ethiopia and its neighbor Eritrea, who divided into two countries peacefully after years of struggle, are both making progress.

It is good to see the progress that Ethiopia is making and I congratulate President Negasso Gidada and the people of Ethiopia on their steps forward.

The address follows:

ADDRESS BY HIS EXCELLENCY DR. NEGASSO GIDADA ON THE 100TH ANNIVERSARY CELEBRATION OF THE BATTLE OF ADWA

[The following are selected excerpts from the speech of President Negasso Gidada on March 2, 1996, in Addis Ababa]

Dear Peoples of Ethiopia, Invited Guests and Friends of Our Country:

At the outset, I wish on behalf of all the peoples of Ethiopia, to express my heartfelt joy as we celebrate the 100th anniversary of the Victory of Adwa, an event that is accorded a special place of honor in our long history of struggle to safeguard our independence.

A hundred years have passed since the victory of the battle of Adwa, a victory which is a source of pride not only to us Ethiopians, but to those peoples of Africa and other continents who suffered under colonial rule. Today, all over our country we are celebrating with great joy the one hundredth anniversary of the victory achieved at Adwa by our heroic fathers who, with their fervent patriotism, halted the invasion designed to subjugate us under the colonial yoke forced upon our African brothers at the end of the last century.

This victory achieved by our heroic fathers over Italian colonialists at Adwa, the centenary of which we celebrate with great color today, had special significance not only for Ethiopia but for the anti-colonial struggle of all the African peoples.

It is to be recalled that it was in the last quarter of the previous century that the rich European countries decided to divide up Africa among themselves to satisfy their demand for raw materials and markets. Following their decision, European powers invaded all parts of Africa. They deployed highly organized armies equipped with modern arms with the objective of subjugating under direct colonial rule the African countries, most of which were relatively at low levels of development. Africa and her peoples sank into the darkness of colonialism.

The colonial powers keen to exploit the wealth and labor that Africa provided them, sought to insure that no country remained free in Africa and began planning to bring Ethiopia under their control. After having labored to weaken our country earlier through various smaller acts of aggression, they eventually launched an all out invasion in 1896. The invading force deployed by Italian colonialists was, however, dealt a crushing blow by our gallant forebears on March 2, 1896 at Adwa. Ethiopia and her peoples were saved from falling under colonial rule. The colonialists suffered great humiliation.

The historic victory scored at Adwa, coming at a time when our continent was suffering from foreign domination, had the strong effect of marking a new chapter in the anti-colonial struggle of the African peoples. The victory of Adwa provided a great example for our African brothers to rekindle their struggle to regain their freedom with new vigor and hope. The victory of Adwa contributed greatly to the intensification of the struggle of black peoples all over the world for their right to live in dignity and equality. Adwa provided a vivid example not only for Africa but for peoples the world over suffering under colonialism and racism to revitalize their struggle.

It is because of these features signaling light at the end of the dark tunnel of colonialism to the peoples of Africa that we say that the victory of Adwa, beyond being a war between Italian invaders and Ethiopia, had a special meaning and dimension for Africa.

The victory of Adwa enabled us to ensure that after the battle our country remained sovereign and free. The victory provided great morale for the resistance of our patriots when the colonialists returned to Ethiopia in strength 40 years later to invade the country for a second time. The generation that struggle valiantly for five years to put to shame the fascist forces who launched the second Italian invasion was the beneficiary of the patriotic legacy of our fathers who defeated the invaders of Adwa.

Furthermore the proud struggle and sacrifice of the present generation against the seventeen year traitorous dictatorship which provided foreign forces the opportunity to interfere in our affairs, is proof that the victory of our fathers in Adwa continues to be passed on from one generation to the other.

The century old victory of Adwa which left a legacy of patriotism and resistance to the generation that followed would not have succeeded had it not been for the decisive participation of all the peoples of Ethiopia. If all our peoples had not arisen as one and not demonstrated their readiness to resist the invading army, Ethiopia would not have been saved from colonialism, and either would her people have been spared from humiliation. Thanks to all the heroes of Ethiopia, the victory of Adwa ensured that we were bequeathed a free country.

Peoples of Our Country,

It is difficult for us Ethiopians to have a clear understanding of the situation in which we find ourselves as well as the struggle that awaits us, unless the victories registered in the struggle to resist foreign invaders and our proud history of resistance are seen against the backdrop of the life we have lived in other aspects of our existence. Although the courage that prevailed over repeated external attempts to humiliate our country guaranteed the survival of our independence and kept our flag flying, it also should be borne in mind that there was another side of our existence that had persisted for a long time. This other side has been marked by lack of social liberty and development and by a system that denied us the opportunities for progress, for peace and consolidating strong national unity.

The stark reality until recently was that all the peoples of our country had been subjugated under a system in which their democratic and human rights were stifled and their destinies decided by dictators. Being anti-democratic the system denied the peoples the freedom to uphold their national rights and consigned them to national oppression as well as humiliation. Although our peoples are hard working and our country is endowed with abundant natural resources, we have been exposed to abject poverty and associated social hardships because our economy has remained stagnant. Because we have been denied the opportunity to address these and other related problems democratically, our country and its peoples have suffered from continuous internal conflicts.

After a long and bitter struggle, our country has embarked upon a path that will extricate it from these and related difficulties. Nevertheless, poverty and backwardness, oppression and national subjugation still remain today the lot of most of us Africans. Therefore, it is incumbent upon us in Africa to re-dedicate our resolve that had enabled us to achieve independence in the direction of extricating our continent from poverty and related social ills.

At the regional level, side by side with the responsibility of promoting growth and prosperity in each country, our mission calls for strict observance of the obligation to adhere to the recognition and mutual interests in order to promote cooperative endeavors to

achieve prosperity freeing the continent from its multitude of problems.

In recognition of the imperative need to strengthen the economic and democratic foundations of our country's sovereignty and independence, Ethiopia has chosen its path of democratic and economic development. It has taken numerous steps in this direction during the transition period and continues to do more along the same lines. The prevalence of peace and democracy in our country today as well as the development activities in which the whole population participates are concrete evidence that our aspirations are unfolding. Our strong conviction is that the path of peace, democracy and economic growth on which we have embarked will steer our country towards the realization of a fully-fledged and sustainable democratic system.

Peace in our country has steadily taken root because our nations and nationalities have worked to make it sustainable. Democracy has become a means through which the peoples address their problems. The constitution of dictatorship has been replaced with a democratic constitution through the active participation and efforts of all our population. This is a clear demonstration of the sustainability of democracy in our country.

The lesson to be drawn from the development efforts being exerted by regional governments elected by the peoples and that have taken advantage of the wide and extensive powers they have attained and the prevailing democratic and peaceful conditions, is that any effort on the road we have chosen cannot succeed in the absence of the extensive and active support of our population.

All the peoples of our country, therefore, should mobilize their energies that are characteristic of their traditional culture of hard work, for the implementation of the programs of peace, development and democracy drawn up by the government. I would like to take this opportunity to call on the peoples of our country to dedicate their energies that constitute the engine of growth towards the implementation of our plans, thereby fulfilling the creation of the requisite internally conducive environment.

I thank you.●

#### JERUSALEM 3000

● Mr. MOYNIHAN. Mr. President, last Tuesday evening several thousand New Yorkers gathered at New York City's Battery Park for a gala celebration of the city of Jerusalem's trimillennium. This magnificent reception was hosted by New York State Gov. George E. Pataki and cosponsored by the Jewish Community Relations Council of New York.

Senators will recall that a similar ceremony was held in the rotunda of the Capitol on October 25, 1995. The main address on that occasion was given by a heroic son of Jerusalem, Israeli Prime Minister Yitzchak Rabin, in what would prove to be his last visit to Washington and to the Congress. It was thus all the more appropriate that Governor Pataki chose to dedicate New York State's official celebration of Jerusalem's trimillennium to Yitzchak Rabin's memory.

I ask that Governor Pataki's moving remarks at the Jerusalem celebration be printed in the RECORD.

The remarks follow:

REMARKS BY GOV. GEORGE PATAKI ON  
JERUSALEM 3000 CELEBRATION

Good evening ladies and gentlemen and welcome to New York State's celebration of

the 3000th anniversary of the City of Jerusalem. Today we are truly making history, as we gather together in a display of unity and solidarity between the people of the State of New York and the people of the State of Israel.

We all agree that now, more than ever, Israel needs our support and help. Like so many times when the United States relied on Israel for help, today we return the favor with an unprecedented showing of support for Jerusalem and the State of Israel. We are aware that Israel has sacrificed much in their support of our country. One need only to recall the Gulf War, when Israel respected the wish of the United States Government that Israel exercise restraint so as not to disrupt Operation Desert Storm.

In 1003 B.C., the Bible records that King David moved the Capital of Israel to Jerusalem. Since that monumental event 3000 years ago, Jerusalem has been a beacon of hope to all those who cherish religion and spirituality. All of the major religions have a special connection to this city.

For 3000 years, people have traveled from all over the world to visit this majestic city. Poets, artists, religious figures, heads-of-state, and people from all walks of life have been captivated by Jerusalem and its beauty, and so have we.

Today we are extremely honored to have guests who have traveled from all of New York State, and from around the world. I am particularly grateful to our most esteemed guests, the Foreign Minister of Israel, General Ehud Barak, Mayor Ehud Olmert of Jerusalem, and John Cardinal O'Connor for taking the time out of their schedules to join us here for this historic occasion, and other great men and women who we heard from today.

To the others from the various Jewish communities and other communities, who have traveled from as far away as Syracuse, Albany, Buffalo, and from throughout our great State and elsewhere, we welcome you and thank you for joining us here this evening.

As the invitation for this event indicated, this evening's celebration is dedicated to the memory and legacy of a great hero of the State of Israel, Yitzhak Rabin. All of us here today, Jew and non-Jew alike, recognize Prime Minister Rabin not just as a great statesman, but as a man who gave his life attempting to bring peace and security to his nation.

I still find it sad that my first trip to the Holy Land and Jerusalem was for the purpose of paying my last respects to this great man. Tonight's celebration would not be complete without us taking a moment to remember his dream of a secure and peaceful Israel. We miss him greatly.

As I indicated earlier, Jerusalem is significant to many religions. This is why we have asked leaders of the various faiths to join with us here today to show their unity with Israel. I think we can all agree that never has there been more accommodation, access and respect for sites holy to all faiths and religions than through the care and consideration of the government of Israel.

For those who have had the privilege to visit Jerusalem, there is no denying its beauty, its spirituality and an indescribable feeling of magic. Who could forget a trip to Western Wall? How can one put into words the history that surrounds the old City? I think that the Babylonian Talmud described it best when it said that "Ten Measures of beauty were bestowed upon the world; nine were taken by Jerusalem, and one by the rest of the world."

As we rejoice this evening, I would be remiss if I did not mention something about the Holocaust and the lessons taught to us

by that darkest moment in history, particularly in view of the site upon which we stand today—adjacent to New York's Holocaust Museum, which is under construction behind us.

New York is home to one of the world's largest number of Holocaust survivors. New York State understands the importance of remembering and teaching about the Holocaust. Toward that end, I am proud of the fact that New York State has allocated \$10 million dollars to the construction of the New York Holocaust museum. And many of us will be returning next month for the formal dedication of this museum. Israel has meant rebirth for the Jewish people. It is for this reason that I know George Klein was right when he suggested that we celebrate Israel and Jerusalem right here, next to this museum.

Once again, I would like to thank all of you for coming, and may we all hope and pray for a peaceful and secure Jerusalem for another 3000 years and for all time to come. May God bless you all. •

#### APPOINTMENT OF CONFEREES— H.R. 2202

Mr. LOTT. Mr. President, I ask unanimous consent that with respect to H.R. 2202, the immigration bill, the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The PRESIDING OFFICER (Mr. COVERDELL) appointed Mr. HATCH, Mr. SIMPSON, Mr. GRASSLEY, Mr. KYL, Mr. SPECTER, Mr. THURMOND, Mr. KENNEDY, Mr. LEAHY, Mr. SIMON, Mr. KOHL, and Mrs. FEINSTEIN conferees on the part of the Senate.

#### ORDERS FOR TUESDAY, MAY 14, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Tuesday, May 14; further, that

immediately 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 dispensed with; and the morning hour be deemed to have expired; and there then be a period for morning business until the hour of 10:30 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator GRAMS for 10 minutes, Senator GORTON for 10 minutes, and Senator BURNS for 5 minutes; that following morning business, the Senate resume consideration of H.R. 2937, the White House Travel Office legislation.

Further, I ask that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. on Tuesday to accommodate the respective party luncheons.

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

#### PROGRAM

Mr. LOTT. Mr. President, Senators are reminded that a cloture vote on the pending Dole amendment No. 3961 to the White House Travel Office bill will occur at 2:15 p.m. tomorrow, unless an agreement can be reached on the gas tax, minimum wage, and TEAM Act issues. However, votes are expected on Tuesday, and it is hoped that a unanimous-consent agreement can be reached with respect to the pending White House Travel Office legislation.

Also, it is the intention of the majority leader to begin consideration of the budget resolution as early as Wednesday of this week. Therefore, late night sessions can be anticipated probably each night.

#### AUTHORITY FOR BUDGET COMMITTEE TO FILE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Budget Committee have until 7 p.m. this evening to

file their report to accompany the budget resolution.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment as under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Tuesday, May 14, 1996, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate May 13, 1996:

##### DEPARTMENT OF STATE

HAROLD WALTER GEISEL, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

##### NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

Reynaldo Flores Macias, of California, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998, vice Helen B. Crouch, term expired.

#### WITHDRAWALS

Executive messages transmitted by the President to the Senate on May 13, 1996, withdrawing from further Senate consideration the following nominations:

##### THE JUDICIARY

BRUCE W. GREER, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE JAMES W. KEHOE, RETIRED, WHICH WAS SENT TO THE SENATE ON AUGUST 1, 1995.

CHARLES R. STACK, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PETER T. FAY, RETIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 27, 1995.