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Senate

(Legislative day of Wednesday, February 28, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Father, we are Your children and sisters and brothers in Your family. Today we renew our commitment to live and work together here in the Senate Chamber and in our offices in a way that exemplifies to our Nation that people of good will can work in unity with mutual esteem and affirmation. Help us to communicate respect for the special, unique miracle of each person with whom we work and with whom we debate the issues before us. We need Your help to reverse the growing cynicism in America about government and political leaders. Today we want to overcome this cynicism with civility in all our relationships and the business we do together. May we be more aware of Your presence than we are of television cameras, more concerned about the image we project as we work cooperatively than our personal image, and more dedicated to patriotism than to party. Help us show America how great people pull together to accomplish Your will for our beloved Nation. In the name of the Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. LOTT. Thank you very much, Mr. President. Today there will be a period for morning business until the hour of 12 noon, with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator MURKOWSKI for 15 minutes, Senator DORGAN for 20 minutes; following morning business today at 12 noon, the Senate will begin 30 minutes of debate on the motion to invoke cloture on the D.C. appropriations conference report.

At 12:30, the Senate will begin a 15-minute rollcall vote on that motion to invoke cloture on the conference report. It is also still hoped that during today's session the Senate will be able to complete action on legislation extending the authorization of the committee regarding Whitewater. Senators are reminded there will be a rollcall vote at 12:30 today and additional votes are possible.

THE DISTRICT OF COLUMBIA

Mr. LOTT. Mr. President, I do not see other Senators wishing to speak at this time, so I would like to be recognized for 5 minutes on my own time, not out of leader's time.

I do hope the Senate will think carefully about this vote at 12:30 today. The District of Columbia is in dire straits. We may not approve of the way they do business, or what their plans are for the future, even. However, it is our Nation's Capital. They need this appropriations conference report to be resolved, and resolved right away.

The problem is there is some language in this conference report using vouchers for children in the District of Columbia that have remedial reading problems, or tuition vouchers for them to be able to go to other schools. It has a lot of flexibility built into it.

The Senator from Vermont, Senator JEFFORDS, has worked very hard to come up with a reasonable compromise. These vouchers will not be available, as I understand it, if the District of Columbia decides against it. Why should not the Congress at least give them that option? Why do we resist allowing children that need remedial help in reading, for instance, being able to get this opportunity to go where they can get the help they need—perhaps after the regular school hours. Why would we want to lock children in the District of Columbia into schools that are totally inadequate, but their parents are not allowed to or cannot afford to move them around into other schools or into schools even in adjoining States?

It is a question of choice and opportunity. We are saying we should at least give the District of Columbia the opportunity to consider whether or not they want to allow these children to have this option. The Members of the Senate, the Democratic leadership, the Senator from Massachusetts says, no, we will not even allow this option to be considered. We will vote against this conference report because of this one point. I do not understand it.

We all say we are concerned about education in America, learning and children, but we do not want to give the children in the District of Columbia that option, even? I would urge my colleagues here in the Senate to vote for this conference report. If we do not do it, we are going to wind up at some point—in a week, or two, or I do not know how far down the road—with a continuing resolution for a few weeks or a couple of months or maybe even the remaining 5½ months of this year, or maybe it will wind up in some omnibus appropriations bill, but I can tell my colleagues on the other side of the aisle it will be funded at less than is in this conference report, probably.

I just think that the Senate looks very bad in refusing to vote cloture so that we could even debate this appropriations conference report. I hope we will have additional votes for cloture today. I think we will pick up some. If we do not succeed today, I hope we will try again next week, and I hope the Senate will find its way clear to vote

for what I think is the right thing in invoking cloture. You can still vote against the appropriations bill for the District of Columbia if you think it is too much money and not done in the right way, and I might do that, but allow us to bring it up for consideration.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. INHOFE). Under a previous order, there will now be a period of time to transact morning business until the hour of 12 noon, with Senators permitted to speak up to 5 minutes each, with the exception of the Senator from North Dakota [Mr. DORGAN] 20 minutes, and the Senator from Alaska [Mr. MURKOWSKI] 15 minutes.

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

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

Mr. DORGAN. Mr. President, I have 20 minutes in morning business; is that correct?

The PRESIDING OFFICER. We are in morning business until noon. The Senator has 20 minutes reserved.

Mr. DORGAN. Thank you very much.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, today is not a particularly busy day in the Senate, as everyone can see. The Senate is not scheduled for action for a bit. We have one vote scheduled, and I think probably not much beyond that for the rest of the day. I had asked yesterday to take some time to discuss an issue today on the subject of international trade.

I noticed in this morning's paper, the Washington Post, an article that says ''Trade Deficit in '95 Worst in 7 Years.'' This was not on the front page, but in the business section of today's paper.

I have talked on the floor of the Senate many times in the last 2 years on the subject of international trade. The reason I came to the floor today was not only because we were going to have the figures on what last year's trade deficit was in this country but also because there is in the party of the Presiding Officer an aggressive, raging, fascinating debate these days about trade issues. One candidate who is out on the hustings campaigning for votes is talking about trade in a particular way, and then several others are responding to it. It is somehow as if this were the first time trade was being discussed in this country.

I have been on the floor of the Senate at least 10 or 12 times in the last 2 years talking about international trade. There are some trade myths that I want to talk about today. This will be the first of a series of presentations which I intend to make on trade. Today I will be dealing with the overview, and then in subsequent days I will be dealing with the problems that cause the trade deficit.

The reason I come to the floor is the myths that exist on trade that are now being perpetuated in the Presidential campaigns. These are generally myths spread around this town that are held dear by many people in this town:

First, ''Balancing the Federal budget is important; reducing our Nation's trade deficit is not.''

We have two deficits in this country. We have a budget deficit in the Federal Government. It hurts this country, and we ought to deal with it. People on both sides of the aisle are wrestling with the priorities of how do you solve the budget problem and put our budget in balance.

I know some on the other side say, ''Well, we have all the answers,'' and some here say, ''No; we have all the answers.'' The fact is everyone would like to do it the right way. We should balance the Federal budget, and we should do it with the right set of priorities. But, it is not the only deficit that matters. We have a trade deficit in this country that is very serious and that has been growing. As we address the budget deficit, we must also address this burgeoning trade deficit.

The second myth is that more free-trade agreements will eventually eliminate the trade deficits.

The more free-trade agreements we have, the higher the deficits have been. It is not more agreements that matters. It is the kind of agreements that counts. Are these trade agreements fair so that American workers and producers can compete and have an opportunity to win in international trade competition?

Another myth is that there is a common solution for our trade deficit problems with our trading partners: free trade.

There is not one common solution. Free trade is irrelevant if the trade is not fair.

Fourth is that trade deficits are not very important factors in the U.S. economy.

Trade deficits are critically important factors in our economy. They relate to what we produce. Those folks in America who measure our country's progress by what we consume rather than what we produce do not understand this. What an economy will be in the future is related to what it produces. The production of real new wealth is the source of the engine of progress for the future.

And, finally, the fifth myth is that seeking fair trade for America and a level playing field for our country equals protectionism.

I am not a big fan of Pat Buchanan. He is raising trade issues. Perhaps he is raising them in some ways I would not. Some parts of his argument have some dark edges that I do not like. Yet the fact is every time someone raises the question of the trade deficit in this country, they are called a xenophobic protectionist stooge of some type. They are accused of wanting to build a wall around America, or labeled as one of a bunch of isolationists.

What a bunch of nonsense. You can stand up for the economic interests of this country, you can stand up for American producers and American workers, and you can stand up for the symbols and the reality of fair trade without being isolationist or protectionist.

I would like to run through a series of charts and talk about where we are.

The first chart is a chart which talks about the trade deficit and the Federal budget deficit. Actually, this is the Federal budget deficit that is listed both by the President and by the Congress. The budget deficit actually is higher than this because this includes the Social Security revenues. Yet, they advertise the budget deficit as $164 billion last year. The merchandise trade deficit is $174 billion. Our total trade deficit is slightly lower than that. The merchandise trade deficit to me represents the important aspect because it is what we produce and what we manufacture. This critical sector of our economy has a $174 billion trade deficit.

We cannot solve the problems of the budget deficit or the trade deficit without understanding how they relate to each other and how they relate to our national economy.

Both of the deficits undermine our country's economy. The budget deficit does. And, so does the merchandise trade deficit. Both are economic warning flags that our country needs to do a better job in growing our national economy. Both mean we have to give special attention to our wage base and to our productive sector.

We had a budget deficit—which is really not measured appropriately—of $290 billion in 1992. That is down to $164 billion now under this measurement. But the merchandise trade deficit at the same time is going up. It is up to $174 billion.

Now, that represents a loss of jobs and a loss of production facilities in our country. I noticed in the article today, the trade officials said, ''Well, gee. We exceeded all previous years in our exports of goods from our country.'' Yes, that is true. We also exceeded all previous years and previous expectations of the import of manufactured goods into our country. The imported goods we bring in that are manufactured in other places around the world represents nearly one-half of what we manufacture in America today.

Let me go to another chart that deals with our trade deficits. Again, no one wants to talk about this. Nobody will talk about it. Nobody comes to the Senate floor and talks about trade very much.

These red lines represent America's trade deficit. These red lines represent the choking of enterprise in this country and represent the movement of jobs elsewhere.

This is the second straight year of records in trade deficits. It was not too long ago when we would have trade deficits of $5 or $10 billion in a year. At that time back in the 1970's we had Members of Congress, including some chairmen of committees, talking about emergency legislation to impose tariffs on this and that and the other thing. Now our trade deficit is burgeoning and nobody seems to care at all.

Well, the simple fact is that these red lines mean American jobs and American factories are moving outside our country. They are moving from America to other countries.

There are a lot of reasons for this. Some of them are probably our fault but most of the trade deficits that we experience are not. If you would look at this chart which shows the countries with which we have the largest trade deficits.

First, there is Japan. We have nearly a $60 billion trade deficit with Japan. This has been going on year after year after year. I am going to come to the floor and make a special presentation just on our trade deficit with Japan.

Some say, ''Well, we have to be more competitive.'' Competitive how? How can you compete if you cannot get into a market? It is unforgivable for us to not do something to bring this trade imbalance down. We ought to have balanced trade to Japan. We ought not have a $60 billion deficit.

With China we have a $34 billion trade deficit. And, it is ratcheting up year after year after year. Our country is a virtual cash cow for Chinese hard currency needs. Because of these trade deficits, it means jobs are leaving America and being displaced by imports from Japan and China.

With Canada we have an $18 billion trade deficit. With Mexico it is $15 billion. That is a combined trade deficit of over $30 billion with our neighbors with whom we have an agreement called the North American Free-Trade Agreement [NAFTA]. And that trade is moving in the wrong direction, too. It has been spiking way up.

In fact 2 years ago we had a $1 billion trade surplus with Mexico. Now it is a $15 billion trade deficit with Mexico. Can anyone reasonably stand and say that this makes sense? First, we pass NAFTA. Then, we go from a trade surplus of $1 billion to a trade deficit of $15 billion.

Then there is Germany with which we have a $15 billion trade deficit.

You can see what is happening with these trade deficits. I intend to come to the floor of the Senate and talk about each of these countries. We need to discuss our trade situation with Japan, with China, and the combined deficit with Canada and Mexico. We need to discuss what causes it, and what we can do to deal with it. We ought to have balanced trade. We ought to have aggressive and robust trade between our countries. I would never suggest that we put walls around our borders or that we would in any way decide that we will not compete. But, I am sick and tired of people suggesting that those of us who are concerned about our trade deficit are somehow protectionists who are not interested in the well-being of our country or who want to put a wall around our country.

That is not the case at all. What I want is to stop having our producers have their arms tied behind their backs when they are competing in other countries.

Let me talk just for a moment about what these trade deficits mean. The common denominator is that every $1 billion in exports means 20,000 new jobs in America. You can also compute that to the displacement of exports by imports coming in. What does it mean when goods are manufactured elsewhere and are no longer manufactured here?

Our merchandise trade deficit this year means a loss of 3.5 million jobs in this country. Most of these are manufacturing jobs, and most of these manufacturing jobs are the better paying jobs in this country. Just the increase in the trade deficit from 1994 to 1995 is a loss of 166,000 jobs. That is just the increase.

Now, we can see a lot of press reports and a lot of newspapers talk about how many jobs exports create. But, have you seen a press report that talks about losing 166,000 jobs just because of the increase in the trade deficit this year versus last? I do not think so. You do not see many reports about this problem.

Yet, this is a problem that relates to every family in this country. These families sit around their dinner tables and ask themselves whether life is better or is it tougher. And what they say in 60 percent of the American families these days is that they are working harder. If you adjust for inflation they make less money than they made 20 years ago, and they have less job security.

The anxiety in this country is not misplaced. People know. People know why they are anxious. They are anxious because they see jobs leaving and they see their opportunities here to be less secure. The jobs they have had for 20 years with the same company are less secure. They know that they work harder. Their families have not kept pace with inflation and they are actually making less money. Is there any doubt about the reason that workers in this country are angry?

What do we do about that? Well, what we do is decide that this country cannot do what it did 30 years ago when our trade policy was foreign policy. I grew up in a very small town. Every day when I went to school. I walked to school and understood just viscerally that America was the biggest, the best, the strongest, the most, and we could beat most any economy in international trade with one hand tied behind our back.

That is not true anymore. Today we face shrewd, tough international economic competitors. We ought to face them in fair competition. I do not mind that. We can win that competition.

But, we cannot win competition with Japan when their markets are closed to our goods. We cannot win in competition with China when they do not see and understand that when they ship all their goods to us, they have a reciprocal responsibility to buy their major supply of wheat from us. It does not make any sense to me, when I look at these trade relationships.

Somehow, I think the construction of our trade policy is for large corporations who no longer say the Pledge of Allegiance, and do not sing the national anthem. By American law they are artificial people. They can sue and be sued. They can contract and be contracted with. And, God bless them, they have created a lot of wonderful things in our country.

Today many of them see their role other than as an American corporation. They, with others, are now economic international conglomerates interested in profits. What they decided to do is to construct a new economic model. That model says, let us produce our goods where we pay 14 cents an hour to a 14-year-old worker, 14 hours a day, and ship them to Fargo or Tulsa or Cheyenne and have an American customer buy them.

That may sound good because in the short term, it might give the customers a good deal. But what it really means in the short, intermediate and long term is that jobs that were producing in this country are now in Indonesia, Malaysia, Taiwan, Sri Lanka, Bangladesh and China, and all around the world.

The American consumer also plays a role in this. All of us have people come up to us who are wearing shirts made in China, shoes made in Italy, shorts made in Mexico, driving cars made in Japan and watching television sets made in Taiwan, and ask us, ''When are you going to do something about these jobs in America? Why are so many jobs leaving our country?'' Well the answer is because we have circumstances of trade that allow our market to be wide open to virtually anyone in the world who wants to produce under any set of circumstances.

We fought for 75 years on the question of what is a living wage and what is a fair wage. What about safety in the workplace? What about child labor laws? Some corporations have decided we can eclipse all of those meddlesome issues with one hop. We can avoid all the questions of hiring 12-year-olds by producing in some country that allows it. We can avoid all the problems of not being able to pollute the air and water in the United States by going to produce in a country where you can pollute the air and the water.

We can resolve all the questions of what is a living wage by deciding not to pay a living wage in some other country where the political leadership does not care. You can hire 14-year-olds and you can pay them 14 cents an hour. That is not, under any standard, fair trade, and it should not be allowed.

The production from those circumstances of trade ought never come into this country. They should compete with American men and women, working day after day in factories in this country, who expect to compete but expect the competition to be fair.

My intention in the coming weeks is to make a series of presentations about where we are in international trade and what we ought to be doing about it.

First on the agenda that we ought to have is to hold NAFTA accountable to its promises. You cannot pass a trade agreement that had bountiful promises of massive new jobs only to discover that we have lost a massive amount of jobs in our country—and then say, oh, that did not matter. It does matter. Let us make sure these trade agreements are made accountable. If they are not, let us change them.

Second, let us at least stop subsidizing plants that close in this country and move overseas. We had one vote on that last year. I offered an amendment. It was voted down. I tell you it does not require much thinking to understand that if you do not stop the bleeding, you cannot save the patient.

No country ever ought to have a circumstance in which their tax code says, ''We'll give you a good deal. If you stay here, you'll pay taxes, but if you close your plant, fire your workers, and move your jobs overseas, guess what, we'll give you a tax break, we'll give you a big, juicy tax break; $300 million, $400 million a year we'll give you to do that. Close your American plant and move it overseas.''

If we cannot shut that insidious provision in our Tax Code down, there is something wrong with us. I am going to give everybody in this Chamber a chance to vote on this a dozen more times until we get it passed. I hope we can do it on a bipartisan basis.

Let us enforce existing trade agreements. Let us stop the dumping of products into this country that, by their cost, drive American producers out of business.

It is sad that we do not stand up for this country's economic interests. That has been true of Republican administrations and Democratic administrations. It has been true for 20 to 30 years.

Let us stand up for this country's economic interest to say that fair trade must be enforced. Let us enforce trade rules.

Let us develop a national trade deficit focus. Yes, let us worry about the budget deficit and let us together solve that problem. But also let us together in the coming months decide the trade deficit is a serious national problem that erodes the economic strength of this country. Let us get together and decide to do something about it.

Let us organize a worldwide conference to decide it is time for a new Bretton Woods Conference and talk about the new financial markets and the new trade relationships that will take us into the next century. Let us be frank. We cannot afford what has happened in the last 50 years.

Let me show you the final two charts. This chart shows that foreign imports now take over one-half of the manufacturing gross domestic product in this country. That is a very serious problem. If you do not have a strong manufacturing base, you will not long have a strong economy in a country like ours.

Second, let me show you this chart. If anyone doubts the problem, let me show you a chart that shows the 50 years post Second World War.

In the first 25 years, as I said, we could compete with one hand tied behind our back. Our trade policy was foreign policy. Everybody knew it, everybody understood it, and everybody accepted it. In the last 25 years our competitors have been tough, shrewd, and often they have beaten us to the punch.

Yes we still have a trade policy that is first a foreign policy. It is one that too often is a giveaway of American jobs to other countries. And you see what has happened. While we have a trade deficit, the other countries have a surplus.

This chart simply shows that Japan, Germany, and other countries in the last 25 years have a surplus and the United States has a deficit.

How do American workers feel about this? They had enormous wage gains in the first 25 years, post Second World War. In the last 25 years they have suffered wage losses. And it is because of this. This is something we can address and fix.

I, Mr. President, appreciate your indulgence and the indulgence of my colleagues. I intend to come to the floor in the coming weeks with four additional presentations, the deficit with Japan, China, Canada, Mexico, and Germany. I will discuss what it is, what we can do about it, and what does this country have a responsibility to do to address these issues?

Mr. President, I appreciate the indulgence of the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to speak in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is advised we are in a period of morning business until noon. The Senator shall have 5 minutes to speak.

Mr. THOMAS. Thank you, Mr. President.

Mr. President, I was interested in our colleague's remarks. Certainly he talks about a very important issue. There are a number of things we need to consider. One of them, of course, is what we continue to do to make business more and more expensive in this country making it more and more difficult for us to compete.

AGENDA FOR THE NEW YEAR

Mr. THOMAS. Mr. President, I want to talk more specifically about this coming year, and, frankly, some about the past year, this coming year in terms of the agenda that is set for this country, the agenda that is set for this Congress, more specifically for the Senate, the agenda that is set for the American people and the things that need to be a priority for us as we move forward in this important, important year.

Last year, we talked about a number of things. We talked about a number of issues, largely as a result of, I think, what the voters had said to us in 1994. They said the Federal Government is too large, it costs too much, and we are overregulated. Obviously, that is a simplistic analysis, but I think it is true. I just spent 2 weeks in my State of Wyoming, as you have, Mr. President, and I think that message continues to resonate.

We are talking about doing things that are important for American families. We are talking about doing things that will help bring up the wages and the level of living of Americans, which has slowed. We are talking about balancing the budget, because balancing the budget is the moral and fiscal thing to do, it is the responsible thing to do, but it also has results. It lowers interest rates. It helps create jobs, so it has an impact on each of us.

We are talking about reducing spending. Certainly, most everyone would agree that this Government has expanded far beyond what we ever thought it would. We celebrated Abraham Lincoln's birthday over the last several weeks. One of the things that President Lincoln said is that the Federal Government ought to do for the people those things they cannot better do for themselves in their own communities, and that is still true. We need to evaluate what we do and see if we have gotten away from that concept.

We need to talk about regulatory reform. The Senator from North Dakota was talking about the difficulty of competing in the world. Part of that is because we have made doing business so very expensive. It is not that we want to do away with regulatory protection—we can do that—but we can do it much more efficiently and do it in less costly ways.

We need to talk about welfare reform, partly because of the costs, partly because all of us want to help people who need help, but we want to help them help themselves and do it in the most efficient way that we can.

So, Mr. President, I guess what I am saying is that those concepts still

exist, and we need to continue to push to do that. We have not been able to bring to closure some of these things that we have tried to do over the past year, largely because most of them have been vetoed by the White House. Many of them have been opposed by our friends on the other side of the aisle.

Balancing the budget: We came within one vote of getting a constitutional amendment to ensure that the budget would be balanced. We need to continue to do that. I think that is a critical item for our future, for our kids and for our grandkids.

We have made some progress in reducing spending, but we need to tie that in to the future so that through the changing of entitlements that will continue. If we do not do it, it will be right back up.

Regulatory reform passed this Senate. We have not been able to get it past the White House.

So the results, Mr. President, have been that we have had slower growth. Unfortunately, we hear these reports in the State of the Union that this is the best economy in 30 years. Sorry, but when you examine it, it is not very good. We had 1.9 percent growth last year. In the last quarter, we had a .9 percent growth.

If I had charts like the Senator from North Dakota, I could show you the earlier years, in the eighties and prior to that, growth was more commonly in the neighborhood of 3.5 to 4 percent. That reflects in the ability of families to earn a living, a living with which they can support their families.

Mr. President, I hope that we can establish a priority, an agenda for this year, and I hope that we can spend our time on that; that we can move forward.

I am not discouraged by the fact that we did not come to closure last year. On the contrary, I am encouraged with the fact that we are now talking about a balanced budget. Two years ago, we were talking about a budget that had a $200 billion deficit, as far out as you could see. We have not talked about regulatory reform before. We are now talking about that.

So we have changed the discussion in this body, and I think we need to pursue that. I think we need to do it for economic growth. We need to do it so that people in this country and wage earners can enjoy the same kind of prosperity that we have had in years past. We do that, I think, by some tax relief, capital gains tax relief that encourages investment and encourages the economy to grow. We need to do it by regulatory relief so that businesses will have more money to pay. There will be more jobs and more competition, which causes wages to go up. We need to have a balanced budget so we are not only fiscally responsible but so we can bring and keep interest rates down so there will be encouragement for investment.

After all, the real role of economics in this country is for the Federal Government to establish an environment in which the private sector can function. That should be our priority for this year.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House this report, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

Mr. JEFFORDS. Mr. President, once again we are here debating the District of Columbia appropriations bill for the current fiscal year, which is now fully 5 months old. The city began the year strapped for cash and it has not received $254 million of Federal funds that will be available once this bill is enacted.

The kids in the public schools are still faced with a community and system that has not made them a priority. The Committee on Public Education, known as COPE, is a group of local civic and business leaders who have spent nearly 6 years studying the D.C. public schools. In its report a year ago is stated that too many remain too invested in the status quo. COPE also found that the District has not really tried reform.

The kids in many District public schools continue to attempt to prepare for life in the next century in school buildings that were built in the first half of this century, and are in deplorable physical condition. Many schools lack the infrastructure to accommodate the same technology that the neighborhood grocery store employs.

If we do not begin the process of educational reform and fiscal recovery by passing this conference agreement we can never hope to achieve the goals we, the Congress, set for ourselves last year. A financially fit and economically stable Nation's Capital that is able to attract businesses, jobs, and people to support a tax base that will enable a public education system that prepares our kids for the future is an absolute necessity for this community and for our Nation. If we cannot do it in the District, where can you?

Mr. President, we have a limited amount of time for debate and I do not intend to restate the arguments that were made on Tuesday. But it is important to restate that this scholarship program, limited, in both time and scope, is not the occasion for a national debate on the question of private school vouchers. We have an appropriations bill that should have been enacted months ago. We resolved most of the issues, some of which were controversial and the subject of intense discussion, including the other education reform initiatives, in relatively short order. But we had great difficulty finding common ground on a scholarship program, which had to be a part of this conference agreement with respect to the interests of the House.

Mr. President, I hope that Senators will consider the financial plight of the District government and the educational future of D.C. kids when they cast their vote today and not the fears of a few who are invested in the status quo. I ask Senators to vote for cloture and allow the city to get on with its important rebuilding work.

Mr. President, I will briefly mention again two other issues. We have gone over the abortion issue many times, and about what was reached as a compromise between what the Bush and Clinton administrations did. I talked to you yesterday and, hopefully, removed from your mind any concerns about Davis-Bacon problems. If there are concerns under the interpretation, we are ready to take care of that before this goes into law.

So I urge Senators, please, review what was said yesterday and please pass this conference report by allowing us to have cloture.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, just 2 days ago, on Tuesday of this week, the Senate failed to invoke cloture on the conference report H.R. 2546, the District of Columbia appropriations bill. The vote was 54 to 44. For the benefit of Members who may have turned their attention to other matters, let me inform the Senate that we are about to repeat Tuesday's vote. However, and unless Chairman JEFFORDS otherwise indicates, I am unaware of any developments affecting the issues that led the Senate to reject the first cloture motion. My position therefore remains the same, and I urge Members to vote against the motion to invoke cloture.

Although I am urging Members to oppose the motion at hand, I do so with great reluctance. As Chairman JEFFORDS and I have already indicated, the District is in dire financial straits. The

Chairman of the Control Board, the Mayor, and other officials agree that the city will run out of cash if the balance of the Federal payment—some $212 million—is not released within the next several weeks. We need to act, not to debate. With respect to the voucher program set forth in the conference report, the Senate has spoken. We need to respect the decision of this body and move forward to develop a legislation that will allow the city to pay its bills and operate in an orderly fashion.

Mr. President, the Senators who voted against cloture on the conference report are not satisfied with the status quo in the D.C. public school system. In my opinion, it is a national disgrace that children in our Nation's Capital do not have access to schools that prepare them to succeed in an increasingly competitive global economy. I believe that all of us agree that District schools need to change, and that they will be changed. The conference report includes a broad array of reforms that received bipartisan support. These reforms address many of the shortcomings in the District's schools and I urge my fellow conferees to work with congressional leadership to find a way to enact them.

Mr. President, I know other Senators would like to address the Senate so I will yield the balance of my time to Senator KENNEDY. Thank you and I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator from Wisconsin and also the Senator from Vermont for understanding that if we did not have these three inappropriate sort of riders that have been placed on the conference report, this legislation would go through in a moment by a voice vote. But it has been the judgment of the House of Representatives to add three different measures—one dealing with Davis-Bacon, in order to depress the wages of workers in the District; second, in restricting even private funds that could be used to help and assist a woman if she makes a judgment and determination for abortion; third, the issue on the vouchers in an appropriations bill that reduces the total funding, cuts back $11 million, but provides $5 million for vouchers.

Now, Mr. President, just at the outset of this discussion, we have to understand that there are certain issues where there is a public response and a recognized public obligation. We have recognized that with regard to national security. We have recognized that with regard to electricity, for example. And we have recognized that with regard to the Postal Service. Nobody would say we ought to have just the market of electricity and postal. Why? Because we know that the houses at the end of the street would not receive it, or those houses at the end of the street would not receive their mail.

As a nation, for education it will require public investment of funds, and it will be compulsory. We are asked to accept this particular amendment because we are told that it will be an experiment, but it is not an experiment, Mr. President, because what you are doing is rigging the system at the very outset. What you are not giving is the choice and decision for the independent student to make a judgment to go to a private school. What you are basically doing is taking scarce resources from the local community and transferring them to the school. The school makes the judgment as to which young person it is going to select. It is not the individual, it is the school that makes that judgment. It is not choice for the individual or the individual parents, it is choice for the school.

What are we going to learn from this? If the school system accepts 2 percent of the 80,000 students in the District and are able to educate them, are we supposed to assume that because they can, in effect, skim, they do not have to meet other responsibilities or requirements in accepting students that may have some language difficulties, or may be homeless, or have other kinds of difficulties? Are we going to say, well, it is a great experiment? Well this has been rejected by 16 different States. The only city that has tried that has been Milwaukee, and any fair evaluation would show that it is not successful.

We do not reject innovative, creative ways at the local community to enhance the achievements of education, and we have included and supported many of those proposals in the Goals 2000 legislation and other proposals.

Basically, those people who are supporting this system said, ''Let's have a competition.'' What happens in the United States when you have a competition, you have winners and you have losers. What happens on the stock market, you have those that make money and those that close their doors.

That should not be the test for education in America. We are not saying you will have winners and losers. We are saying that those children who have those needs ought to be educated in our society, and that reaches the fundamental objection to this proposal. Effectively, we are saying, OK, the 2 percent will be winners, they will be able to go ahead in terms of a private school system, and we are basically abandoning all the other children with scarce resources.

Mr. President, I think it is very clear what the will of the people in the District of Columbia is. It has been so interesting during the course of this debate and other debates. We hear the statements that Washington does not know best. We have here an issue that was rejected 8 to 1 by the District of Columbia and is being jammed down the throats of the people of the District of Columbia. They do not want it. The very way it is constructed in this conference report says that, if they do not use it, they do not get the money. That is a fine choice. That is a fine choice to give the people in the District of Columbia. We do not here know what is best. The people in the District of Columbia have rejected it and 16 other States have rejected this, but we, in our almighty knowledge, are saying you will have to take it, people in the District of Columbia, or otherwise we will not provide these resources.

It is an unwise education policy. It will not demonstrate any different kind of factors in terms of schools. It is so interesting that those who make the argument talk about what is happening in the schools. Give the children an opportunity to escape from crime and violence. At the same time we are reducing the support for drug-free schools by 50 percent. Give those children a chance to learn. And at the same time we are reducing our commitment to give those children the advancements in the title I programs and math and science and other literacy programs.

What is happening, Mr. President, is a choice. Now, are we going to abandon the children of the District of Columbia? I say we should not. By doing so, we will vote ''no'' in terms of the cloture vote.

I yield 4 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Wisconsin and the Senator from Massachusetts. The truth of the matter is that this is really a dirty trick on the schoolchildren of the District. Mr. President, 51 schools are in the District of Columbia, and only 8 of the 51 qualify for this so-called $3,000 scholarship. Mr. President, seven of the eight are religious schools. The $3,000 scholarship is not going to get them into schools. They will get them into the courts. It is a dirty trick. It is throwing a 50-yard line to the child 100 yards offshore and telling them to swim for it.

Most of all, the very crowd that is sponsoring this nonsense—here I call it nonsense. We are not living up to the needs of public education. The fact is, in order to get this, this year, this Congress would be going into the $5 million a year program, cut $3 billion from public education. It is unheard of to try to start a private program. And the very crowd that sponsors this nonsense is a group that comes around here and beseeches us about balancing the budget and constitutional amendments to balance it and everything else of that kind. We are without money, running a $286 billion deficit last year, 1995. We do not have the money for this, and we are going to start a multibillion-dollar spending program?

I said that was my suspicion earlier this week. Now I find it to be the fact, looking at the ''Education Daily,'' and the plan of Representative STEVE GUNDERSON, Republican of Wisconsin, saying the national program authorizes the spending of up to $1 billion a year for vouchers. The $5 million program

over the 5 years, in a few days' time, has already gotten to $5 billion. Suppose the program works? Where is the money? Where is that crowd that is going to come up now and start talking about balancing the budgets?

Yes, we have to cut spending; yes, in this Senator's opinion, we have to increase taxes in order to pay for what we get—not cut taxes. More than anything else, we should not start off on fanciful programs not the responsibility beyond the constitutional function of this Congress that will cost billions more. Do not have this group saying they want to balance budgets and in the same breath start $5 billion programs for private endeavor.

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I thank my friend and colleague from Vermont. Here we are again. Here we go again. I do not know whether we will change any minds, but I do think this is an important issue to debate and an important vote.

I am disappointed by the extent of opposition to this bill that is desperately needed by the District of Columbia apparently primarily because of the portion that would establish a scholarship fund for poor children. I do not get it.

I ask unanimous consent to have printed in the RECORD a letter from Mayor Marion Barry dated February 23, 1996.

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

THE DISTRICT OF COLUMBIA,
Washington, DC., February 23, 1996.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: As a member of the Democratic Party, supporter of the District, and a champion of progressive and democratic principles, policies, and ideals, I want to appeal to you to assist the District on our FY 1996 Budget. The Senate is scheduled to vote on cloture for the District of Columbia Appropriations bill, HR 2546, on Tuesday, February 27th. I urge you, in the strongest terms, to support cloture and conclude this long delayed District business.

Two hundred forty-seven million dollars ($247) of the District's Federal payment, the compensation that attempts to make up for the significant Congressional limitations on local revenue sources and governing authority, are still unavailable because the appropriations bill, almost 5 months after the start of the fiscal year, has still not been finally approved. The needs of hundreds of thousands of District residents are being held hostage to this delay.

Fiscally speaking, we can wait no longer for our Federal payment. We have just completed our 1995 audit showing that we have significantly cut spending in 1995 by $281 million and decreased payroll by over 3,000 employees. The FY 1996 budget emphatically shows that we have stopped the hemorrhaging of spending and reversed the tide. Last week, I released my transformation document and the FY 97 budget which shows a decrease of 10,000 employees by year 2000 and a radical transformation of the D.C. Government. However, this transformation and FY 97 budget is predicated on the FY 96 budget and the full Federal payment. Our radical savings in 1997, 98 and 99 are integrally related to this Federal payment in 1996.

The District is significantly cash short. We are in a desperate situation. If we do not obtain our $247 million in Federal payment now we will run out of cash by the end of March. We have urgent needs for these delayed funds. Although the Federal payment is less than 20% of the General Fund, it is a critical resource. Our cash flow depends on the $660 million in Federal payment that we should have received on October 1, 1996. Unlike the Federal Government, we cannot borrow right away.

Public safety is our top priority yet the delayed Federal payment is hampering our crime fighting capabilities. We have business vendors that are going out of business because of our delayed payments to them. Businesses are laying off employees, closing their doors and vowing never to do business in the District again. School books and building repairs are not possible due to lack of funds. Trash pickups suffer because equipment is old and cannot be repaired. We are 3½ months behind in our Medicaid payments. Our situation is desperate. We need this money immediately.

In addition, it is incredible that we have begun the budget process for Fiscal Year 1997 without having Fiscal Year 1996 resolved. We are just beginning our local Council hearings on the FY 97 budget yet we have no FY 96 budget. This situation makes accurate budget determination impossible.

I know that many Senators rightfully have serious problems with the voucher programs established in the appropriations bill. So do I. I have disdain for vouchers and have opposed them at every turn in the District. This Appropriations Bill is not a vouchers bill: it does not authorize the District to initiate vouchers, it only gives local officials the option to do so if they chose. As much as I dislike the voucher issue, I cannot go another week without our full Federal payment. Real human suffering is at stake.

I urge you to vote for cloture. It is crucial that the District of Columbia be fully funded, as it should have been months ago. Senate Democrats need to allow the District's appropriations Conference Report to be considered so that the District can finally receive its fiscal 1996 appropriations. You have been supportive of the District in the past and I thank you for your support. Today I ask for your support again. I urge you to release this budget and allow us to get on with the business of radically transforming the D.C. Government and providing our residents with the services they deserve. If you have any questions, please call me at 727–6263.

Sincerely,

MARION BARRY, JR.,
Mayor.

Mr. LIEBERMAN. In this letter, Mayor Barry literally pleads for us, for the sake of fiscal continuity of the District of Columbia, that we pass this bill. In it he says:

> I know that many Senators rightfully have serious problems with the voucher programs established in the appropriations bill. So do I. . . . This appropriations bill is not a vouchers bill . . . it only gives local officials the option to do so [which is to say initiate a voucher program] If they choose.

Then he says, ''As much as I dislike the voucher issue, I cannot go another week without our full Federal payment. Real human suffering is at stake.''

What is stopping us? It is the voucher program. We all know this is controversial. I notice in the paper that some of my friends from the National Education Association claimed victory on the vote the other day, one saying, ''This is much bigger than D.C.''

The big point here is the District of Columbia and its future. I think maybe there is something bigger involved in the voucher program, but it is just a question of whether we are going to feel obliged to defend the status quo and the American public education system, which we know is not working for a lot of our children, or whether we will experiment, a very, very small amount of money compared to the billions spent on public education, to test what is going to happen to the kids, poor kids, whose parents decide they are trapped by their income in schools that are not educating them, schools in which they are terrorized very often, tragically, the ones who want to learn, by young hoodlums, stating it specifically. This program would allow them to break out of that. Let us see what effect it would have on those kids, and let us see what effect it would have on the public schools in the District.

My mind is open. I have been a supporter of this voucher or scholarship program, but if these cuts occur and they occur more broadly than contemplated in the bill Senator COATS and I introduced, and somehow we find they cripple the public school system, we will step back and decide maybe it was not a good idea, was not worth it.

I doubt that will happen. I think what is going to happen is we are going to create some opportunity for kids to break out of the cycle of poverty and maybe we are all going to learn a little bit, including the public schools, about how to better educate our children. There are tens of thousands of heroes working in our public school system. That is the heart of our hopes for the future of our children, the public school system. But it is just not working for a lot of our kids.

I really appeal to my friends in the teachers organizations: Do not be defensive about this. You are strong. The public education system gets so much of public investment. I so actively support all the efforts to reform our public schools. This is not an either/or. If you are for the scholarship bill, it does not mean you are against public education.

The fact is, what we have to focus on here is the kids. What is best for our children? Is there only one established way to educate them and brighten their future, or can we try another one, without doing damage to that?

I am not hopeful about the outcome of the vote, but I appeal to my colleagues here. Listen to Mayor Barry's appeal to pass this bill and give this alternative and these 11,000 poor kids in the District a chance for a better education and a better life.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, how much time is left?

The PRESIDING OFFICER. There remains on the time of the Senator from Vermont, 5 minutes and 50 seconds. The opposition time is 3 minutes and 17 seconds.

Mr. JEFFORDS. Mr. President, I will proceed, then.

Mr. KENNEDY. Mr. President, if the Senator wants to make a final remark, out of courtesy he is entitled to it. I would make just a brief response, but I intend to use the 3 or 4 minutes that remain. So, whatever is agreeable to the floor manager.

Mr. JEFFORDS. I would prefer—if the Senator would like to proceed at this point, I will allow him to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a final few facts. It has been the Republican Congress that cut back $29 million last year from funding, public support for schools and schoolchildren in the District. They are cutting back $15 million this year and giving the $5 million as a bonus prize that if the school districts are going to use the voucher system, they can get it. If they do not, they will not. It is legislative blackmail, using the worst form of legislative blackmail by using the children of the District of Columbia as pawns.

There is not a person in this body who has not said they would vote for this D.C. appropriations bill, if these three amendments were removed, by voice vote. We can do it now. We can do it this afternoon.

This concept has been rejected about trying to jam vouchers down the throat of the District of Columbia. It has been rejected by them 8-to-1 previously. Why do we know better, we here? We could pass the D.C. appropriation this afternoon by voice vote in a matter of minutes. But, no. They say, even though we have had the vote in the U.S. Senate and even though their position has been rejected, we are still going to play the card of ''we are on the side of the District of Columbia's children, and those that will not permit this to go through are not.''

Mr. President, the parents of the District of Columbia ought to know who has been standing by them, not just on this legislation but historically—historically. We reject that. We believe the time for political blackmail is over. Let us drop these three provisions, voice vote that, get the money and the resources in the District and fight for them to try to get some additional resources to enhance educational achievement and accomplishment for the children of the District of Columbia.

I retain the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I appreciate the comments of the Senator from Massachusetts. All those comments and dire remarks he made would have been perfectly appropriate if we had been talking about the original House provisions that were in the bill. But that was before the conference report. We are not dealing with the problems that have been referred to by my friend from Massachusetts.

Let me go through this. There is no jamming it down anybody's throat. That comment was made. The District council can refuse to spend a single penny on tuition scholarships—not a penny. If they do, the money may be lost if there is no agreement with the scholarship corporation, but there does not need to be a cent spent unless the city agrees to spend it.

There is a corporation set up which, must agree with the city council. The corporation will approve all applications for scholarships. In other words, it is not a helter-skelter, ''Here is a tuition payment and you can go anywhere you want.'' It has to be approved by the scholarship corporation, which must also be reviewed by the District council.

Under the conference agreement, not the House version, schools enrolling scholarship students must conform to all of the constitutional protections. The disbursal of the funds must be balanced economically. The disbursal of the funds must be balanced educationally, so we do not get a disparate amount of money being spent towards those who are better off, even among those who are eligible for scholarships—it is all low income—just that they are the economically relatively well-situated.

Second, there are two sets of scholarships in the bill. All of the money can be spent on remedial scholarships, which everybody agrees to. The worst problem the city has right now is we have 20,000 or 30,000 young people going through the system who are going to either graduate functionally illiterate or drop out. Those are the ones we are focusing on in all of the educational reform. The city council priority, I am sure, and the pressure of the city, I am sure, will be to spend all of that money or almost all of it on the scholarships which are for remedial use, afterschool use, or other programs so these kids can be brought up to the status where they can be functionally literate.

Also, we must consider what may happen, and I hope does not happen, on the House side. We have been told that if this loses here, this very scaled-down proposal that we are voting on here, not the one that has been described—if this fails, if this modicum of tuition scholarship fails, then we may lose the whole educational package. That would be a travesty; hopefully that will not be the case if we do fail here today.

Mr. KENNEDY. Will the Senator yield on my time for just a very brief question?

Mr. JEFFORDS. I will suspend at this point for the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Just on that reference, as I understand it, under the conference committee it creates five new boards, five new boards, and defunds the elected school board of the District of Columbia. Am I correct?

Mr. JEFFORDS. No, the Senator is not correct. This was not the intention of the bill, and that will be rectified. But, because the District council reduced the budget for the board's staff and operations, after the conferees had agreed to this provision, that is the way it could be interpreted. We are willing to reprogram some of money in this bill for purposes of the board.

Mr. KENNEDY. But as it stands in this bill, you have funded five new boards and failed to fund the school board, as I understand it?

Mr. JEFFORDS. On Tuesday the Senator from Wisconsin and I had a colloquy to clarify the status of the board. Yes, there are other new boards that are created for the purposes of educational reform. That is correct.

May I inquire how much time I have?

The PRESIDING OFFICER. The Senator has a minute and 53 seconds remaining. Your opponents have 21 seconds remaining.

Mr. KENNEDY. I yield whatever time I have.

Mr. JEFFORDS. Mr. President, I want to close here. I hope this is very clear to my colleagues, and I will make sure they know what we are voting upon today. I hope you would concentrate on what the actual situation is as to the tuition scholarships. There may be not a single penny spent unless the city council agrees to it. Keep that in mind. It is all local control. The Mayor says it is fine with him because it is all local control. So I urge my colleagues to support cloture. I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The Chair directs the clerk to read the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. Appropriations bill.

Bob Dole, James M. Jeffords, Trent Lott, Rick Santorum, Alfonse D'Amato, Dan Coats, Mark Hatfield, Bill Frist, John McCain, Larry Pressler, Kay Bailey Hutchison, Olympia Snowe, Al Simpson, Conrad Burns, Spencer Abraham, Orrin G. Hatch.

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

The yeas and nays have been ordered under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SPECTER. Mr. President, on this vote I have a pair with the distinguished Senator from Kansas, Senator DOLE, who is necessarily occupied in campaigning in South Carolina, where

he should be. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' Therefore, I withhold my vote. I thank the Chair.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—52

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

NAYS—42

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

PRESENT AND GIVING A LIVE PAIR, AS—1

Specter, against

NOT VOTING—5

Bradley	Inouye	McCain
Dole	Lugar	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I know some of my colleagues here wish to make a few remarks. I hope that everyone over the coming days, before we face this issue again, whether it is on another vote to invoke cloture or whether it is on another vote —I think it is wise for all of us to take a look at what must be done if we are going to reach a consensus on many issues in this body.

As I have tried to let my colleagues know, we worked long and hard, 90 days, on reaching a compromise with the House. The House is very dug in on this issue. We had to make incredibly difficult changes that they would agree to to bring us to a position where I thought we had a bill that could pass the Congress and win support in a highly Democratic city, a highly unionized city, with a very Democratic mayor. I thought that they would agree with the compromise that we reached.

It seems difficult for me to perceive or understand as to why this body would disagree with that compromise. If we cannot find a consensus on this issue, what is going to happen when we get to the three major appropriations bills that we still have not dealt with? Are we somehow going to be able to reach a consensus among the House and this body and the White House? We also have other issues with respect to welfare, Medicaid, and all the other issues that are in addition to the appropriations bills, which to me are so much more difficult. If we cannot reach a consensus on this bill, I do not know what the hope is for the future.

I have been in the Congress now for 22 years. During that length of time, I have been on many committees under many different circumstances with respect to which party controls the committees. Many, many difficult issues have been faced during that period of time, and just by virtue of the committees I have been on, I have been in the center of those.

I mentioned ''in the center'', for instance, because if one takes a look at the recent ratings, I am the most liberal Republican Senator but I am more conservative than many Democratic Senators. So where does that put me? It puts me right in the middle. Over the course of time I have found myself in that position and have been able to assist in working out the compromises by my ability to see both sides of the issue.

In fact, Mr. President, I will reminisce for just a moment. I remember at a critical moment during the Reagan administration we were dealing with a controversial bill, an employment training bill. I was serving in the House, and I got a call from one of the Members of this body who said, ''JIM, we know how hard you worked on this bill, but when we go to the White House, would you tell them how bad it is, because if you tell them how bad it is, I think they will accept it?''

So I went down to the White House and I made a pitch by saying, ''Oh, my God, it goes too far this way and goes too far that way.'' I got a phone call back from that Senator commending me and offering me an Academy Award for my performance. And we reached a consensus. That is how far I would go. Yes, I would have liked to have seen it different, but I was willing to make the compromises that were important to get that bill through.

We have to learn how to do that here. I hope in the interim, before we take another vote, that everyone will take a look at what the real issues are here.

So many of the statements that were made would be true if this was a national proposal to deal with vouchers or even if it was a D.C. proposal to have a mandated voucher program for the city. But it is not that.

So I urge my colleagues in this interim time, if we cannot reach consensus here, where will we ever do it? If we do not do it with the House, which has come a long way, in my mind, in reaching consensus here—they had dug their heels in—we run the risk of losing all the educational reform that is in the bill, all of which is incredibly necessary for the District. We may even lose the ability to provide them with the $254 million in additional Federal funds which they are entitled to under this agreement.

So I urge my colleagues to take a close look before we vote again, whenever that may be.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Mississippi [Mr. LOTT] is recognized.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill:

Trent Lott, Jim Jeffords, Dan Coats, Larry E. Craig, Paul D. Coverdell, Conrad Burns, Pete V. Domenici, Jon Kyl, John Ashcroft, Slade Gorton, Spencer Abraham, Craig Thomas, Mark O. Hatfield, C.S. Bond, P. Gramm, Don Nickles.

Mr. LOTT. Mr. President, I wish to inform all Members that there will be a vote on this cloture motion next Tuesday. No exact time has been agreed to yet, but I expect it will fall sometime shortly after the vote, I believe at 2:15, on the Cuba legislation on Tuesday. But it will occur sometime Tuesday afternoon.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate

now turn to a resolution extending the Special Committee To Investigate Whitewater Development Corporation.

I ask for its consideration under the following agreement: 2 hours to be equally divided in the usual form, and that no amendments be in order, other than one amendment to be offered by Senator DASCHLE, or his designee, limited to 1 hour equally divided.

Further, I ask that following the debate on the amendment and resolution, the Senate proceed to vote on the amendment, and immediately following that vote, that the resolution be advanced to third reading and passage to occur immediately without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. D'AMATO. Mr. President, in light of the objection, I make the same request for the legislation to be the pending business on Friday, March 1, at 10:30 a.m., under the same restraints as the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

WHITEWATER

Mr. D'AMATO. Mr. President, I am deeply concerned about the minority's refusal to allow the Senate to consider the resolution that I just offered. This resolution would provide additional funds for the Whitewater Special Committee. It would allow the Senate to fulfill its obligation to the American people to obtain the full facts about Whitewater and related matters.

Make no mistake about it, this debate is not about money, it is not about deadlines, it is about getting the facts. That is our job. We are committed to getting all the facts about Whitewater. It is now quite clear that the minority is not. With its actions today, and over the past few days, the minority has sent the unmistakable message that it wants to prevent the American people from learning the full facts about Whitewater. That is wrong. What is the minority concerned about?

From the beginning, I have said that our committee must get the facts and we must let the chips fall where they may. If the facts exonerate, then so be it. That is good. Again, let the chips fall where they may.

If the facts, on the other hand, reveal improper conduct by anyone, the American people have a right to know that as well. Our committee wants the facts. The American people are entitled to the facts.

Two days ago, we attempted to move to consideration of a resolution that would have funded Whitewater. But the minority invoked Senate rules to block floor consideration of that resolution. That is their right. But, as the New York Times wrote in a syndicated editorial, ''The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.''

That, Mr. President, is from an editorial in yesterday's New York Times. That is not a partisan spokesperson, nor a partisan policy paper. I will come back to this editorial again. I will ask at this time that the full editorial be printed in the RECORD.

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

[From the New York Times, Feb. 28, 1996]

EXTEND THE WHITEWATER INQUIRY

Senator Christopher Dodd of Connecticut, reluctantly agreeing to renewal of the Senate Whitewater Committee's expiring mandate, suggests limiting the extension to five weeks, ending April 3. Along with the minority leader, Tom Daschle, and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond early April.

Their position is dictated by worry about the 1996 campaign, and it is understandable that Mr. Dodd, as chairman of the Democratic National Committee, would hope that the public has an endless tolerance of Whitewater evasions. Mr. Dodd has a point in noting that this is a campaign year. It is impossible to separate this matter entirely from partisan pressures. He wants to protect President and Mrs. Clinton from the embarrassment that the chairman of the Whitewater Committee, Senator Alfonse D'Amato, would be pleased to heap upon them.

But Senator D'Amato, who by and large has curbed his customary partisan manner, has a stronger point. The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.

No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. Douglas banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. D'AMATO. Mr. President, let us be clear. All of my colleagues have a right, Democrat or Republican, to utilize all the rules of the Senate as it relates to sustaining their position. I certainly do not have a quarrel with that. But I am concerned as it relates to what the underlying objective is. The underlying objective is to prevent the committee from doing its work, from being the factfinders. That is our job. That is a clearly different job from that of the independent counsel or special prosecutor, clearly different. The independent counsel's job is to ascertain whether there was criminal conduct. He uses a grand jury, secret proceedings. We are not entitled to know, nor do we know what facts are uncovered. That is a big difference. People have very particular roles, interests, and needs. Witnesses are protected. They are given absolute constitutional guarantees. That is as it should be. Most of the discovery of the information and facts is done in camera, secretly. That is a far different role than that of congressional investigatory committees. Let us understand that.

There are those who say, ''Why, when you have a special counsel, do you have this committee?'' It is because it is our duty to ascertain what, if anything, the White House or the administration may have done to impede an investigation, which may or may not have criminal implications. It very well may not. But it is our duty to gather those facts. It is our duty to gather the facts as they relate to what, if anything, took place, whether proper or improper. The facts may not have criminal implications as they relate to the events that transpired in Little Rock, AR. The two investigations are distinct. They are different.

Indeed, this is not the first time in the history of this country that we have had investigations by congressional committees and, at the same time, by an independent counsel, a special prosecutor. Indeed, we have taken precautions so as not to impede upon the work and make it more difficult for the independent counsel to conduct its work. And it is fair to say that much of the delay as it relates to the committee's work has not been created by partisan politics, by Democrats, by the White House, or others acting in their interests. Let us be fair about that. A good deal of the delay has been occasioned, both for the previous committee that undertook this mission and by this committee, due to our legitimate concerns about the work of the special counsel.

Indeed, we have agreed in the resolution that we would not grant immunity where the independent counsel objected. Indeed, we have, painstakingly, gone out of our way, notwithstanding our own constitutional responsibilities, not to willy-nilly insist that we get our way as it relates to subpoenaing of records, documents, and witnesses. On a number of occasions, we have withheld enforcement of subpoenas for documents because we were advised that it would have an impact on the criminal trial, which will start this Monday in Little Rock, AR. The defendants in this trial are the present Governor, Jim Guy Tucker, and Susan and Jim McDougal, the business partners of the Clintons.

We agreed, Republicans and Democrats, to withhold enforcement of these subpoenas. We have, I believe, made the sensible choice in not attempting to force key witnesses to come before this body. When I say ''this body,'' I am

talking about the committee in its fullest sense, which is representative of the Congress of the United States, and more particularly of the Senate of the United States.

Although there are key witnesses, I believe it would be irresponsible to simply put aside the concerns of the independent counsel and call these witnesses just so that they can give us information. Some of these witnesses have been defendants and have already pled guilty to various crimes and their testimony may be necessary as it relates to the criminal prosecution which the special counsel, Mr. Starr, is now undertaking in Little Rock.

We have always maintained that there may come a time when we may have to insist upon our prerogatives, we have certain constitutional obligations. Even though the independent counsel has his obligations we never agreed that we would at all times forgo calling various witnesses. Indeed, it was the wish and the hope of this Senator, and I think of the majority of the committee, both Democrats and Republicans, to have one of the key witnesses, Judge David Hale testify. Judge Hale has apparently made statements, most of them through other people, that indicate that he was asked, by the then-Governor of the State to make a loan of as much as $300,000 to Mrs. McDougal.

Now, Mr. President, let me be clear: I do not know nor do I subscribe to the truth or the falsity of that statement. I do not say it to be sensational. This has been published. This has been published. Both Democrats and Republicans have been interested in bringing Judge Hale before the committee.

Let me say I think we acted in a responsible way. We attempted to make, and did make contact with his attorney. We were advised that his attorney was engaged in a number of matters before the Supreme Court of the United States, and indeed we ascertained that he was; further Judge Hale's attorney could not even consider these matters until he had disposed of his arguments. While Judge Hale's attorney did recently dispose of his last argument—sometime I believe in late January or early February—it was, unfortunately, too close to the approaching trial to call Judge Hale before the committee.

I believe, and I was not able to share, through counsel, what his definitive thinking was, that Mr. Hale was not made available. We were led to believe that if we insisted and issued a subpoena, that not unlike several other witnesses, Judge Hale's attorney would indicate that his client would raise an issue of privilege, asserting a privilege against self-incrimination.

Once this privilege is asserted the Senate rules or the congressional rules are quite clear that you can no longer even call the witness to testify. We recall the days gone by when witnesses were called in and asked questions and they asserted, under oath, their right not to incriminate oneself under the fifth amendment. At some point in our history, and I do not have the exact date, the Congress decided that was not how the Congress should conduct itself. When Congress is advised, by counsel, that a witness would, assert the privilege of taking the fifth amendment, it no longer could bring the witness in just to have a show. To do so would simply appear to be a show where you brought someone in, you asked him a question, he repeated to every question that he was asserting his rights not to incriminate himself or herself.

That is the dilemma that we have faced. Otherwise, I want to assure this body it would have been the intent of this Senator, and I believe of every member of the committee, to bring Judge Hale forward and to find out what, if anything, he could share. What information he had, what were the facts to assert. We were unable to do that. We have been unable to do that with maybe 11 or 12 various witnesses that are connected with the trial, which will start this coming Monday. Those witnesses are key to our getting the facts, the whole picture.

Again, I am not in a position to offer a judgment with respect to what they may or may not testify to. The information they give to us may be absolutely exculpatory and clear away the cobwebs. They may demonstrate clearly there was no wrongdoing. It may not. But, by gosh, we have an obligation to get the facts.

Now, I am going to refer to the New York Times editorial of February 28. This is an editorial position that has been shared in whole or in part by just about every major newspaper. I am talking about the main editorial of the New York Times, not a letter to the editor, not something written by a partisan on one side or the other. The New York Times:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.
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> No arguments about politics on other side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. President, again, as I have said to my friends and colleagues, any colleague, on any side of an issue, of any party has a right to raise whatever rules or procedural questions that they deem appropriate. I respect everyone's view on this. They have a right. It was never my intent nor did I believe we would be debating this issue on the Senate floor without having completed or essentially completed our work. I did not anticipate, nor do I think the committee anticipated, that those delays would take place; some delays may have been occasionally deliberate; some, perhaps negligent.

I am willing to accept the fact that there have been key documents, we wanted from very important people, that were delayed for whatever reason. In some situations because a person left and went from one office to another; in another, someone took one position and thought the papers would be turned over; or one attorney thought another attorney had turned over papers. I am willing to accept that.

But the fact of the matter is that those delays have occasioned the problems that we have. Suppose they were accidental, all of them. Accepting that, here is where we are: We have dozens of witnesses yet to be examined. It is not because the committee has not been diligent. While there are those who can come and say, ''You have only met 1 day or 3 days,'' that is a bit disingenuous when one understands the schedules we have. One must take into consideration the scheduling difficulties the committee faces, first; there are witnesses that we have to accommodate for depositions and testimony; the fact that there are at this time, key witnesses that we have been asked not to examine—some because of physical problems, some because of attorneys' schedules. We should be candid about this. Let us try to be forthright. I do not think we do the process any good by attacking one another, applying political labels, indicating that the chairman or anyone else is undertaking this because of partisan politics.

Of course, there are political overtones to this. Everyone understands that. But, by gosh, we have a duty to get the facts, and we should do it as expeditiously as possible.

Under ordinary circumstances I would think we could accomplish this task, if we had access to all of the witnesses and all of the documents, within a period of 10 weeks or 12 weeks. That should be a reasonable period. But I cannot say that. I am not going to be able, nor will the committee be able, to ascertain with certainty when we will have completed our business. And let me say this, with all honesty and candidness, I know this is a tough debate and I know certain people will be compelled to say certain things. I hope we will not engage in that kind of rhetoric. I have attempted to be moderate. I have really attempted to frame this debate in a manner both sides can participate in reasonably.

I understand the concern of my colleagues when they say, let us not run this investigation into September or October. That is not the intent of this Senator. The intent is to get the facts, and I will work to do it in a thorough, coordinated, expeditious manner with my colleagues.

But the trial of a key witness starts Monday. It may go 4 weeks, 6 weeks, 8 weeks. I hope it will end sooner rather than later.

The committee must have the opportunity to examine key witnesses and documents—documents, at the very least, that we should have access to, and cannot have access to unless we seek enforcement of the subpoena. Let me ask, should we have insisted that documents from various witnesses be produced, notwithstanding the concern of the court—we had a right to do it, constitutionally. We could have ordered enforcement of those subpoenas. But we decided together, Democrats and Republicans, that it would not be in the interest of this body to delay that prosecution. If we enforced the subpoenas the defendants rightfully, could ask,—and we were advised through their attorneys, would ask—to put that case off.

We withheld. I think that was the prudent action. We could have insisted on enforcing the subpoena. I do not think we would have met the mandate under that resolution because the resolution was quite clear. The leaders, Democrat and Republican, were concerned that we not impede the independent counsel.

We had other questions, as it related to Iran-Contra, whether or not immunity should or should not be granted. This committee never even crossed that bridge. We could have asked the Senate to consider, or the committee to consider, granting immunity. I think it would have been irresponsible. I think the committee would have decided against it, particularly in light of the objection that would have come.

I am not going to characterize the suggestion that was put forth by my Democratic colleagues as anything but a sincere attempt to establish a timeframe so that we could wind up the business of the committee. It was a bona fide offer. I will accept that. But I have to tell you, then, and we say it publicly, that I hope you will understand why, notwithstanding the good intention or motivations, that my colleagues' offer was impossible to accept.

Mr. JOHNSTON. Will the Senator yield?

Mr. D'AMATO. No. I would like to complete my statement. I certainly will yield for questions. And I assure my colleague he will have an opportunity to make whatever observations he wishes.

I cannot accept my colleagues offer simply because we would not even begin to have access to key documents and key witnesses until after that trial. We may never get them and if we do not get them, then we will have to wind up, and we will.

It is the hope of this Senator, without setting a specific time limit, that we can conclude the business of this committee within 6 to 8 weeks after the conclusion of that trial—I say conclude the business of this committee in a way that makes sense—quickly and expeditiously, but only after we have either gathered all of the facts or made every reasonable and possible effort to have those facts.

Let me tell you the problem in agreeing to a time limit. It is spelled out in a book called, ''Men Of Zeal.'' This book was coauthored by two of our distinguished colleagues, two of our most distinguished colleagues, both of them from Maine, the former Democratic majority leader, Senator George Mitchell, and our own colleague, Senator BILL COHEN. In ''Men Of Zeal'' they talk about ''a candid inside story of the Iran-Contra hearings.'' I turn to one of the observations that was made, as it fits the situation and the dilemma that we have here now, a bona fide dilemma. Some can say, ''Senator D'AMATO, you are a proponent of Senator DOLE. You are on his campaign team. Therefore, you have a reason and the occasion, to make this go longer.'' That is not true.

I do support Senator DOLE. By the way, it is a constitutional right of every citizen to support whomever he chooses. And I hope, when we go in to do the business of the committee—we understand that we have different political philosophies, that we can support different candidates. I respect that right of all of my colleagues. But to simply say that because you are campaigning on behalf of one candidate, then, you cannot discharge your duties, I think is rather illogical. We would wipe out everybody.

All of my friends on the Democratic side, I think with very few exceptions—I can think of only one, whose remarks may not have been interpreted as fully supportive of the President of the United States—are fully supportive of the President and the leader of their party. Does that mean they should all, therefore, be disqualified? That they cannot make rational judgments? Or that all of their judgments will be made just simply on a partisan basis? I hope that is not the case.

I do not think that it is right to then apply that logic to a Member or Members of the Republican side, to say you cannot make judgments because you support this candidate, you are in a key position, and therefore you are not going to be able to be impartial and fair.

I have attempted to discharge my duties in a fair and even-handed way. I have attempted to do that. I am not going to tell you that I have not made mistakes. But certainly I hope that the minority will acknowledge that we have attempted to run this committee in a fair manner; wherever possible, and in 90 percent of the cases, subpoenas that have been issued in a bipartisan manner; in terms of working out problems—even when we have had some of the most rancorous disagreements, we have eventually been able to settle them.

I am not going to be able to, nor will I attempt to, say who has been right and who has been wrong. Sometimes we may have asked for information in an overreaching way. And my colleagues rightfully have said, ''Wait a second.'' And we have attempted to accommodate their concerns.

There was only one instance when we came to the floor of this Senate, where we could not reach an agreement, and even in that case eventually we did. And the information that we sought—let me go right to the heart of it, the notes of one of the White House employees, Mr. Kennedy—was found to be appropriate. I ask anybody if they thought we got information we were not entitled to? Of course we were entitled to that information. You cannot on one hand say we are being cooperative, we will not raise the privilege issue, executive privilege, and then on the other withhold. So we even in this case; but again the important thing is that we came to a definitive termination that avoided a test in the courts. Those famous notes revealed a series of meetings. They revealed the question of the Rose Law Firm and, of course, even now is open to interpretation as to a question of what they mean by a ''vacuum'' in the Rose files. Reasonable people might disagree on that. I would find it hard to give one interpretation. But that is honest disagreement.

One of the reasons that our colleagues find that we are in this position today is because we did not think—nor did I believe—that there would be these delays. It was my hope that we would wind these hearings up before we got into this session. It was always my hope. When I say session I am talking about and I should say season; the political season that is upon us but still has not come upon us as it relates to the general election. And again, I hope that we can bring these hearings and get the facts sooner rather than later. I am not looking to run this thing. I say that to my friend and colleague, Senator DASCHLE, and other colleagues.

But here is the problem that I have and I think we legitimately have. And it is not something that is new. It is not novel. It did not just become visited upon us. And our colleagues in their book, again, ''Men of Zeal,'' by Senator COHEN and former majority leader, Democratic majority leader, Senator Mitchell, said finding the committee's deadline—talking about the Iran-Contra, and the deadline that they had fixed to the committee to finish its work—''provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace.''

This was their observation about what took place during these hearings less than 10 years ago; during their problems. Listen to that. ''Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace.''

I mean as much as things change they never change, when you set a deadline on these kinds of things, as our colleagues are calling for. ''But, perhaps most importantly, the deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity and when in the process they might be called.''

I have to tell you that we have been experiencing that. That is not because of the ill will of my Democratic colleagues. I do not say that is a cabal that has been hatched by the Democratic Party, or their stratagem. I just say if you are an attorney representing your client and you are going to do what you can to protect the client—and it may be that you are going to assert various privileges—It may be that you are going to do whatever you can to get past a particular time or deadline. That is a fact.

Let me go to one of the conclusions again, and it is important to know that these men—colleagues of ours, distinguished colleagues of ours, the former Democratic leader writing this to share with us their insight, candid inside story, of not only the events that transpired, in the attempt to leave us a blueprint for what we should or should not do and some of the problems attendant—in their conclusions they say, ''Setting fixed deadlines for the completion of congressional investigations should be avoided.''

This is not Senator D'AMATO. They go on to say, ''Such decisions are often dictated by political circumstances and the need to avoid the appearance of partisanship.''

I suggest to you that is one of the reasons we originally set a time limit because we wanted to avoid that. It is exactly on point, and it is the intent of this Senator—and it is still the intent of this Senator—to keep this out of the partisanship. The Banking Committee, which essentially serves as the mainstay of this Whitewater committee, has acted in a bipartisan manner, I have to tell you, in 90 percent of our undertakings.

I ask my colleagues to think about that. It is not the intent of the chairman of that committee to bring us into a situation that is not going to reflect well upon Republicans or Democrats—the work of the committee, both the Banking Committee and now as a Whitewater committee. It is not my intent. Indeed, it was with that intent in mind that we worked out a date for attempting to finish—listen to the words which are prophetic. I wish my colleagues, when we were attempting to affix a time limit to this that would have been cognizant of this warning because that is what it is. ''Setting fixed deadlines for investigations should be avoided.'' And it goes on to say again with great clarity, ''But such decisions are often dictated by political circumstances, and the need to avoid the appearance of partisanship.'' That is how it is that we came to this situation. ''In this case, a compromise was struck between those who believed an adequate investigation could be completed within 2 or 3 months and those who believed no time limitation was necessary.''

It goes on to conclude that, ''We hope that in future cases such an artificial restraint on this pursuit of facts will not be necessary.''

That is what we have. We have an artificial restraint in the pursuit of facts, not occasioned by meanspiritedness, not occasioned by benevolence, no one fixed this date. As a matter of fact, we chose this date to attempt to avoid this debate.

Look. The Rules Committee did not have a quorum. Otherwise, we could have brought this amendment to the floor without asking for unanimous consent. I hope that next week at some point—I think Tuesday—the Rules Committee is scheduled again to take this matter up so that we can come to the floor without asking unanimous consent. At that point, my colleagues will have every right to raise their objections to have extended debate; indeed to undertake that which we have commonly known—and they are determined not to have a vote—as a filibuster. I think that would be wrong. But that is their right. I still hold out the hope that somehow, some way, men and women of good will can work out a way in which the committee can proceed to do its work without the need for us tying up the floor for days creating a political event, one that is highly charged, one that I suggest does not benefit either Republican or Democrat, one which I would just as soon avoid. I say that with all sincerity. I think I have some credibility with my colleagues that if I give a commitment, I keep the commitment. I want to work out this dilemma.

I thank my colleagues for being patient so I could give a speech that is not all written down with dates and times and who held back what and why and when. We are here at this point. I say let us say that everybody had engaged in this with their best effort—the White House witnesses, the people that have been called forth. We still do not have the facts. Let us not ascribe it to ill will. We have a duty to gather the facts. Let us see if we cannot do it in a way that makes sense, that fulfills the obligations of the committee without the rancor, and without the partisanship.

Let me say this to you. This is not one-sided. I do not say here that my colleagues on the Democratic side have been the only ones to make unwarranted attacks. There have been plenty of attacks on both sides. There has been plenty of conjecture —plenty of it. I think it is about time though, that at least we control our own actions; we cannot control everybody out there in the universe. We cannot even control some of those who support us on either the Democratic or the Republican side. But at least we can control how we conduct ourselves, and how we move forward with what statements we make.

I could fight it out just as tough as anybody else. I do not think I am known as a shrinking violet. I have to tell you I think there is a point when we should attempt to come together—we have between now and next Tuesday—to see if we cannot work out some reasonable way to avoid some of the pitfalls that have been outlined in ''Men of Zeal'' and those pitfalls that we have already experienced. Again, if we set an arbitrary time limit, it invites the kind of thing that our colleagues, Senator COHEN, and former Democratic leader, Senator Mitchell, experienced. It will inevitably take place. We have seen some of that already. Again, I do not say it will be through any malicious actions of one party or the other.

Again, if you are an attorney attempting to defend your client, you are going to avail yourself of everything possible. You are not going to be concerned about the committee and its duty.

I would suggest, by the way—and I just leave you with this last thought—if we do not set a time line it will provide occasion to those who may be attempting to hold back to get past that date, to be more forthcoming because they are going to know that these matters, whatever they are, whatever the testimony, whatever the documents are going to come out. Better to let the chips fall where they may now as opposed to later.

I suggest to you that we will probably have a good chance of winding this up sooner rather than later. Can I give assurance, and I am willing to give assurance as to some specific time that we will cut it off? If the facts lead us to move forward, or if we have the occasion to move forward, then I think we will have to do that. Maybe we can agree to a situation whereby after the trial—and I am putting this forth; I am thinking out loud; I suggest this to the Democratic leader—after the trial, and after a certain period of time, that the leaders will confer again and we may have to come back to the investigation. You may at that time say it is unreasonable or we are going to a filibuster or we are not going to do it.

But let us attempt to work our way out of this together as opposed to us insisting and my colleagues and friends on the other side of the aisle taking their position of raising their rights and going to a filibuster. Let us see if we cannot find a solution to this problem that will permit the committee to do its work in the proper way, and to find the facts.

I thank my colleagues and my friends for affording me this opportunity.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, my colleagues from the Banking Committee, especially the ranking member and

the distinguished Senator from Connecticut, are far more qualified to address many of the points raised by the chairman of the Banking Committee than am I. And let me say at the outset, I thank them for the remarkable job that they have done over the months in addressing this very difficult matter as ably as they have, day after day, week after week. I will leave it to them to raise many of our shared concerns and respond to many of the specific points that have been raised by the chairman.

The chairman has spoken now for over 45 minutes. In spite of all of his assurances and in spite of all of the explanation we have just heard, Mr. President, this issue boils down to one which is very simple. This issue has now become a political one.

The motivation is very clear. It is politics pure and simple. That is what it is. We ought to recognize it as that. We need to deal with it. We ought to confront it. We ought to try to find ways to contain it. But that is really what this issue is about. It is politics. And the chairman so ably stated before the Senate Rules Committee a year ago that the single biggest reason why it was so imperative that we finish by the 29th of February—the 29th of February—is that, and I quote, ''We want to keep it out of the political arena, and that is why we have decided to come up with a 1-year request.''

That is our chairman. He was right then. And unfortunately, I am disappointed that he has changed his mind now. There has never in the history, to our knowledge, of the Senate been a request of this kind—never. It is unprecedented. No one has ever said we want a fishing license to allow us to go for whatever length of time it takes. Such proposal has never been made before. And never have we found ourselves in a situation like this in a Presidential year.

Is it coincidental that given all the problems we see now in the Republican Party that they conveniently need another 6 or 7 months to take this into the Republican and Democratic Conventions? Is that what it is all about? This is unprecedented, and it is wrong. I daresay there are a lot of Members on the other side of the aisle who know it is wrong.

Mr. President, it is not just the length of time and the amount of money that we have already expended that concerns me; it is the nature of this whole investigation. Were it not for the able leadership given on so many occasions by the ranking member and so many of our colleagues on the Banking Committee, I do not know what this committee would have done. But to make an initial request that over an 18-month period any communication of any kind relating to any subject by the President, the First Lady, any present or former White House employee or any employee of the RTC and dozen and dozens of other named individuals be turned over, is that a fishing license or what? Is that a witch hunt or what?

The committee authorized a subpoena asking for all telephone calls from the White House to area code 501, the entire State of Arkansas, for a 7-month period. What is that? Is that a reasonable request? Above and beyond the committee's overbroad authorization, the majority staff unilaterally issued a subpoena for all White House telephone calls from any White House telephone or communications device for a 7-month period to anywhere in the country.

So I hear the chairman talk about how difficult it has been to get a response from the White House, how much they have been dragging their feet. My heavens, how could anyone comply with requests of that nature. I am surprised that they have gotten anything if the nature of the requests has been as broad as this. But the fact is that White House cooperation has been extensive. So that is point No. 1.

Point No. 2 is that this committee has already been operating longer than any other we have experienced in the Senate in recent history. The Whitewater committee has now run for 20 months, almost 2 full years. How does that compare to ABSCAM? Do you remember that one? That lasted 9 months. What about the POW/MIA committee? I was on that one. The effort that we made on both sides of the aisle to come up with information about what happened in Vietnam, what happened to all of the POW's and MIA's who are still missing, do you know how long we spent on that? The Congress spent 17 months investigating that, and came up with a 1,000-plus page report. Watergate only lasted 16 months. The Iran-Contra hearing mentioned by the chairman, that only lasted 10 months.

So, Mr. President, I must say 20 months and counting with a request for an indefinite time period from here on out to keep going regardless seems extreme. Our majority leader had it right. Our majority leader in talking about this issue—and you talk about men of zeal; he could write a chapter himself—this is what the majority leader had to say. He said, ''If we get bogged down in finger pointing, in tearing down the President and the administration, we are not just going to be up to the challenges ahead but all of us, all Americans will be the losers.'' That was the majority leader, BOB DOLE, as he was talking about the Iran-Contra inquiry. They made a prudent decision to come to some closure here. They took 10 months to do their work.

The third point I would say is equally as important. I do not know how much longer we can continue to ask the taxpayers to fund this fishing expedition. We have already spent over $1.3 million. The independent counsel has spent $26 million and counting. We do not know how much the House has spent. But it is our estimation that we have already spent over $30 million investigating this matter—$30 million.

I do not know whether anybody cares about what that would buy, but it buys about 26 million school lunches. It would fund 400 cops on the street, and 15,000 computers in America's classrooms. I could go on and on, if you want to get a better picture of what $30 million buys.

And when you talk about hearings, it is interesting; the American people want us to start looking into ways we can improve public education, ways we can improve the crime situation, ways that we can deal with good jobs and good health care. Do you how many hearings we have held on crime? We have had 12 days in this entire 104th Congress on crime. Do you know how many days we have spent on jobs in this whole 104th Congress? We have spent zero days. We have not found the time to find 1 day to ask people to come in to see if we can deal with the chronic problems we have in the economy in dealing with underemployed and unemployed people.

What about health care? We have not found the time to hold any hearings for health care either. Zero. Zero days on health care, zero days on jobs and the economy, 3 days on public education.

So I do not know, Mr. President, it seems to me we ought to be relooking at what our priorities are in this Senate.

The fourth point I would make is this. The chairman has said time and again that he has to wait for the end of the trials that are ongoing. The independent counsel begins next week. But we also know that on October 2 the chairman advised Kenneth Starr that the special committee did not intend to call the trial defendants and could not delay the committee's proceedings to accommodate the independent counsel.

There has not been any change in the factual circumstances, Mr. President, to explain this—I will not call it a flip-flop—but this change of heart on the part of the chairman. In any event, regardless of why he has changed his mind in that short period between October 2 and now, February 29, the legal proceedings relating to those trials could go on for years. We have seen it happen in Iran-Contra. We have seen it happen in a whole range of other cases. We have no guarantee it is going to be finished this year. I think there is a chance that none of us may be in the Senate when all that work gets done. Who knows how long this is going to last. And whether convicted or acquitted, the defendants retain their fifth amendment protections against self-incrimination. So no one should be misled, the end of the first phase of those court proceedings are by no means—no means—an indication that they will then be prepared to come before the Banking Committee.

So, Mr. President, the American people know what this is all about. They know it is a political fishing expedition. Poll after poll has shown what we already know in this Chamber. The

D'Amato hearings are politically driven. By a large margin, the poll just completed yesterday, 66 to 22, the D'Amato hearings are seen as politically driven. The public opposes granting——

Mr. D'AMATO. Mr. President, personal privilege. I do not think the minority leader—may I make a point of order? When we address Members and begin to address Members by their names, when we begin to bring this business of calling them ''D'Amato hearings,'' I think that the minority leader is out of line. I make that point.

Now, if the minority leader wants to attempt to get into personalization, then take it off the floor. Then you might be absolutely within your rights as a citizen, but not on the Senate floor.

Mr. DASCHLE. Mr. President, the hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are hearings that the public fully appreciates and fully understands. The hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are political. By 71–23 percent, the American people say it is time to let the independent counsel complete its work.

We have laid out in as clear a way as we can our sincere desire to come to some resolution to this issue. In the last several days we have made a good-faith effort to say, let us resolve it. We do not want to politicize it, we do not want it to drag on forever, as some on the other side would have us do. We have proposed that we finish the hearings by April 3 and complete our work by May 10. That is reasonable. It is way beyond what any other committee has done on any other set of circumstances involving investigations in the past.

We, too, hope we will not be compelled to prevent the committee from completing their work next week. Let us resolve this matter in a bipartisan way, in a way that accommodates the needs of the committee but also accommodates the recognition that we need to do our job on a whole range of other issues that must be addressed this year. With that, I yield the floor.

Mr. SARBANES. Would the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Maryland.

Mr. SARBANES. I say to the distinguished minority leader, when this resolution was enacted under which the special committee has been operated with the February 29 deadline, was it not the recognized intention at the time that this was in an effort to keep it out of the political season?

In fact, the chairman of the committee, Senator D'AMATO, stated when we were before the Rules Committee—and I quote him—''We wanted to keep it out of that political arena. That is why we decided to come forth with just the 1-year request.''

And I, in appearing with him before the Rules Committee, stated, ''I think it is important to try to finish this inquiry, to be very candid about it, and not take it into an election year with the appearance and the aspect that it is an election-year political effort.''

I say to the leader, was it not the understanding at the time that we wished to keep it out of the political season, a view expressed by both Republicans and Democrats?

Mr. DASCHLE. If the Senator will allow me to respond, Mr. President, the answer is absolutely yes. We decided last year that this had extraordinary political sensitivity. We understood last year that this would be a Presidential election year, and that before we got mired in all the Presidential politics, before we ended up trying to resolve this in the midst of Republican and Democratic conventions, that it was critical that we came to closure. That was critical, that we allow the independent counsel to do its work. That is why Senator D'AMATO said it so well: ''We want to keep it out of the political arena. That is why we feel the need for a 1-year request.''

So the Senator from Maryland is absolutely right. It was our intention back then, it is our intention now. Let us keep it out of the political arena.

Mr. SARBANES. This issue that we are facing now has been prompted, has it not, by the request by the chairman of the committee, the distinguished Senator from New York, Senator D'AMATO, for an additional $600,000 to carry on the inquiry for an unlimited period of time?

The distinguished minority leader put forward a proposition to allow the committee to continue until the 3rd of April with hearings and a little over a month thereafter to file the report with additional funding of $185,000, which would enable the committee to go on to do the last set of hearings but not involve us in an open-ended inquiry that could carry right through the entire political year. Is that not correct?

Mr. DASCHLE. The Senator is correct. Our intent—I think the intent of every Member when they voted on the authorization last year—was to maximize the opportunity that we get our work done, to do all we could to resolve what outstanding questions there were, and then to complete our work with the opportunity to write a report by February 29.

Mr. SARBANES. Chairman D'AMATO has quoted the Iran-Contra. I just want to turn to that for a moment, if the distinguished leader would indulge me. At that time Senator DOLE—and the distinguished leader quoted one of his quotes—but Senator DOLE also said, ''I am heartened by what I understand to be the strong commitment of both the chairman and the vice chairman to avoid fishing expeditions and to keep the committee focused on the real issues.'' He was working for a limited time period, originally just 3 months. In the end, a longer period was established. But it was pointed out at that time that it escaped no one's attention that an investigation that spilled into 1988 could only help keep Republicans on the defensive during the election year.

Chairman INOUYE, who chaired the Senate committee, and Chairman HAMILTON, who chaired the House committee, recommended rejecting the opportunity to prolong and thereby exploit President Reagan's difficulties. In other words, they were not willing to turn it into a political gain, which is what is now happening here. They determined that 10 months would provide enough time to uncover any wrongdoing.

Let me say to the leader, in order to meet that standard, the Iran-Contra committee, in the period between July 7 and August 6, held 21 days of hearings. It met Monday through Friday, over a 5-week period, with only 3 open days during that period. There were 21 hearings—this is Iran-Contra—in order to complete its work, keep it out of the 1988 election year, and not turn it into a political charade.

We urged the chairman of the committee earlier. In fact, the distinguished leader, I believe, wrote to the majority leader in the middle of January urging that the committee intensify its work in order to complete it by the February 29 date; is that not correct?

Mr. DASCHLE. The Senator is absolutely right. Based upon conversations, discussions we had with members of the committee, it became apparent we were not maximizing the opportunities that were already there. We went days, in some cases weeks, without any hearings in the committee, delaying, it seemed to us, in a very concerted and intentional way the opportunities to complete the work on time.

So without any doubt, there have been many, many opportunities for the committee to continue to do the work that the chairman articulated in his remarks. We have run out of time not because we have run out of calendar, but because we did not use the time appropriately.

Mr. SARBANES. I think the minority leader is absolutely correct.

Let me draw this contrast. I want Members to focus on this. This is the hearing schedule in the Iran-Contra hearings, an instance in which the Democratically controlled Congress set a date and undertook to meet it in order to keep that inquiry out of—out of—the Presidential election year. In other words, we sought not to play politics with that issue, and in order to complete in a 1-month period, we held 21 days of hearings in order to complete that work.

Contrast that with the Whitewater hearings over the last 2 months of the committee's existence—not the last 1 month; the last 2 months. In January, no hearings this week; no hearings except 1 day; no hearings here except 2 days; no hearings here except 2 days; 2 days. Eight days of hearings over the entire month of January, 8 days only during the entire month of January.

Actually 7 days. I misspoke; 7 days of hearings.

In February, did it get much better? No, it did not. In the month of February, 8 days of hearings. Seven days in January, 8 in February, for a total of 15 over a 2-month period, as we are coming toward the deadline. Contrast that with the Iran-Contra committee, which held 21 days of hearings in a 1-month period as it approached its deadline in order to complete its work.

In fact, this week there are no hearings at all. Last week, there was only one hearing. So instead of an intensification, which the leader requested and which we urged on the chairman of the committee, we had just the contrary—just the contrary.

It was our articulated position in mid-January, and one I continue to hold to in retrospect, that if we had followed an intense hearing schedule, as the Iran-Contra committee did, the work could have been completed. That did not happen. Then we get a request for $600,000, which would take this committee's allocation up to $2 million, and an indefinite time period for the inquiry.

The minority leader, the distinguished Senator from South Dakota, offered an alternative, which I thought was eminently reasonable. The alternative of the minority leader provided that the hearing schedule would be extended 5 weeks, until the 3rd of April, and the time for the filing of the report until the 10th of May.

This matter was taken up in the committee and it was rejected, I regret to say, on a straight party-line vote of 9 to 7; an eminently reasonable proposal. The proposition now that advanced out of the Banking Committee and went to the Rules Committee, the resolution that Chairman D'AMATO is referring to, is a proposal for $600,000 and an indefinite time period, which, of course, guarantees that this matter will be carried out right through the election year.

The public confidence in this inquiry, to the extent it has not yet been eroded, will, in my judgment, be severely eroded by pushing this inquiry further and further into the election year. That was recognized when we passed Resolution 120.

I think there is a growing perception in the country that these hearings are being seen as being politically driven. Of course, that undercuts the credibility of the hearings. The public contrasts the attention and hearings here compared with no hearings on Medicare cuts, hardly any hearings on jobs, and so forth. The independent counsel is there to carry out inquiry, in any event, and many obviously feel that he should be allowed to do his work.

No congressional committee has ever placed itself behind an independent counsel. We did not do that in Iran-Contra, and we should not do it here.

I say to the leader that an intense hearing schedule could complete this matter. That is what ought to be done. I think the proposition put forward by the leader is right on target.

Mr. DASCHLE. If I can just respond to a point made by the distinguished ranking member, I direct attention, again, to the chart that the distinguished ranking member has displayed, because I think it really—keep the one that is right here; that is the one that I think says a lot.

Mr. SARBANES. I have both January and February.

Mr. DASCHLE. But the one in February, I think, makes the point you have been making very well. We have heard the assertions by the chairman of the committee that, indeed, they need the extension of time to hold more hearings. And yet, if you look at just February, no hearings were held on Mondays. No hearings in the entire month of February were held on Fridays. No hearings in the entire last week prior to the expiration of the resolution were held at all. No hearings, except for one, were held in the second to the last week in February.

So it seems to me, Mr. President, that, indeed, this chart speaks for itself and is the best response we can make to the consideration of additional time.

If there was such a need, why did they not meet on Mondays? Why did they not feel the need to meet on Fridays? Why did they not hold any hearings in the last week in February? Why just one in the second to the last week?

Mr. President, I thank the ranking member for so clearly articulating what the circumstance has been during this critical last month of effort by the committee itself.

Mr. SARBANES. Let me just make the further point to the leader, in these months of January and February, the Senate was not in session voting on the floor. We urged the chairman of the committee to have an intense hearing schedule, which would be made easier by the fact that it would not be interrupted for votes, that we would be able to really begin early in the morning and go late into the day.

Many of these hearings that were held began at 10:30 or 11 o'clock and ran until 1:30 or 2 o'clock in the afternoon. Not all of them; some extended through the day. But once again, the comparison between this hearing schedule and what occurred in the last month of Iran-Contra is absolutely dramatic.

In spite of the fact that we did not have intensified hearings, the minority leader said, ''Well, we'll provide some additional time.'' That was the alternative that was offered.

In other words, Chairman D'AMATO said, ''Well, we want the $600,000, and we want an unlimited time period to carry on this inquiry,'' right straight through 1996, I assume, until the eve of the election. My distinguished colleague from Illinois commented in the committee one day. He said, ''There will be no more hearings after November 5.'' He said, ''I can guarantee you that,'' if he will recall making that statement. That would obviously make it political—the very thing that Senator DOLE spoke about in 1987 when we were considering the Iran-Contra, and the very thing that was spoken about here last year when we were considering this committee, on both sides of the aisle. Then at least there was a recognition of the desirability of keeping it out of the political year, not politicizing the inquiry, and not leading to a public perception that what was going on was a straight political exercise.

Now, the minority leader, in order to try to accommodate, I thought, made a very reasonable proposal. That is the one that we offered in the committee and, unfortunately, it was rejected on a straight partisan vote. A straight partisan vote rejected the proposition for a further extension until the 3d of April, and some time beyond that, to do the report. And so the proposition now that moved out of our committee, and is pending in the Rules Committee, is for an indefinite extension and $600,000 worth of additional money.

I say to the distinguished leader that, in my perception, he has offered a very reasonable proposition. My own strong view, obviously, is that it should have been accepted. I do not think that we ought to undertake an indefinite extension. I think that is an unreasonable proposal on its face, and that is the issue that is now joined, that we are now contending with here on the floor of the Senate. But the contrast between Iran-Contra and how that was handled by a Democratic Congress with a Republican administration could not be sharper.

Mr. DODD. Will the minority leader yield?

Mr. DASCHLE. I will soon yield. I was just given a notice that would be of interest, I think, to our colleagues. Congressman HENRY GONZALEZ just released the February 25, 1996, supplemental report to the Resolution Trust Corporation, entitled ''A Report on the Representation of Madison Guaranty Savings and Loan by the Rose Law Firm.'' In releasing the document, Congressman GONZALEZ makes the following very brief statement:

> The report completely supports the Clintons and shows that they have been wrongly accused. The report shows clearly that the Clintons told the truth about Whitewater. As for Madison Guaranty Savings and Loan, the Clintons knew nothing about the shady activities of Madison's owners. With regard to the charges that Mrs. Clinton knew about wrongdoing in the Casa Grande development, the report shows that these claims are false.

Mr. President, I yield to Senator DODD.

Mr. DODD. Mr. President, I was going to raise that question. I was wondering whether or not the minority leader is familiar that the report prepared by Pillsbury, Madison & Sutro, at the cost, I point out, of nearly $4 million, using the services of former Republican U.S. attorney Jay Stephens. They reached the conclusion—to quote from the report, that ''there existed no basis

whatsoever. There is no evidence, however, that the Rose Law Firm had anything to do with the sales. In essence the evidence suggests that these transactions were put together by Mr. McDougal and others at Madison.'' It further concludes, ''It provides no basis for any sort of claim against the Rose Law Firm and, hence, Mrs. Clinton.''

I point that out and ask the leader whether or not he is aware of this. But the earlier report, which this latest report supplements, concludes on page 78 of the report, ''Therefore, pending the results of the criminal case, it is recommended that no further resources be expended on the Whitewater part of the investigation.'' Was the minority leader aware of that conclusion?

Mr. DASCHLE. I respond to the distinguished Senator of Connecticut that I was not aware, until today, that the report had been completed and made available, and that it had such a resounding exoneration of the Clintons. I am not sure all of our colleagues are aware who wrote the report and under what circumstances this investigation was taking place.

Mr. DODD. It was done by a private law firm hired by the FDIC—not Congress, or by Democrats or Republicans—that has expertise in this area. The law firm is Pillsbury, Madison and Sutro, located, I think, on the west coast, using the services, I point out, of a former Republican U.S. attorney, Jay Stephens. They spent $4 million, in addition to the almost $26 million being spent by the independent counsel, the almost $2 million for the committee—and I do not know what the number is in the House—totaling more than $30 million spent on this investigation. Here is their report now that was added because, after the billing documents were discovered in December, they decided they better wait and take a further look at this. These conclusions are based on after examining those billing records that the people have talked so much about. Their conclusion is to stop it, do not spend another nickel on this, not another red cent. That is the conclusion of an independent body under the leadership of a former Republican U.S. attorney. Stop it. No more money on this.

Now, I inquire of the minority leader. That is not what we recommend. The minority leader's recommendation was to allow another month of hearings, and another month after that for a report to be filed; is that not correct?

Mr. DASCHLE. The Senator is absolutely correct. Just to make sure everyone fully appreciates what it is we are suggesting, you have an extraordinary investigation being conducted, as the Senator has indicated, by an independent body, largely directed by a Republican, who is not known for his love or affection for the President or the First Lady, who have concluded, as was just indicated, that there is no merit to continuing any further in this investigation. That is No. 1. Then you have an independent counsel whose activities and extraordinary amount of effort already put forth will go on for who knows how long, requiring millions and millions of dollars more and months and months and months more. So we have on top of that a Senate committee, which has now been in existence for more than 20 months, which is not asking for a week, 2 weeks, or 3 weeks to complete its work. But they want an unlimited amount of time. They cannot tell us whether it is going to be this year, next year, the year after, or how much longer they are going to want.

So I say to the distinguished Senator from Connecticut, the recommendations made by the Pillsbury report, I think, are shared by the vast majority of the American people. It is time to end this. We have to take those limited tax dollars and put them to better use here, in areas like education, the environment, in hearings on how to find better jobs, in areas that this Senate ought to be directing its effort toward, not in more politicized Whitewater investigations.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. DASCHLE. I yield to Senator DODD.

Mr. DODD. I say further to the minority leader, I do not know if he was aware of the amount of work. But here are almost 300 pages of a report by the Pillsbury firm. It was the initial report in December, and then this is the supplemental report of February that comes in. There is in excess of 300 pages after a 2-year study, by the way. This is 2 years of work, some $4 million, as I pointed out earlier. I was not aware whether or not the minority leader knew exactly how extensive this report was.

Further, may I inquire of the minority leader, he pointed out earlier how much time had been spent on matters such as Medicare, Medicaid, education, health, and the environment. I inquire of the minority leader whether or not he was aware that over the past 2 years, in addition to almost 50 hearings, by the way, on the Whitewater matter, and I gather another 15 hearings on Waco and Ruby Ridge, some 60 hearings, more than 60 hearings were conducted, juxtapose that with the hearings that were not held, frankly, in this 104th Congress on the issues that people do care about.

The minority leader, was he aware of the number of hearings?

Mr. DASCHLE. First, I respond by saying I was not aware that $2 million had been spent on the Pillsbury investigation——

Mr. DODD. Mr. President, $4 million.

Mr. DASCHLE. Excuse me, $4 million on the Pillsbury investigation.

They have now completed their work. As the Senator from Connecticut has indicated, they have recommended that there be nothing else done. They have completed their work, they have come to a definitive understanding of what happened, and are recommending that no additional action be taken. In spite of that, we are recommending additional time.

The Senator makes a very important point. In a poll taken just recently, the American people said of all the issues that they care the most about, public education by more that 2 to 1 is the most important priority that they hope the Senate and the Congress will devote its attention to; following closely is the effort to control crime.

Mr. President, 64 percent, almost as many people, felt we ought to look at the economy and good jobs. Here we have the American people saying, if it is up to them, they want to talk about education, they want us to deal with it. They want to talk about crime control and want us to deal with it more effectively. They certainly want us to try to find ways to build an economy that creates better jobs.

Yet, on those issues, there have been no hearings on the economy and jobs designated to examine ways with which to try to improve this situation. Of all the days we have had, now more than 400 days since the 104th Congress began, we can only find 3 days out of more than 400 to find time to hold a hearing on public education—3 days.

Mr. President, I think that speaks for itself. We can do better than that. In part, that is really what this is all about. Where do we put our attention? Do we really feel the need not for another month, not for another 2 months as we propose for the hearings and the report, but for an unlimited period of time? Do we really feel the need to go on and on and on with these hearings, given the record just in the last month of February, of this committee and the work that it has done so far?

Mr. DODD. Further, I inquire of the minority leader—he made the point earlier about other investigations that have been done by Congress. I asked our staff to compile a list of the most prominent of those hearings, Watergate being the one that most people probably recall the best, with the Church committee, going back to 1975. Some Members may recall that committee's work. Billy Carter and Libya—we have probably forgotten about that, but that got a lot of attention—ABSCAM; Iran-Contra; HUD; POW–MIA.

I just inquire, in every single one, I do not know if the minority leader was aware, but every single one of these hearings there was a termination date. I do not know if the minority leader was aware of that. I ask unanimous consent, Mr. President, that this list be printed in the RECORD for the purpose of people looking at it.

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

CONGRESSIONAL INVESTIGATIONS

1. Watergate:

Authorizing resolution—February 7, 1973.

Initial reporting date—February 28, 1974.[1]
Final report—June 27, 1974.
2. Church Committee (Intelligence activities):
Authorizing resolution—January 27, 1975.
Initial reporting date—September 1, 1975.
Final report—April 1976.
3. Billy Carter (and Libya):
Authorizing u.c. agreement—July 24, 1980.
Date for interim or final report—October 4, 1980.
Report (designated interim, actually final)—October 2, 1980.
4. Abscam:
Authorizing resolution—March 25, 1982.
Reporting date—December 15, 1982.
Final report—December 15, 1982.
5. Iran-Contra:
Authorizing resolution—January 6, 1987.
Initial reporting date—August 1, 1987, extendable to October 30, 1987.
Final report—November 17, 1987.
6. Special Committee on Investigations, Indian Affairs (Federal administration of mineral resources and other matters):
Authorizing resolution—April 12, 1989.
Initial reporting date—February 28, 1990.
Final report—November 20, 1989.
7. HUD/MOD Rehab (Banking Committee):
Authorizing resolution—November 21, 1989.
Reporting date—February 28, 1991.
Final report—November 1990.
8. POW/MIA:
Authorizing resolution—August 2, 1991.
Committee to terminate—end of 102d Congress (January 2, 1993).
Final report—January 13, 1993.
9. Leaks (Judiciary—Anita Hill; Ethics—Keating):
Authorizing resolution—October 24, 1991.
Reporting date—not later than 120 days after appointment of counsel.
Final report—May 13, 1992.
10. First phase of Whitewater:
Authorizing resolution—June 21, 1994.
Reporting date—end of 103d Congress.
Report—January 3, 1995.

Mr. DODD. Mr. President, every single major investigation done by the U.S. Congress over the last 20 years that I can find in resolutions that had to come before this body had termination dates in them, primarily because of the very reason the minority leader has raised the issue today—they become open ended, they become political, it becomes a fishing expedition. That is why the wisdom of our colleagues historically has said, ''Look, we will let you run, but you do not run indefinitely. You have to finish up your work. If you do not, we know what you do.'' They did not say ''Republicans,'' they did not say ''Democrats.'' They said, ''All of you.'' We will put a termination date on here so you come back to the full body and report and get it over with.

Otherwise, these things go on indefinitely. With all respect to my colleague from New York, his proposal is just that—to go on indefinitely with another half million dollars.

I inquire of the minority leader whether or not he was aware that, in fact, there were termination requirements in every single major hearing by this Congress?

Mr. DASCHLE. I respond to the distinguished Senator from Connecticut saying the answer is, yes, I was aware of it. I think most people are aware this is an unprecedented request. Never, at least in recent history here in the Senate, has a committee ever asked for an unlimited amount of time to continue an investigation. Never. The list that has just been submitted for the RECORD demonstrates what has happened through all the investigations that we have had in recent times. We have submitted a date. Now, in some cases those dates have been extended. In fact, I think that happened with the Iran-Contra at one point. Those dates had to be extended.

However, in no case has any committee been given the authorization for an unlimited period of time to continue to carry on whatever it is they were doing. This is unprecedented. This is precedent setting and just one of the myriad of reasons why we feel so strongly about the impropriety of this request.

Mr. SARBANES. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. SARBANES. One of the strongest——

Mr. D'AMATO. Mr. President, is that for a question?

Mr. SARBANES. Yes.

Mr. D'AMATO. I just wanted to ascertain if it was for a question or for the purpose of yielding the floor. It is proper to yield for a question. I have now watched this discussion and observed this for a period of time, but I do believe there is a manner by which Members can seek the floor. It should not be by way of any Member yielding to a Member unless it is a unanimous-consent request and reserving time. Certainly, the posing of a question is proper, and if it is yielding for a question, I understand and will not object.

I ask my colleagues, in the interest of comity, because the Senator from New York would have engaged in the same situation and I understand people want to make their points, but there are others who would like to make their points. I hope that if you yield it would be for a question and we can work out some way in which my colleagues can make their points without having to impinge on the rules.

Mr. DASCHLE. We could probably ask the clerk how much time has been allotted to this debate so far and who holds the majority of time so far consumed. I know that the chairman had a good deal of time to express himself, and we did not object to that. We certainly will not object to further comments by the chairman or anybody else, but certainly in keeping some balance, I certainly hope that he understands the need for us to have an equal opportunity to address many of the points he raised.

I yield to the Senator from Maryland for a question.

Mr. D'AMATO. May I inquire of the clerk if they have kept time?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. DASCHLE. I yield to the Senator from Maryland for a question.

Mr. SARBANES. Is the minority leader aware that one of the strongest advocates of placing a time limit in order to ensure that the hearings would not drag into a political year was the then-minority leader, now majority leader, Senator DOLE, at the time of Iran-Contra?

At that time, he said there was a conflict between some Democrats, both in the House and Senate, who wanted no time limitations placed on the committee and Republican Members who wanted those hearings completed within 2 to 3 months, which was an absolutely truncated period.

I want to point out that we joined in a resolution last year in May that carried these hearings to February 29, so we made no effort then to have such a truncated period that it would not be possible to do the work.

Senator DOLE then said he wanted to shorten the time period even more. He says, ''I do believe that shortening the time period from October 30 to August 1 is a step in the right direction. If, in fact, we do want to complete action on this resolution at the earliest possible time, then the August date will be extremely helpful.''

Then he went on to say, ''I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions, to keep the committee focused on the real issues.'' Later in debate he said, ''There is still a national agenda that needs to be pursued. There are a number of issues that must be addressed. The American people are concerned about the Iran-Contra matter, but they are also concerned about the budget, about the trade bill, about health care, and a whole host of issues that will have to be addressed in this Chamber. The problems of the past, as important as they are, are not as important as the tasks of the future.''

Now, the Democratic-controlled Congress recognized—it escaped no one's attention—that if the investigation spilled into 1988, it would keep the Republicans on the defensive during an election year. And Chairman INOUYE of the Senate, Democratic chairman, and Chairman HAMILTON of the House, recommended rejecting the opportunity to prolong the hearings. They determined that 10 months would be enough, and they agreed to a termination date.

Mr. DODD. Will my colleague yield to me, in response to a question, just on the point the Senator from Maryland is making?

Mr. DASCHLE. I will yield to the Senator from Connecticut.

Mr. DODD. This is a very good point. I ask the minority leader if he would not agree this is a tremendously important point. I want to point out to my colleagues here and the minority leader that prior to that time, Mr. Poindexter and Mr. North had deleted—this was public information—over 5,000 e-mails. Mr. North had a

[1] Often reporting dates are in the form of, as in the Watergate resolution, ''at the earliest practicable date, but no later than _____.''

shredding party at the White House, as reported by the United Press International. Fawn Hall had changed sensitive documents on North's orders, as reported, by the way, all prior to the consideration of abbreviating the hearings. I ask the minority leader—so we have had none of this, by the way, under this present investigation.

Here, with this information of shredding documents, destroying e-mails, trying to take documents by stuffing them in their cowboy boots and sneaking them out of the White House—knowing that, with full information, is it not correct, I ask the minority leader, that the point that the Senator from Maryland is making is even more poignant, because even with that information, the Democratically controlled Congress said, give a finite period and wrap up these hearings. Is that not true?

Mr. DASCHLE. Both Senators make a very important point. In the face of tremendous evidence of obstruction of justice, that Congress decided that there were more important considerations.

There has been no finding of wrongdoing in this case. So the analogy that others have used with regard to this particular investigation is wrong. It is baseless. So I think the Senator from Connecticut makes a very, very important point.

Mr. DODD. When the two Senators from Maine made the case about extending the hearings, they were fully aware of this kind of information. Was that not the basis for the point in the book they talk about?

Mr. DASCHLE. That was exactly the basis and that was the whole point made by the Senators in their book.

Mr. SARBANES. Furthermore, if the leader will yield, is it not the case that any charge relating to obstruction of justice will be handled by the independent counsel? This committee is not going to bring such a charge, or instigate any punishment. We do not have the authority to do that. That is something the independent counsel does. And is it not the case that whenever our hearings end, the independent counsel will continue? He has an open-ended charter, and it is his responsibility to look into this matter and to bring charges for any violation of the criminal law.

Mr. DASCHLE. And the record will show, I would say to the distinguished Senator from Maryland, that that is what happened in the Iran-Contra hearings. The investigation, I should say, by the independent counsel, went on and on for years following the committee. So I think the Senators have made a very, very important point.

Mr. PRYOR. Mr. President, will the Senator from Maryland—who has the floor, Mr. President?

Mr. DASCHLE. I retain the floor, and I yield for a question to the Senator from Arkansas.

Mr. PRYOR. I would like to inquire, Mr. President, of the very distinguished Democratic leader.

Yesterday I was sitting in a Finance Committee hearing. We were listening to the Governors' reports on Medicare and Medicaid. And, by the way, we were here almost at the first of March. For the information of Members of the Senate, this was only the fourth meeting this year, the fourth meeting this year of the Senate Committee on Finance.

One of our colleagues on the committee, I say to my colleague from South Dakota, expressed disbelief that we have not yet dealt with the welfare package, that we have not dealt with passing the welfare reform bill. And I happened to calculate, well, one reason we are not dealing with legislation is pretty simple: The Senate is not functioning this year.

As a matter of fact, in 1995, up until this point, I say to my colleague from South Dakota, the distinguished leader of the Democrats, we have had 97 votes; we have had 97 votes in this body. In 1996, by the same date, we have had only 21 votes in the U.S. Senate, in 1996. There is only one committee, for all practical purposes, that has been functioning, and that is the so-called Whitewater committee. In 1996, with 15 hearings, 15 hearings thus far, 47 hearings total—time consumed, resources of the Federal Government. In fact, we have had almost as many hearings of the Whitewater committee as we have had votes in the Senate in the year 1996.

I wonder if the distinguished minority leader was aware of those facts?

Mr. DASCHLE. I was not aware of them, but it goes to the point that we were making earlier, I say to the distinguished Senator from Arkansas, that there have been no hearings on health care, there have been no hearings on the economy and on jobs. There have been only 3 days of hearings on public education—3 days in all of this time.

So the point made by the distinguished Senator is an accurate one. The fact is, nothing is being done. There is no effort to address some of the major concerns that people have expressed over and over in poll after poll. So I think the Senator makes a very valid point.

Mr. PRYOR. Mr. President, I wonder if my distinguished leader would also answer this question. I wonder if the distinguished leader was aware that already the Whitewater committee has deposed 202 persons—202 persons?

Mr. DASCHLE. I was not aware.

Mr. PRYOR. I do not know how that would compare with Iran-Contra or some of the other hearings we have had, but I tell you that is a lot of people to depose.

Mr. President, 121 witnesses have now testified before the Whitewater committee. The Whitewater committee has subpoenaed all long-distance telephone records, domestic telephone records, calls by the White House, and they have examined 45,000 pages of White House documents. I think this is an unheard of amount of evidence that they are trying to go over and over and over.

Mr. President, also I noted in the Washington Post, finally—finally—the newspapers and press are about to become aware of an issue that I think is also critical to this story, and that is the amount of legal fees, the amount of legal fees that many of these witnesses are being forced to bear. Most of them could not afford these fees. There were stories this morning in the Post about some of those individuals and some of the tremendous, burdensome, and very high, tremendous legal fees that these individuals are being now asked to assume personally—not paid for by the Government, but personally. This will bankrupt them into perpetuity. It will destroy their financial lives and their financial well being. And I hope, Mr. Leader, that we will see a higher degree of sensitivity to those concerns.

Mr. DASCHLE. I think the Senator from Arkansas makes a good point.

Mr. President, it is not my desire to prevent others from seeking recognition. I know the Senator from Illinois has waited a long period of time to ask a couple of questions. I will defer to him and yield to him for purposes of asking the question, and then I will yield the floor.

Mr. SIMON. I thank the minority leader. I appreciate it.

On the point Senator PRYOR just made, that we have had 121 witnesses, Senator SARBANES has described this as a fishing expedition. And you have, Mr. Leader, said absolutely nothing has come up in terms of either illegal or unethical activities on the part of either the President or the First Lady.

Would it be fair to characterize this fishing expedition, that has cost the taxpayers huge amounts of money, that is a fishing expedition going after a whale but so far has not even produced a minnow?

Mr. DASCHLE. That is an innovative characterization. I think the metaphor it represents is an accurate one. There is not much evidence of any real catch here. And that is really what the effort has been all about, to see if they can get a political catch. The political catch has turned up empty.

Mr. SIMON. The Senator from South Dakota, and my colleague from Maryland, for whom I have great respect, have gone further, frankly, than I would go in saying we will continue this until April 3. Frankly, if I could vote to cut it off tomorrow, I am going to vote to cut it off tomorrow, because I think it is getting nowhere. I think the American people understand that. I like my colleague from New York. He is fun to be with, and I read his book, ''Power, Pasta, and Politics.'' And it is pure AL D'AMATO. It is fun to read. But I think we have to recognize the political purposes.

Why are we doing this? It is hard for me to come to any conclusion other than we are doing it for pure politics. Is not it true that there is an excessive

amount of cynicism out here in our society today? I think one of the reasons for that excessive amount of cynicism is that we play partisan games around here. I am not saying the Republicans are the only ones guilty of that. We are guilty of it. PAUL SIMON has been guilty of it occasionally. I am sure none of the rest of you have been guilty of that. But I think that is what makes the public cynical. They see us playing political games instead of dealing with the real problems. I think what you are trying to do is to say let us move on to the real problems.

Then one final point that ties in with what Senator PRYOR had to say: Not only are we hauling people in—121 witnesses who have to hire lawyers and their expenses—but we are terrifying people. This is not fair to people. We are calling in secretaries and people who have probably never even talked to a Senator. And all of a sudden they are on television—a nanny. We are calling people in who know nothing. The one witness ended up his statement saying, ''I do not know why I am here.'' I said to him—a lawyer by the name of Jennings—I said, ''Mr. Jennings, that is two of us. I do not know why I am here either.''

I think we have to stop playing games. I think that is the thrust of what the minority leader is trying to say.

Mr. DASCHLE. I thank the distinguished Senator from Illinois for the eloquent points which he has made.

I read a comment just this morning that I think is so appropriate. It goes to the points raised by the Senator from Illinois and the Senator from Arkansas. Somebody said in the paper this morning, ''Welcome to the Federal Government. You need a telephone, a tablet, and a lawyer.'' ''A telephone, a tablet, and a lawyer.'' And there are some lawyers that have already garnered more than a half-million in fees to represent people of modest means before this committee and others. That is wrong. We should not subject people who want to dedicate themselves to public service to that degree of financial burden, to that degree of concern and humiliation in some cases.

So I think the Senator from Illinois has made a very important point.

I know that there are others who seek the floor. At this time, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. D'AMATO. Mr. President, might I ask my friend and colleague to yield to me for 30 seconds without losing his right to the floor?

Mr. FAIRCLOTH. Yes.

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

Mr. D'AMATO. A question was just raised. How deceptive things can be. Yes. A witness did say—and he was a lawyer, a very distinguished lawyer—''I do not know why I am here.'' That was, I guess, Mr. Jennings.

Let me tell you why the committee had him appear. This is an example. We had Mr. Jennings appear because he came to Washington and had a meeting with Mrs. Clinton, and David Kendall, her lawyer, just days after the RTC–IG report criticizing the Rose Law Firm was released. And he happened to represent Seth Ward who had significant transactions. We did not just drag somebody in willy-nilly. The fact is he had total memory loss as it relates to significant questions. We have not even gone into that.

I yield the floor.

Mr. SARBANES. Will the Senator yield for an observation on that point?

Mr. FAIRCLOTH. I was going to make an observation.

Let me finish, and then I will yield.

Mr. DODD. Just to respond to that particular point which the Senator had.

Mr. D'AMATO. Our colleague has the floor, and it has been over 1 hour since the other side had their right.

Mr. FAIRCLOTH. I yield 30 seconds to respond because I want to come back to it myself.

Mr. DODD. I thank my colleague.

I think as to the point which has been raised here regarding Mr. Jennings, a phone call to him, as far as deposition, would have answered the question. He had come up. He was asked because he practiced law in Arkansas with Mrs. Clinton, and the issue was raised as to whether or not she was a competent lawyer. That is why they came together. He could have answered that question in about 15 minutes. Instead he was brought before the entire committee for a whole day. He said she was competent.

Mr. FAIRCLOTH. The Senator says that we could have gotten an answer by a phone call. We could not get it in a full day of testimony. He could not remember how many times he had been to Washington. He could not remember what he was here for. He had no earthly idea, and told me he flew from Arkansas to Washington for 20 minutes to recall cases he had tried with the First Lady. He did not even know who paid for the trip. But talking about something that could have been handled by the telephone, the meeting with the First Lady, that would have been it.

But, Mr. President, I have watched just how we have gone on here, and, No. 1, what we are trying to do here is put a price on this investigation. What the Democratic side of the aisle, the other side of this aisle, is saying, is that we should put a price on the integrity of the White House, and it is costing too much to establish whether there is integrity in the White House or not, and that we should cut off, and let it go. We simply cannot afford to establish the price of integrity of the White House.

But as to the length of a hearing, it is the length of a bullfight. It is whose ox is being gored. And right now, the way it is going I do not see why anyone would not want the hearings to continue. In fact, to clear her name, I would have thought the First Lady would have been down here saying, ''Please go on with the hearings. I want this cloud removed from my law practice, and what I have done in my life prior to being in Washington.''

But what I would like to do very quickly is compliment the chairman. He has done a great job, in fairness, as chairman of the special Whitewater committee. Just in a brief word, the former chairman, Don Riegle, did a great job too. So we have had good, honest leadership in the Whitewater committee from day one.

But just so many things come up that I want to respond to. The distinguished and honorable Senator from Arkansas, Senator PRYOR, said we have not dealt with welfare. The House passed a great welfare bill. The Senate passed a good one, and out of conference came a good welfare bill that would serve this country well. If I remember correctly, the President vetoed it. That was not dealing with welfare.

I think the first question here that needs answering is why are the Democrats in the Senate and the White House so determined to end the investigation? If there is nothing there, then why not continue, what harm would come to the White House?

Do not tell me it is the cost of money. There has been a constant attempt to deceive and to weave a gossamer facade to cover this up. That is exactly what it has been from day one, and I have been to most of the hearings. It has been a constant effort to deceive, we weave, we cover it up, and we get it out of here.

Why not continue? As I say, it would appear to me that to remove this cloud the President and First Lady they would be down here asking the hearings to be continued. I think their actions have answered the question.

There is very much something to Whitewater. Look at the people who have been indicted, or are under investigation, and look at those who have resigned. The honorable minority leader said we had not caught a minnow. But I doubt if some of the people that have been indicted, or who are under indictment, like the Governor of Arkansas, and are going to be tried, would classify themselves as minnows. They certainly would not like us to.

If there was nothing to this investigation, why else would billing records under subpoena for 2 years turn up in the White House in the reading room next to Mrs. Clinton's private office?

Now, the honorable Senator from Connecticut was referring to some past investigation in which they carried records out of the White House in their cowboy boots. Well, to answer that, I say to Senator DODD, Maggie Williams did not need cowboy boots to get them from Vince Foster's office to the President's quarters. They got there. How

else could they have gotten there. This is the most secure room in the world. And I go back to saying, if it is not the most secure room in the world, it ought to be. And anybody who knows how to make it more secure ought to tell the Secret Service people, because where the President sleeps it should be.

Mr. President, how would the average citizen fare if he were raided by the FBI and a 10-pound bag of cocaine was sitting on his dining room table or in his reading room in his house and he said, ''I don't know how it got there. It couldn't have been me.'' It is here. How did it get here? What would they say? ''Oh, well, that's perfectly fine; you know, things like that happen all the time.'' No.

Well, these records showed up. They are valuable, and have been under subpoena for 2 years, and we need an answer to how they got there.

Take the notes from Mr. Gearan and Mr. Ickes, where have they been? Why would they have been hidden for 2 years? Because the meetings show possible attempts to obstruct the Department of Justice investigation. Very simple. The notes on the meeting we went over and over with Mr. Ickes, they wanted to make sure the Arkansas Securities Commissioner Beverly Schaffer and the White House were synchronized in telling the same story to the Federal investigators.

Well, Mr. President, the truth does not have to be synchronized. If she is telling the truth, it was the truth going in and it will be the truth coming out.

Why would the White House go to such length and use parliamentary maneuvers to block consideration of the resolution? We know they oppose it, but they do not want it even debated.

Mr. President, another question that needs answering here is whether or not Governor Clinton gave out leases from the Arkansas State government in return for campaign contributions. Hearings that were scheduled to occur this week probably would have answered that question, if we could have had the hearings.

The committee planned to explore the possibility that an Arkansas State agency, the Arkansas Development Finance Agency, known as ADFA, was ordered to lease a building owned by Jim McDougal in exchange for Mr. McDougal hosting a fundraiser for then Governor Clinton in 1985.

Mr. President, the second question is whether Dan Lasater was given preferential treatment on State bond contracts.

Now, for those of you who do not remember, Dan Lasater was a convicted drug dealer who, by sworn testimony, provided airplane travel, some 35 trips, for the President, when he was running for Governor of Arkansas. He held fundraisers at his offices around the State of Arkansas to raise funds for Governor-to-be Clinton. And then State bond business was directed to him to the amount of at least one windfall profit of $750,000, and it has been reported that the Governor himself lobbied the legislature to make sure that the contract was awarded to Mr. Lasater.

Dan Lasater gave a job to Roger Clinton, Bill Clinton's brother. He paid off Roger Clinton's drug debts. This is a true friend of the President. Dan Lasater was eventually convicted of trafficking in drugs.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I was corrected by Patsy Thomasson at the Whitewater hearing; he was convicted of ''social distribution'' of cocaine.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I suppose there is some gossamer difference there, but I am not aware of it.

Mr. PRYOR. Mr. President, will the Senator from North Carolina yield for a question?

Mr. FAIRCLOTH. No, I will not. I have been waiting for some hour and a half, and I will yield when I am finished.

Mr. PRYOR. I was only going to ask what Lasater has to do with Whitewater, which is absolutely nothing, and the Senator from North Carolina should know that.

Mr. FAIRCLOTH. Mr. Lasater has a lot to do with Whitewater, and the Senator from Arkansas should know that. Mr. Lasater was convicted of ''social distribution'' of cocaine. He was sent to prison. He was pardoned for his crime of drug trafficking by then-Governor Bill Clinton. Dan Lasater's company received tens of millions of dollars of State bonding contracts from the Arkansas development and finance authority. This was an agency controlled by Governor Clinton. Patsy Thomasson was Dan Lasater's top assistant for nearly 10 years. She had his power of attorney to handle his financial interests and run his companies while Dan Lasater was serving time in prison for trafficking in cocaine.

Now, in a twist of irony, the former head of the Arkansas Development Finance Agency is head of White House personnel, and guess who his deputy is? Dan Lasater's former deputy, Patsy Thomasson.

The committee is specifically charged under Senate Resolution 120 with probing the links between Dan Lasater and the Arkansas Development Finance Agency. The link takes us right to the top of the White House. If that does not bring Dan Lasater into Whitewater, I do not know what does.

Is this why the White House wants to stop the investigation? All of a sudden, after being willing to throw millions and billions of dollars at any project anywhere in the world, now they say we cannot continue, we cannot afford this investigation; it is breaking the Government. We send foreign aid around the world. The President supports it. He supports money for any giveaway program. But here the Democrats are saying now we cannot do this.

Mr. SARBANES. Will the Senator yield?

Mr. FAIRCLOTH. No, the Senator will not yield.

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. Why don't we do what?

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. The President?

Mr. SARBANES. No, Lasater.

Mr. FAIRCLOTH. We are going to.

Mr. SARBANES. Why don't you do it. You had all these days when you could have done it, and you did not do it. Why don't you bring him in?

Mr. FAIRCLOTH. We are going to bring him in.

Mr. SARBANES. Let's have a hearing. Let's test the allegations.

Mr. FAIRCLOTH. We had his lieutenant here, and we are going to bring Dan Lasater in. And we are looking forward to having him.

Mr. SARBANES. You had all the days when you could have done it, and you did not do it.

Mr. FAIRCLOTH. We are going to do it in the future.

I comment to the Senator from Maryland, there are so many of them coming out of Arkansas, there were so many dipping out of that kettle until we have not gotten to Lasater yet, but he is on the way.

But why do they want to stop the investigation now? I think only the White House can answer the question. But I think it is a sad procedural tool to be stopping the Senate investigation at this point with the somewhat feeble excuse that it has gone on too long and it is costing too much, simply because we are rapidly getting to the heart of Whitewater. And as the Senator from Maryland just said, we are going to bring in Dan Lasater, but there have been so many we have not gotten to him yet, but he is coming.

It is our constitutional duty to conduct this oversight hearing. The savings and loan crisis cost taxpayers $150 billion. Madison, the one that served as the pool of money in Little Rock, lost $68 million and maybe more.

And 80 percent of the Arkansas State-chartered savings and loans—80 percent of them; one of the highest in the Nation—failed while Bill Clinton was Governor. This cost the American taxpayers $3 billion in failed Arkansas savings and loans while Bill Clinton was Governor.

Mr. President, I strongly urge my counterparts on the other side of the aisle to stop the filibuster of this resolution, let the truth come out. I would think it would be exactly what the President and First Lady would be recommending: Let the chips fall where they may, let us see the truth, but let the American people who suffered the loss—let the American people who suffered the loss—at least be rewarded with the truth and get on with the investigation.

Mr. President, I yield the floor to the Whitewater Chairman, Senator D'AMATO.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I will make a very short statement.

Mr. SARBANES. Mr. President, I assume the chairman got the floor on his own right, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I thank the Chair.

Mr. D'AMATO. Mr. President, I do not intend to be long, because I think there will be extended and long debate. As I said, we are not able to get a vote of the Rules Committee or get the Rules Committee to consider the resolution which would have authorized the expenditure of up to $600,000.

By the way, in order to get some kind of relevance, I think if we were to combine both committees, the prior committee that met, the Whitewater committee that met under the chairmanship of Senator RIEGLE, and this committee, that we have spent something less than $1,500,000. If we want to look at the Iran-Contra with respect to money spent, I think they spent something in the order of $3,298,000, almost $3,300,000 in 1986, 1987 dollars. That would obviously be even more today.

When we talk about $30 million, and it is convenient to mix it in and say, ''$30 million would buy a lot.'' That is the independent counsel. That special counsel that has taken $20-plus million, was appointed at the request of the President and the Attorney General. I think we ought to understand that they are different investigations, not mix the two.

When we speak to the issue of the Pillsbury report, there have been some statements made that they said we should not go on any further. Let us understand that the Pillsbury report was very limited in nature and scope. The fact of the matter is that they were operating under a time constraint. And, indeed, they have a total agreement that tolls as of March 1. They did not and still do not even in their secondary report have all the facts and information. They have to make a determination with respect to whether a suit should go forward on the basis of cost-effectiveness.

They were unable to come to a conclusion based upon all the facts. As a matter of fact, on page 164 of the report they expressly concluded, ''This conclusion does not necessarily mean that the evidence exonerates anyone.'' So let us understand that. The report was for the very limited purpose as it relates to the FDIC bringing a civil suit against Madison. And it was up against a time line. And it did not have all the facts. We have a different role, a far different role.

Now, look, I have attempted to approach this today not in terms of charging partisan politics, although it is obvious to me that there has been a conscious attempt by some to say that is the only reason this committee is asking for an extension. I think that is unfair. I think it is unfortunate. I think what does take place, whether consciously or not—and I think rather consciously—is that those who make claims are attempting to poison the well as it relates to the credibility of the committee. That is unfortunate. They are attempting to paint the committee as partisan, as political.

I say there was a great Governor in our State, Al Smith. He said, ''Let's look at the record.'' I heard lots of things, let's look at the record, the length of time the committee met, et cetera. We know the committee for months and months could not carry on its work. My colleagues know also that there have been many occasions, including the last several weeks, when we have not been able to go forward because of scheduling problems, and because we were looking toward a continuation and knew we could not finish our work, and because there are dozens of witnesses that are unavailable, and it would not be timely to call them.

There is a sequential order that we need. And these witnesses, in many cases, first need to appear so we can take depositions. In some cases, after we take depositions, we do not bring them in to testify. I think we have to look at that.

Again, I am just going to reflect on the question of hearing the facts. The former U.S. attorney—who was objected to, whose law firm participated in or did the Pillsbury, Madison, and Sutro report, did not participate in the final conclusion—did not participate in the final report, but did have a limited involvement.

Today's Washington Post says, ''The retention''—I am trying to give a balanced position on this—''The retention of the Pillsbury firm in 1994 drew sharp complaints by the White House because Republican former U.S. Attorney Jay Stephens, a critic of the Clinton administration, was a member of the Pillsbury team evaluating Madison.'' It goes on to say—I think this is most instructive and important because we can all pick out some little thing and attempt to pile on, try to make something out of it and blow it out of proportion—''His work on the matter however amounted to only about 10 hours.'' So this was not a report authored by Mr. Stephens.

Again, when we look at the report, its scope, its narrowness, it does not give license to us to say that the work of the committee is done.

Last but not least, I have to suggest to my friends and colleagues on the other side—and I am not disputing anybody's motivation; they say enough is enough, let us terminate this—if indeed we had access to all the information; if it was forthcoming; if it was not withheld, whether by, again, design or because of human error; if we were not constrained by the independent prosecutor—and, again, I, indicate it was our intent to bring various witnesses in, we would not just surrender our rights; then we may have been in a position to wind up this investigation.

The question is posed, why did not we do that? Because we ascertained from the special counsel his concerns and more importantly we ascertained the likelihood of us bringing in or attempting to bring in some of the witnesses. One in particular, Judge Hale, would have brought forth a plea or an indication that he would avail himself of his constitutional rights, and that is, to take the fifth amendment or indicate that he would take the fifth amendment. That would have cut us off and put us in a position where it would have been rather doubtful that we could get him at any time. We did not go forward. That is the reason.

Again, Al Smith said, ''Let's look at the record.'' With the exception of one situation, notwithstanding that there may not have been some bargaining with respect to the scope, I heard, ''Oh, the scope of some of the subpoenas that were requested were too broad.'' Yes, indeed, when you are looking for information there is a tendency to cover the waterfront. All of those matters were narrowed down by way of counsel, majority and minority, with the exception of one occasion, and that had to do with Bill Kennedy and the famous Kennedy notes, where we had the references to the Rose Law Firm, et cetera—and even then I do not believe that the administration should have pushed us to that.

It was not the committee's desire to ask for enforcement of the subpoena. It was only when they refused, refused to make those notes available. And by the way, why did they withhold them? There was no question they could have done it before. Only on that one occasion did it finally come down to the fact that we had to insist on enforcement. Then the notes were turned over.

So, to attempt at this date today to say at this time that the work of the committee has been and is partisan, that our request to go forward is partisan and is political in nature, is just not the case. I understand the concern to limit the time. I am not suggesting to you—that is why, by the way, as you say, Senator—in my presentation to the Rules Committee, I said that my desire was to terminate, to set that at the end of February, February 29, because we did not want to run it into a political season.

That was my desire. It is my desire today that we terminate sooner rather than later, but only after we get the facts and conclude our work. Ours is not an investigation that should be driven by time alone. I never envisioned that we would run into the problems that we did. I do not think that my colleagues did.

In good faith, there has to be some attempt to reach some comity, or are we going to just simply charge ''politics, politics'' and drag in the red herrings and talk about how many committees and the economy—sure, people are concerned about the economy and jobs. Do you want me to begin to assert what I think could or should have been

done? We should have balanced the budget. We passed a balanced budget here. It was vetoed—vetoed.

If we had a balanced budget that was passed, interest rates would be coming down and the economy would be prospering. Do you want to talk about that? That was not impugned or impinged, the fact the economy is in trouble, because of the Whitewater committee.

Do you want to talk about getting the economy going? Give the working middle class a tax cut. Come forward. If you want to drag in politics and rhetoric, we can do that.

If we want to concentrate in terms of attempting to do the work of the committee in the way that keeps politics to a minimum, this chairman is willing to attempt to work out an accommodation. But I say in all good faith, the set time line proposed, which is April 5, will not give us the opportunity to get the witnesses we need, and will bring us right back into the same situation that Senator Mitchell, former Democratic chairman, and Senator COHEN advised us against. To set up an arbitrary time line—and I am now paraphrasing them—is to bring about a stratagem of delay. I am not suggesting, as I said before, that it would be delay just by the administration or the administration alone. Defense attorneys for various witnesses who may have something to be concerned about will look at that time line. I can guarantee you this will take place and there will be delays.

All the charts in the world are not going to overcome that. All the sloganeering in the world will not overcome that. I suggest to my colleagues that we are going to have plenty of time for political charges to be made next week. Maybe this ought to be the time that we not engage in so much of that political rhetoric and begin to attempt to see in what manner we can continue the work of the committee with the best hope and opportunity to wind up sooner rather than later.

If my colleagues want to take that up, I am willing to do that. I stand ready and willing to work to accomplish our goal without, again, setting a time line which is guaranteed to bring about more delay.

Those sentiments are not original sentiments expressed by the Senator from New York; those are sentiments and concerns that have been expressed by Senator COHEN and by former Senate majority leader, Senator Mitchell. They said they should not have done it. They did. They set time lines with the best of intent.

I suggest the situation is analogous today. Theirs was an attempt not to go further into the political season, and they said they made a mistake—made a mistake.

I do not know how to work out of this dilemma. I understand the legitimate concerns of my colleagues. I really do. I say if there is a way in which we can do it, if it is an authorization, I do not know where it will take us—we can start the work as soon as the trial is completed. We can continue work. There are certain witnesses that we cannot bring in now. There is certain work we can do that we do not have to do by way of public hearings. By the way, Mr. President, let me suggest to you, simply because a committee is not holding public hearings does not mean that there has not been tens of hundreds of thousands of hours of work in terms of the examination of witnesses, in terms of sifting through evidence, in terms of various interrogatories which have been sent out and reviewed. My colleagues know that. I think it is rather disingenuous to come up and simply say, ''Well, you didn't have hearings on X, Y, Z days.'' We can get out the records and we can talk about how many attorneys asked for delays, how many people had legitimate excuses, how many people put forth that there were medical reasons they could not be here, how many could not be here on a particular day because their counsel was too busy.

We have attempted to accommodate people on both sides. The fact we may not have had a hearing on a particular day does not go to the essence of the work of the committee.

Let me say again, last, but not least, as it relates to the fact that there may or may not have been hearings held by other committees with respect to their relevant duties and obligations, whatever they may be—Medicare, Medicaid, health care—and let me take this opportunity to say that I intend to support the Kassebaum-Kennedy bill which will deal with health care which is scheduled to come to the floor. I think that is a good bill and is going to go a long way toward helping. The work of the Whitewater committee has not precluded these other committees or the Senate from undertaking its work. The fact that there may have only been 20-some-odd votes this year as compared to 90-some last year at the same time, again, is not something the Whitewater work has impeded.

These are arguments that are put forth and which are fraught with, I think, specious undertones, a kind of red herring to divert attention.

''Thirty million dollars has been spent on this matter.'' Look, we spent less than $1.5 million, and that is both committees. I do not think we have to spend $600,000. Why do we ask for it? Because, if at the end we have, let us say, 3 weeks or 4 weeks of work to do and we run out of money, we do not want to be in a situation where we have to again come back to the floor of the Senate. I think we can complete it for less, but the fact of the matter is, you learn by experience. But certainly to say that this is one of the most costly investigations, that is just not the case. As I said, the Iran-Contra ran almost $3,300,000. Their work was compressed in a shorter time. How is that? We have examined more witnesses, taken more depositions. So I think in terms of management of the taxpayers' funds, we have been frugal. I am prepared at another point to go into the kinds of things we have developed: The fact that there have been people who have pled guilty, the fact that there are indictments pending, the fact that there is substance, not just smoke, to many of the things that people are concerned about.

But, again, lest we be unfair, this chairman and this committee has an obligation to get the facts, and if those facts exonerate, clear away the webs of suspicion, why, then, that would be the pronouncement of the committee. I want the chips to fall where they may. If there are practices that should not have been undertaken but that were which may not fall into a criminal area, or if there may be matters that may be of a criminal nature, then that will be the undertaking of the special counsel to decide what, if anything, may be appropriate.

But we should not be afraid of going forward. Democracy is not always nice and tidy, and sometimes it does invite some things that are not pleasant. They are not pleasant for either side. So sometimes we have to do the business of ascertaining what are the facts. It is not all fun, but it is necessary and sometimes it is even somewhat hurtful. I think we have to attempt to not look to deliberately hurt people but to do our job to get the facts. That is what I hope we will be able to do.

Mr. President, I said I am not going to continue and go into what the committee has found and some of the open questions, because I believe that we will be here next week unless we can get a resolution of this. My colleagues on the other side have indicated that they are going to ask for extended debate, and I think there certainly should be extended debate. But debate that reaches more than just that and denies us an opportunity to vote, I think that would be unfortunate.

Again, everyone has a right to play out their role in this matter.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to take a few minutes to recapitulate where we are.

On May 17 of last year, the Senate adopted Senate Resolution 120 which provided for the establishment of the Special Committee to Investigate Whitewater Development Corporation and Related Matters. That resolution provided $950,000 to conduct the investigation. That funding expires on February 29, 1996, which is today. From the beginning, it was and remains my strong intention that this investigation be carried out in a fair, thorough, and impartial manner, and that it be completed before the country enters into the Presidential campaign. By authorizing funding only through February 29, 1996, Senate Resolution 120 accomplished this objective. In fact,

that resolution states that the purposes of the committee are ''to expedite the thorough conduct of this investigation, study, and hearings,'' and ''to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study, and hearings.''

Indeed, Chairman D'AMATO himself, when he went before the Rules Committee in the first part of last year in seeking funding for the investigation, stated, ''We wanted to keep it out of that political arena, and that is why we decided to come forward with a 1-year request.''

The funding deadline has now been reached. The investigation has not been completed. I will discuss, in a moment, the reasons I believe the committee failed to complete the investigation by the cutoff date. The Senate must decide now whether to continue the investigation and, if so, what additional funding and what additional time to provide.

I want this clearly understood. We passed a resolution last year by an overwhelming bipartisan vote to carry out an inquiry through February 29 of 1996. In my judgment, as I will indicate shortly, that was more than adequate to complete the inquiry. It has not been completed, and the chairman of the committee, Senator D'AMATO, is now proposing a resolution for an additional $600,000 in funding and an unlimited extension of time to continue the Senate's inquiry into the so-called Whitewater matter.

Unlike S. Res. 120, which we passed last year, this proposal now for an unlimited extension completely disregards concerns about extending the investigation deep into a Presidential election year. In my view, it seriously undermines the credibility of this investigation and creates the public perception that this investigation is being conducted for political purposes.

As my distinguished colleague from Connecticut, Senator DODD, indicated earlier, there is no precedent that I am aware of for the Senate to conduct an open-ended investigation of a sitting President during a Presidential election year. In fact, as I understand it, there is no precedent to carry on an open-ended inquiry. All of the various investigations—and, as I understand it, the Senator put a list into the RECORD—placed a defined timeframe. As I indicated earlier in my quotes, this is a matter on which Senator DOLE, now the majority leader, has spoken repeatedly in the past in very strong terms, with respect to the need to have a defined time period.

Now, this proposed additional funding for this committee, another $600,000, would bring Senate expenditures on the investigation of Whitewater to $2 million. It is $1,950,000, just under $2 million. It needs to be understood that this is not the only money that is being spent on Whitewater. There is a tendency to say we are spending this $2 million. Then you can say, what about all the other expenditures that are being made? This is not the only inquiry taking place. There is the RTC commission of Pillsbury, Madison, and Sutro, a distinguished San Francisco law firm, to carry on a civil investigation with respect to these matters involving Madison, and other related matters. They have now issued their final report, in which they find no actionable conduct. They have concluded that no legal actions should be taken.

The cost of that inquiry is just under $4 million. So we add the amounts of $2 million and $4 million on the Pillsbury Madison. The independent counsel has spent, to date, we are informed, over $25 million and is spending at the rate of a million dollars a month. Of course, regarding the House committees, we do not know what the cost of their inquiry is. So over $30 million in direct costs have been spent by the Federal Government on the Whitewater investigation, and millions more have been spent by Federal agencies assisting with or responding to these investigations.

This Whitewater committee made a very broad request to the White House for e-mails. It was so broad that it was eventually clear that this really was not workable. It was an onerous request. When it was finally narrowed down, we got a response from the White House. They have now provided 7 of the 9 weeks of e-mails, and the other 2 weeks are about to come up.

Of course, the committee keeps sending further requests. I want that understood. This is a rolling game, and further requests are made. It has cost the White House hundreds of thousands of dollars to retrieve those e-mails because the Bush administration put in a system that made it very difficult to retrieve the e-mails. The Clinton administration changed that system back. From the date when the system was changed back, they were able to give us the e-mails after that date immediately. But the previous e-mails, under the Bush system, were extraordinarily difficult to retrieve. We are now in the process of receiving those, and we hope to complete it soon. They have had to bring in a contractor from outside, lay on a lot of extra staff, and spend hundreds of thousands of dollars in order to do that.

Now, the proposal of Chairman D'AMATO was first put forward for $600,000 and an unlimited time period. In the majority report on the progress of the Whitewater investigation, which was submitted to the Senate on January 22 by the special committee, the minority argued very strongly in its report that the committee, instead of seeking an extension of time and more money, should undertake an intensified hearing schedule in the final 6 weeks to complete its investigation by the February 29 deadline. I want this very clearly understood. In mid-January, we urged an intensified hearing schedule in order to complete the responsibilities that were before us.

I want to point out that in the last 9 days remaining to this committee under S. Res. 120 to conduct hearings, only 1 day of hearings was held—in the last 9 days of that time period. In the last 9 days of the Iran-Contra committee, when it was coming up against its deadline, they held hearings on 8 of the 9 days. This committee held 1 day of hearings over the last 9 days. No hearings this week. One day of hearings last week.

On the 23d of January, Senator DASCHLE wrote to Senator DOLE, stating,

> It is well within the special committee's ability to complete its inquiry by February 29. The committee can and should adopt a hearing schedule over the next 6 weeks that will enable it to meet the Senate's designated timetable.

Senator DASCHLE was absolutely correct. Unfortunately, there was no serious effort to intensify the hearing schedule in order to meet the February 29 deadline. In fact, sadly, to the contrary. As I indicated last week, the committee held one hearing with one witness. This week, one hearing was scheduled, but it was canceled. In other weeks, 2 or 3 days of hearings were held. Never were there 4 or 5, as was done with Iran-Contra. Indeed, as this committee did itself earlier in the year—this committee itself, back in the summer, held hearings 4 and 5 days a week. We have not done that once, during 1 week, in the January to February period, even though there was no Senate business, there was no business on the floor of the Senate, and therefore we were free from those interruptions.

Some of the witnesses had nothing to add. I just want to give two examples of this, which really in some ways is distressing. Susan Strayhorn, a former secretary, came in. A hearing started at about 10:30, finished at 1:00 or 1:30, and many of the questions at the hearing were so long-winded, at one point in the hearing Mrs. Strayhorn stated, ''I am sorry, Mr. Chairman, could we have a short break? I am nodding off here.''

There are other examples I mentioned. We have taken over 200 depositions. There is no selectivity and focus on the work of this committee. We took a deposition from a Mr. Charles Scalera. This should never have happened. If the majority counsel cannot call him up and find out whether there is anything there—the deposition began. He was brought in. He had to be sworn. He had a lawyer. We had to get the reporter to record it and go through that expense. The deposition began at 2:15, finished at 2:30. Mr. President, 15 minutes, and these were the last questions in the deposition:

> Question: Do you have any other information other than what you have gleaned from newspaper and media reports that you can give to the special committee regarding Mr. Foster's death?
>
> Answer: No, none whatever.

Question: Any information other than what is reported in the media or the newspaper regarding Whitewater Development Corporation?
Answer: None whatever.
Question: Madison Guaranty Savings and Loan Association?
Answer: None whatever.
Question: Capital Management Services?
Answer: None whatever.
Question: Seth Ward?
Answer: No.
Question: David Hale?
Answer: No.

Finally, counsel says, ''Thank you very much for your time. I have nothing further.''

Mr. LEAHY. Will the Senator yield?

Mr. SARBANES. I yield to the Senator for a question. I do have a statement I want to complete.

Mr. LEAHY. Mr. President, I have listened to what has been said here. Am I correct that, in all, the Senate investigation has spent 1.3 million of tax dollars, heard from over 150 witnesses, collected more than 45,000 pages of documents, and have not proven any criminal or ethical violations by anybody in the White House?

Mr. SARBANES. That is the current state of affairs. The Senator is correct.

Mr. LEAHY. Mr. President, if I might ask a further question of my friend, he is familiar with normal court procedures. I spent years as a prosecutor. I think, from my own judgment, if any assistant prosecutor in my office had gone on an expensive witch hunt like this, and a grand jury for all this, the foreman of the grand jury would be calling me as district attorney and saying, ''Hey, you better come down and answer what in Heaven's name you are answering to for our time and money.''

Would that be the experience of my friend from Maryland? At some point, the grand jury or the judge would be saying, ''Why are you wasting our time and money?''

Mr. SARBANES. I think the public is increasingly coming to ask those questions. They are asking the question, ''Why do you now seek another $600,000, bringing the cost of this to just under $2 million, and why are you projecting it further into the President election year?''

As I indicated, I think the extending of—indefinitely—the proposal of Chairman D'AMATO and his colleagues undermines the credibility of this investigation and would obviously contribute to a growing public perception that is being conducted for political purposes.

Mr. LEAHY. If I may ask one last question of my friend from Maryland. I know he has a statement to make.

I ask if this is his experience. My experience from Vermont, a State with maybe two-thirds of the people considering themselves Republican, my experience has been in letters I receive constantly, in things that people say to me when I am home on weekends, over and over again, people of all walks of life in my State have said, ''Enough is enough. Don't you people have something important to do in Washington? Why are you spending this time and money?''

I ask my friend from Maryland if that has not been his experience in the State of Maryland?

Mr. SARBANES. Mr. President, I think it is a perfectly legitimate question for the public to be asking. I do not think there is any question about it.

First of all, it must be understood that the independent counsel's work will continue. Who knows how long that will go on. Under the charter, it is unlimited and the amount of resources is unlimited. They have already, we understand, spent $25 million, or at the rate of $1 million a month. He has broad authority. He has a professional staff of approximately 130 people, 30 attorneys, over 100 FBI and IRS agents, and the Reauthorization Act sets no limits on the duration or the cost of his investigation. So that is at work. It has been at work for a long time. It will continue to be at work.

Now, he is about to start some trials. The other side treats those trials as though they are going to be held on camera. They say, ''We need the testimony of the people at those trials.'' Those people are going to make their testimony at the trial, and it will be on the public record.

This committee has held almost 50 days of hearings. It has heard from over 120 witnesses. It has taken over 200 depositions. It has gotten tens of thousands of pages of documents from the White House and from the President and First Lady's private attorney. It has nearly 30,000 pages of deposition testimony.

Mr. FORD. Will the Senator yield? I apologize, but I think it is timely.

Mr. SARBANES. I yield to the Senator.

Mr. FORD. Mr. President, would the Senator have some idea how much legal expense by the individual witnesses—I saw a story in the paper today. We begin at $50,000 and $60,000 and $400,000, and individuals are being called before the Whitewater Committee that are absolutely scared to death, had no idea of what is going on, had nothing to do with anything. Yet, they are advised to get an attorney, and they hire an attorney, and they cannot pay their mortgage. They have to borrow money to pay their attorneys' fees.

We keep on keeping on, keeping on, and we are absolutely ruining families financially, calling all these people that have no relevance to the committee business at all. Has that ever been added up?

Mr. SARBANES. We do not have that figure. The figures we are giving are public expenditures of money to do the inquiries. The costs that are imposed on the people that come forward as witnesses we have no accounting for, although we do understand that for many of these people those costs are very substantial and they are in no position to bear the cost.

I want to distinguish between two groups of witnesses. There are some who come before the committee, and I agree completely, they ought to be there. There are questions that need to be asked if we are going to do our inquiry. One of the consequences of such inquiry is that people bear costs, and at some point I think we need to give consideration to that as a Congress. There are other people that are being called before our committee and they get there, and they essentially sit there through the hearing. They really have not much to contribute. Maybe they get asked a few questions, and then they, too, incur expense. Some of these are very young people, and others hold low-level positions—clerks, secretaries. It is very clear that this is a terrifying and traumatizing experience for them, personally traumatizing.

Mr. FORD. Mr. President, that is somewhat different from the Ethics Committee or a grand jury investigation. When staff is called to go before the committee, to have representation, the Senate pays for that. The Senate furnishes attorneys. If the Senator himself or herself is not involved, then the Senate pays for the legal counsel.

So what you have here is that in certain instances we pay—we, being the taxpayers—pay for the legal counsel. In this particular case it comes out of the individual's pocket, hundreds of thousands of dollars.

So I think that we are making a real mistake here, crushing families financially for the political whim of a few individuals.

Mr. SARBANES. I would then make this point about the situation we find ourselves in here now, because I know the matter is pending in the Rules Committee.

Mr. FORD. Mr. President, may I answer that? There was a meeting of the Rules Committee called yesterday afternoon at 3:30, and it was postponed. There has been no other meeting called of the Rules Committee.

Mr. DODD. If my colleague will yield?

Mr. FORD. I do not know that anything was before the Rules Committee yesterday.

Mr. DODD. If I may ask my colleague from Maryland to yield so I can ask a question. I sit on the Rules Committee. There was a meeting of the Rules Committee this morning, was there not?

Mr. FORD. An oversight meeting, from 9 o'clock until 1:30. Then there was another one this afternoon at 2, and it went on until about 4 o'clock.

Mr. DODD. Let me inquire. If a quorum had been produced in the Rules Committee, could not the Rules Committee then have marked up and sent out the bill that we are being asked——

Mr. FORD. Only with unanimous consent of the Senate. We were beyond—the 2 o'clock period was beyond the 2 hours. The committee hearing was only for oversight. It would have had to have been expanded this afternoon. This morning, I am not sure. I had not given it any thought.

Mr. DODD. I was referring to this morning.

Mr. FORD. I think that is correct.

Mr. DODD. Was there a quorum at any point present?

Mr. FORD. There was no quorum. There were only three Senators there this morning at any one time.

Mr. DODD. Was the majority leader of the U.S. Senate, who is a member of the Rules Committee, present?

Mr. FORD. No, sir.

Mr. DODD. I thank my colleague.

Mr. WARNER. Mr. President, yesterday, as chairman of the Rules Committee, I was informed that the Banking Committee had reported out a resolution under the procedures of the Senate. It came to the Rules Committee, whereupon I immediately contacted the distinguished ranking member, Mr. FORD, and actually went to his office where we visited for a period of some 15 to 20 minutes.

In a very forthright manner, the two of us ascertained that we could not achieve a quorum of nine members and, therefore, we could not act on the legislative matter that had been received from the Banking Committee.

Mr. FORD then counseled with the distinguished minority leader; I counseled with the distinguished acting majority leader, the Senator from Mississippi, Mr. LOTT. It was clear to me, and I was under the clear impression that it was clear to Senator FORD, that yesterday we would not endeavor in any way to bring this matter up, even for purposes of discussion, even though I had earlier intended to schedule a meeting for 3:30.

Today's agenda of the Rules Committee had been planned for some weeks. Notice was given to all members.

The agenda today was restricted to the subject of testimony from the Secretary of the Senate, the Sergeant at Arms, and the acting Architect, and other witnesses relative to their subjects. At no time did Senator FORD and I discuss today the matter of the pending issue that came from the Banking Committee.

So there was no question today of trying to raise a quorum for the purpose of considering the pending legislative matter that arrived yesterday from the Banking Committee. I regret that others somehow in the colloquy today might have raised this question. I assure the Senate that that was never on the agenda today. There was no effort to get a quorum for the purposes of consideration, and it was my clear understanding that the earliest date which the Rules Committee could address this issue would be next Tuesday.

(Mr. GREGG assumed the chair.)

Mr. SARBANES. Mr. President, some of my colleagues on the other side have been treating this matter as though the choice is between terminating the inquiry right here and now or an indefinite extension, which is what Senator D'AMATO has proposed. I want to underscore the fact that Senator DASCHLE put forward last week a proposal for providing additional time and funding to complete the work of the special committee authorized by Senate Resolution 120.

Senator DASCHLE proposed providing until April 3, an additional 5 weeks, for the Senate committee to complete its hearings schedule and until May 10, a further 6 weeks thereafter, for the committee's final report to be produced. Senator DASCHLE proposed then, in order to carry us through that period, additional funding of $185,000; not $600,000.

Let me point out, in Iran-Contra, in the 5 weeks leading up to the end of their hearings, they held 21 days of hearings. So, if this committee followed the schedule of the Iran-Contra committee in July and August of 1987, it could do 21 days of hearings within the time period provided by the proposal put forward by the majority leader. That is almost half again as many hearings as have already been conducted by this committee over this entire period.

Five weeks of additional hearings should be more than adequate to complete the so-called Arkansas phase of this investigation. In fact, that phase concerns events that occurred in Arkansas some 10 years ago, events which have been widely reported on since the 1992 Presidential campaign and about which much has already been said. Witnesses have been brought in, and they tell the same story that has been in the newspaper 3 and 4 years ago. In fact, I must tell you—I do not have it here with me, I will get it for further debate— we had one witness with whom we were going over the notes about the January 1994 period. So the next day there was a story in the press about that. We compared that story with the story that had been written in the press back at the time. The first two paragraphs of those two stories are virtually identical.

I mean, we are simply replowing old ground. I understand some people want to do that, as well as whatever new ground there may be. But to now appropriate another $600,000 in order to carry out this kind of inquiry? This investigation can be brought to a proper conclusion for far less money than the $600,000, and the remainder of those funds can be put to a far more constructive purpose. As I indicated before, the inquiry of the independent counsel will continue. He and his predecessor have already spent more than 2 years investigating Whitewater-related matters. We anticipate they will continue. So it is not as though these matters are not going to be looked into. In fact, this committee does not have the power of bringing actions. That rests with the independent counsel.

In addition, as my distinguished colleague from Connecticut, Senator DODD, pointed out, a comprehensive report by an independent law firm, Pillsbury, Madison, and Sutro, retained by the RTC, has now been made public. Its key findings are that they find no conduct on the basis of which action can be brought.

Let me now turn to two arguments that are put forward to support an open-ended extension of time, which is what the proposal is that is before us. One is that there has been delay complying with White House document requests by the White House. And regarding complying with document requests, they point to documents that are provided late. I just want to make this point. Those documents were provided. I have been in other inquiries in which documents were never provided; in fact, in which they were destroyed. What happens here is they come forward with the documents. Instead of saying, ''Good, we have the documents, we can now examine them,'' people are berated because the documents were not provided earlier. It is reasonable, with respect to each person, to ask them why were they not provided earlier. I mean Mark Gearan said that, by mistake, these documents were packed up, put in a box, and shipped over to the Peace Corps when he went there to be the Director. He did not know that had taken place. Later he found out that it had taken place, and he moved, then, to respond with the documents to the requests that had been made of him.

But it must be understood that the White House experienced difficulties in complying with document requests because some of the majority's requests were extremely broad and burdensome. For example, in early September the majority sent to the White House a request—now, listen carefully to this—calling for the production of any communications, contacts, or meetings; any communications between anyone in the White House, current staff or former staff, and anyone on a list of about 50 people, on any subject—any subject matter whatsoever—over a 18-month period.

Just think of that. Take a moment to think about that. You get a document request that says we want any communication between any present or former member of the White House staff, which is quite a large number. I do not know the exact number. But it is many, many people, and anyone on a list of more than 50. Actually that list included any employee of the RTC which literally involves thousands of people if you take it literally—any communication between those groups on any subject matter; any subject matter whatsoever over an 18-month period. Think of the enormity of that request. Obviously, such a broad and onerous request slowed down the document production effort. We engage then in an effort to narrow this request and to focus, and in effect to pinpoint it on what was really relevant, and once that was done, we were able to get a response in a reasonable period of time.

The majority request for electronic mail records encountered the difficulty that the White House did not have an

existing capability to retrieve all e-mail messages potentially encompassed by the committee's request. The White House attorneys explained that the e-mail system implemented by the Bush administration and inherited by the Clinton administration did not save e-mail records in retrievable form. Under the Bush administration's system, only weekly backup tapes for the entire computer network were maintained up until the Clinton administration put a new system in place in July 1994. The White House actually has produced responsive e-mail created after July when they put their new system into place. So there was a problem on how to proceed under the technical constraints imposed by the Bush administration.

Finally, this matter was resolved through a more specific definition by the committee of the e-mail request. In other words, we were able to identify particular weeks instead of a broad request over an extended period of time involving huge numbers of people. The White House committed a major outside computer contractual firm to assist it, and we have now been receiving those e-mail. We still have 1 or 2 weeks to go in terms of furnishing them to the committee, although additional requests have been made in recent days I understand.

In any event, it is important to recognize that these documents were produced, and, in fact, one produced contained little meaningful information.

Let me turn to the argument that is made that we need an indefinite extension in order to await the completion of the trial that is about to begin in Little Rock. When the Senate passed Resolution 120 creating the special committee and defining its powers and responsibilities, the independent counsel's investigation was already well under way. The Senate recognized that fact and provided for it in the resolution. It was not the intent of the Senate, as reflected in the resolution, that the special committee's work be delayed, or put on hold because of the activities of the independent counsel. In fact, the independent counsel has along the way raised concerns about the committee's investigation. The committee declined to suspend its work to accommodate those concerns, and on October 2 of last year Chairman D'AMATO and I wrote to independent counsel Kenneth Starr and advised him that the committee intended to proceed with its investigation contrary to wishes expressed by him in his letter of September 27. We said in that letter,

> We believe that the concerns expressed in your letter do not outweigh the Senate's strong interests in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with section 9 of the resolution.

In other words, on October 2, we said to the independent counsel we are going to go ahead despite your inquiries in order to complete by the date provided in the resolution, February 29. We are not going to await the outcome of your trial. Now we are being told just the opposite. Now we are being told we must await the outcome, and therefore we must extend the inquiry beyond the completion of the pending trial.

Indeed, four witnesses have informed the committee that they will invoke their right against self-incrimination and refuse to testify. But that is no reason for the committee to extend this investigation into the political season, a result the Senate avoided when it provided the funding for the investigation only through February 29, 1996. That problem was recognized at the time. It was part of the thinking at the time. And the thinking was that we would not defer if that became the issue before us to the independent counsel.

In fact, in that letter of October 2 to independent counsel Starr, Chairman D'AMATO and I said, with respect to the position of the special committee in seeking the testimony of defendants in criminal trials initiated by the independent counsel, and I will quote:

> The special committee does not intend to seek the testimony of any defendant in a pending action brought by your office, nor will it seek to expand upon any of the grants of immunity provided to persons by your office or its predecessor.

That was the position that the committee took on October 2 as we projected forward as to what our work schedule would be.

It must be understood that delaying beyond the trial will not affect the ability of witnesses to assert their privilege against self-incrimination. In fact, I think it is fair to say that they can be expected to continue to assert their fifth amendment privileges. Even the availability of defendants, if one were to decide to seek them, would be affected by the trial's outcome. If the defendants are convicted, appeals will likely follow probably on numerous grounds and take months, years. All my colleagues know the workings of the legal system. During that time, the defendants will retain their fifth amendment privilege notwithstanding the prior trial and conviction. Even if acquitted, they retain the privilege for charges other than on those on which they were tried. So it is very unlikely you will obtain this testimony in any event.

Second, this trial is being treated as though it is going to be in camera. In other words, that this trial is going to begin and that no one is going to know what the testimony is at the trial.

Now, obviously, that is not the case. I am told, in fact, that the press and media are already moving from here in Washington to Little Rock, and so I anticipate that the trial will be well covered and well reported.

No one knows, of course, how long the trial will last. Estimates are 10, 12 weeks, maybe longer. I think this letter that we sent—and I will discuss it at greater length subsequently because I take it my colleagues wish to speak, but the October 2 letter which Chairman D'AMATO and I sent to Independent Counsel Starr is instructive in this regard because it operated on the premise that we had to complete our work, that we were not going to be placed in the posture by the independent counsel of backing up our work behind his work. I think that was a wise position then. I think it remains a wise position.

I am very frank to tell you, as I indicated at the outset, that the proposal for $600,000 funding and the unlimited extension of time is a proposal that disregards concerns expressed here a little less than a year ago, concerns that Senator DOLE has expressed on other occasions with great vigor, completely disregards concerns about extending the investigation deep into a Presidential year, and therefore I think it undermines the credibility of the investigation and creates the public perception that it is being conducted for political purposes.

I do not think there is justification for the proposal for an indefinite extension of time. I am very much opposed to it.

Senator DASCHLE has come forward with an alternative proposal that I think is reasonable. He has not said that we are going to simply stick with Senate Resolution 120. He has offered a proposition to extend the hearing schedule to the beginning of April and some additional time to do the report. I think the committee could complete its inquiry within that time period, and I think that will give some assurance to all of us here and to the American people that this investigation is being conducted in a fair, thorough and impartial manner.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I do wish to be heard on the issue of the Whitewater extension, but first I have a unanimous consent request.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Gen. Barry R. McCaffrey to be Director of the Office of National Drug Control Policy, reported out of the Judiciary Committee today. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nomination was considered and confirmed as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy.

Mr. SPECTER. Mr. President, I am pleased to support the nomination of Gen. Barry R. McCaffrey, USA, to be Director of the Office of National Drug Control Policy. I congratulate the President on his fine choice.

As a strong supporter of the legislation to create the Office of National Drug Control Policy as part of the Executive Office of the President, I regret that the Office has not met my expectations. Perhaps no one should be surprised that the directors have been unable to exercise full authority over the numerous Federal agencies that have jurisdiction and responsibilities over some aspect of the far-flung war on drugs. These agencies range from the military, law enforcement agencies, public health agencies, education agencies, foreign affairs agencies, and border control agencies, among others.

The Director of this Office must be skilled in the ways of the numerous bureaucracies that come within his domain. He must be able to meld these disparate agencies into a single, effective weapon reaching toward the same goal, even through widely different means. He must be able to handle competing political demands for resources and balance long-term goals with short-term needs. The most important weapon in the Director's arsenal is the President's committed support to the ending the plague of drug use in our Nation.

In 1992, our Nation had achieved a remarkable record in reducing drug use over the previous 10 years. While still confronting excessive crime rates due to illegal drugs, we had made real headway. Not surprisingly, crime rates soon followed in a downward trend. I regret that this record of success has been turned around since 1993.

While cocaine use has been relatively stable since then, the use of other drugs has increased significantly. Heroin use is up, as is the purity of that pernicious drug. Meanwhile, the price is down, demonstrating that heroin supplies have been increasing. This is not an unexpected problem. Under Senator BIDEN's leadership, the Judiciary Committee held a hearing on the subject of heroin trafficking in 1992. The problem has still not been satisfactorily addressed.

Even more troubling is the sharp increase in juvenile drug use. Recent studies show increases in the use of all sorts of drugs among students in junior high and high schools. The sharp increase in marijuana use among these children, double between 1992 and 1994, is most troubling because of marijuana's frequent use as an entry-level drug. Students who use marijuana are 85 times more likely to use more serious drugs than those who do not. LSD, methamphetamine, and inhalant use among students is also increasing.

I believe leadership from the top has been lacking for the past few years. I hope that the nomination of General McCaffrey signals a renewed commitment to fighting the war on drugs.

Wars must be fought on many fronts. Even armies with overwhelming strength and superiority can lose a war to a foe that can take advantage of strategic weaknesses. While the United States has been waging its war on drugs, we have not been doing it intelligently. Too many resources have been wasted on international eradication and interdiction efforts. Not enough resources have been dedicated to the real, long-term answers to the drug problem: education, prevention, and rehabilitation.

While I was a little concerned with General McCaffrey when he was nominated, because of his background in interdiction, those concerns were put to rest by the commitment he expressed both at his confirmation hearing and in his responses to questions submitted for the record to prevention and treatment programs as the key to solving America's drug problem. General McCaffrey is right. America cannot win the drug war by focusing on law enforcement. Prevention, education, rehabilitation are the real keys to winning this war. With General McCaffrey leading our efforts, I am convinced that we will do better and once again begin to make strides in our collective effort to reduce the drug problem.

I also want to note my appreciation to General McCaffrey for his willingness to come to Philadelphia to view first-hand the scope of the drug problem in an American city and some of the innovative steps taken to combat that problem. I look forward to his visit soon.

Mr. HATCH. Mr. President, today the U.S. Senate considers the nomination of Gen. Barry R. McCaffrey, President Clinton's nominee to be Director of the Office of National Drug Control Policy—the so-called drug czar. I strongly support General McCaffrey's nomination and applaud President Clinton's choice of this decorated hero of the Vietnam and Desert Storm conflicts.

General McCaffrey currently runs the United States military's joint command in Latin American—Southern Command, also know as SOUTHCOM. SOUTHCOM is responsible for overseeing the military's Latin American interdiction efforts.

I have been a vocal critic of President Clinton's drug policy, or should I say, lack of drug policy. While President Clinton has abdicated his responsibility to combat the plague of illegal narcotics to fight the war on drugs by refusing to use the bully pulpit of the Presidency to speak out against drugs, I believe that he should be commended for the nomination of General McCaffrey to join forces with others such as Judge Freeh [FBI], Tom Constantine [DEA] and Attorney General Janet Reno who have been instrumental in fighting the drug war. General McCaffrey has the opportunity to use his position to condemn drug use and take active steps in formulating a policy that will help this Nation triumph over drug abuse.

A question I have is whether the selection of General McCaffrey signals a new-found commitment by the President to lead in the drug war, or whether it is, more simply, an election year make over. But I am willing to give the President the benefit of the doubt. I am willing to see if he will provide General McCaffrey with the support necessary to reverse the disturbing trends we have seen the past 2 years, trends that suggest substantial increases in youthful drug use.

In order to be successful, General McCaffrey will need to engage the full support and involvement of the President. The general promised me that he enjoys the President's full support. I want General McCaffrey to know that he will have strong allies in Congress for a serious effort against drugs.

Senator BIDEN and I, for example, have made a major commitment of time and energy to the drug issue, including shoring up the drug czar even after President Clinton slashed it substantially in his first year in office. While the President cut the Office of National Drug Control staff from 147 to 25, I am pleased that General McCaffrey said he plans on increasing staff to its original level of 150.

Last summer Senator BIDEN and I saved the office from elimination. As late as last week we interceded to lift an earmark against ONDCP's operating budget. These recent efforts to eliminate or cut back the drug czar's office reflect congressional frustration with the Clinton administration's abdication of responsibility. I hope we will see the President take a more active role in supporting General McCaffrey and in condemning illegal drug use.

General McCaffrey has raised three children free from the scourge of illegal drugs. I hope he will now view all this Nation's children as his own, and take their futures to heart as he devises and implements a drug strategy. I hope the Senate will commit to assisting him any reasonable way that it can.

Mr. WARNER. Mr. President, it is a distinct pleasure for me to speak briefly on the confirmation of Gen. Barry R. McCaffrey as the Director of the Office of National Drug Control Policy today. It comes as no surprise that a man of General McCaffrey's stature and accomplishments has been confirmed so swiftly by the Judiciary Committee and the full Senate. As Senator HATCH mentioned in his remarks at the Judiciary hearing yesterday, President Clinton has made a bold and enlightened choice to be our next drug czar and I know he will bring fresh energy,

ideas, and experience to this difficult challenge.

I cannot let this occasion go by without briefly mentioning some of the many awards and accomplishments that General McCaffrey has received during his illustrious military career: two awards of the Distinguished Service Cross, two awards of the Silver Star, three awards of the Purple Heart for wounds suffered in Vietnam, leader of the 24th Mechanized Infantry Division whose left hook attack against the Iraqi army was the decisive ground battle in our gulf war efforts. In order to accept the President's call to duty in the drug war, General McCaffrey will retire form the Army: there is no greater indication of his love of country than this sacrifice to take on a new challenge.

The extent of the drug war is well known and seems to have worsened during the last few years, especially among our young people. General McCaffrey's recent responsibilities as commander of the Southern Command has plunged him into the counternarcotics battle, experience which will serve him well in his new post. Along with his unquestioned moral authority and leadership skills, this experience makes Gen. Barry McCaffrey uniquely qualified for this position.

I urge the Congress to assist our new drug czar in this fight in policy determination, financial commitment, and moral leadership. Only by enlisting all of us as soldiers in this war will the generals in the fight, such as General McCaffrey, be able to win the war on drugs. I wish my friend the best in his new position and it has been a singular honor for me to participate with my friend, Senator NUNN, in introducing General McCaffrey to the Judiciary Committee.

LEGISLATIVE SESSION

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, in anticipation of the visit by a foreign dignitary, so that we can bring him to the floor, I now observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, we will be a few minutes yet before the foreign dignitary will be able to visit with us in the Chamber, so I thought we would go ahead and proceed with the debate. So, I seek recognition to speak on the Whitewater committee extension.

WHITEWATER

Mr. LOTT. First, Mr. President, I want to make note of what is being done here. The distinguished chairman of the Banking Committee has asked for a very fair unanimous consent that the Senate bring up the resolution extending the Special Committee To Investigate Whitewater Development Corp., and that it would be presented in a most fair manner, 2 hours of debate, equally divided, with an amendment in order by the distinguished Democratic leader, Senator DASCHLE, or his designee, and an hour of debate on that, and we would then proceed to vote.

That unanimous-consent request has been objected to. It seemed like a fair way to proceed to me. It is normal business. You bring up a resolution, you have a very fair procedure where the other side can offer an alternative and we can have a vote on that and then proceed to vote on the resolution as it is presented. That has been objected to now about four times. We are just trying to find a way to move this to a conclusion.

This Whitewater committee has a job to do. The American people understand that. They want the job to be done. But that job is not complete. It would have been nice if it could have been wrapped up a month ago, or today. But the work is not completed. It is not completed partially because there has been this slow process. They talk about a perception of politics; how about a perception of coverup?

I can understand how there are documents can be misplaced at one time and then turn up, like the billing records did in the private residence at the White House. That is one example. And then there are these documents that Mr. Gearan found. Then there are the documents which Mr. Ickes found. I think that came out just in the last week or so.

Every time it looks like all the documents that can be found have been found—and I am not on the committee; I am just observing it as a normal Member of the Senate would—and when the Senate seems like it is getting to the point where we could begin to move to some conclusions, another raft of papers just appears out of thin air.

I want to commend the chairman of the Banking Committee. He has been diligent. He has been very calm in the way he has handled this committee. He has been very fair. Yet he is, on the one hand, criticized because they have not had hearings every day and on the other criticized because of all that has been done and all the documentation that has been accumulated. I just think he is entitled to some credit for the very calm and methodical job that has been done.

Those who want to say, well, it is politics, those who are opposed to extending this hearing in the way that it should be extended, certainly you would think that they would have had the Washington Post or New York Times and other media in their corner. But that is not so.

The New York Times, in fact, on the 28th of February, said that Senator D'AMATO has in a non-partisan way made a very strong point about the need to continue the Whitewater committee. I want to read an excerpt from the New York Times. The editorial supports an indefinite extension of the committee and the duty of the Senate to pursue this matter in a fair way.

The New York Times editorial reads thusly:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.
>
> No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

The New York Times is not exactly a Republican National Committee publication. The New York Times is not the only newspaper which has expressed similar views. There have been similar articles in the Washington Post.

So, I am a little surprised at what I have heard here today: that we're dragging the investigation out; that Whitewater is only about empty allegations and politics. There are also these complaints that there is nothing really to Whitewater. There is no ''there, there,'' so to speak.

I do not know all the details. But I do know this, that in connection with this matter, there have been numerous guilty pleas and indictments. David Hale pleaded guilty on March 22 to two felony violations. Charles Matthews pleaded guilty on June 23, 1994, to two misdemeanor violations. Eugene Fitzhugh pleaded guilty on June 24, 1994. Robert Palmer pleaded guilty on December 5, 1994. Webster Hubbell pleaded guilty on December 6, 1994. Christopher Wade pleaded guilty on March 21, 1995. Neal Ainley pleaded guilty on May 2. Stephen SMITH pleaded guilty on June 8. Larry Kuca pleaded guilty on July 13, 1995.

We have indictments on numerous felony counts of Mr. McDougal. Eleven felony indictments were handed down against Governor Tucker. You know, I do not think we can lightly dismiss all of these things.

I acknowledge that these are separate proceedings that are being carried forth by the independent counsel's office. But as a matter of fact, the Senate has an even higher responsibility.

We are not just looking at legal matters; we are looking at broader questions of misconduct, how Federal agencies or departments may have been used, how certain Federal funds may or may not have wound up in campaigns.

So even aside from all this, if you can just dismiss all this, you have to ask yourself, should not the committee be looking at that and a lot of other matters that are surrounding this Whitewater affair? So, clearly, the committee should have an extension of its time well beyond February 29.

Mr. SARBANES. Would the Senator yield?

Mr. LOTT. I will yield, but I want to take note that I listened a long time to the Senator's statements without any interruption. If the Senator would like to ask a question or make a point.

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to.

Mr. LOTT. Beg pardon?

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to do that.

Mr. LOTT. Would the Senator? Then I would be glad to respond to questions. And I would like to address some to the distinguished chairman of the committee because most Senators do not know the answers to some of these questions that are being asked out here today. I would like to ask those of you who have been involved to respond to those.

Certainly, the Whitewater committee should be extended beyond February 29. Even my colleagues on the other side of the aisle acknowledge this. But you want to put this arbitrary cutoff on it. Regardless of what happens in the trial that is beginning next week, you want to say by a date certain we are going to stop it no matter what happens in that trial.

I know some of the defendants maybe will be found innocent, or maybe they will be found guilty. Maybe there will be appeals. But we will find out. There are witnesses, I presume, associated with that trial that this committee has not been able to have testify.

How can we say to the committee, ''Complete your work,'' when they may not have questioned some of the most critical witnesses? Again, I do not know what the end result will be. I do not know how long it will take. But I am uncomfortable, in view of the dribbling out of information, with saying you have to just stop it at some date certain, like May 3. The minute you say this is the cutoff date, the way things have transpired, what your guarantee is that there will be more withholding of information until that date arrives.

I have some sympathy for the White House, in a way, because I am amazed at how they handled this thing. They certainly have not helped this committee finish its work, even though the Whitewater affair is a blight on the administration. Surely, it would be better if we could get it all out in the open and reach a conclusion. I am sure that the administration, in many respects, is horrified at how some of this is being handled.

Let me say this, too. I served in the House for 16 years. I have been in the Senate 7 years. I was on the Judiciary Committee during the Watergate hearings. Oh, yes, is it not amazing how the worm sort of turns over the years, depending on which side of the aisle you are on. I remember Watergate, and I watched the Iran-Contra hearings. I watched the October surprise. I never figured out what the surprise was. I got the answer. There was not any. And now some of those who were saying we must get to the bottom of this, that we cannot have a coverup, that we have to go forward with this no matter what the cost, now they are saying, ''Geez, we need to cut this thing off; it costs too much, it looks political because of an election year.'' If we had gotten all the evidence, if the special independent counsel had completed its work, maybe we could have completed it.

I want to talk about the dollars, too. Not only has the chairman done a very calm, reasonable, fair job, he has also been frugal. This committee has only spent $950,000 in the 104th Congress, as I understand it, through February 29. I understand there might have been an amount that was actually done in the previous Congress, bringing the total to like $1.3 million, I believe, and that is what the Democratic leader had said earlier.

Mr. SARBANES. If the Senator will yield?

Mr. LOTT. I will yield on that point.

Mr. SARBANES. This committee spent what was available to them. That was the $950,000.

Mr. LOTT. That is going to relate to what I am fixing to say. You talk about the cost. That is a very small amount of money in doing its job, especially when you compare it to what these other committees spent. For instance, the select committees on Iran-Contra spent well over $3 million, and in 1996 dollars, it would probably be $4.5 million on that investigation, according to the Congressional Research Service.

The October surprise investigation cost up to $2.5 million, according to the Congressional Budget Office. Chairman HYDE in the House, who served on the investigating committee, said the total cost, including salaries and expenses, amounted to probably as much as $4.56 million. It may have been for a shorter period of time, but the actual costs were greater.

According to the Congressional Research Service, the total cost of Whitewater, including the independent counsel, at this point has been $12,525,000.

Compare this $12.5 million to the $40 million in direct costs spent on Iran-Contra. Some estimates place the total cost of Iran-Contra as high as $100 million. Even the Watergate investigation, in which I participated, is estimated to have cost $26 million.

I understand you have the cost of the independent counsels and the entire cost of some of these other investigations, and in this case you have the independent counsel going forward, but the committee itself has been very reasonable in what it has spent.

What they have asked in additional funds is only $600,000. You are talking about, based on that money, 3 months, 4 months maybe, and if the work is completed before then, it certainly would have to be completed within 4 months, but it could be done before then.

I want to know, when did this committee establish 96 to 3, by a vote of the Senate last year, to become a political circus? What we are trying to do here is find out the facts, not facts as determined by Republicans or Democrats, but what happened in this matter. There are a lot of questions that remain unanswered, as far as I can see.

More and more this Whitewater affair looks to me like a scheme to fund dubious ventures illegally, perhaps with some of the tab ultimately being picked up by the taxpayer. These are important issues, not flights of fancy. To treat this investigation as anything less, as partisanship or vindictiveness, is wrong.

So, Mr. President, let me just say the Whitewater investigation is not and should not be about politics. The committee has found a tremendous amount of information and facts that raise a lot of questions. Some of those questions have not been answered yet, and the committee has done its job inexpensively and prudently. The truth needs to get out. The Congress has a job to do, no matter what happens with the independent counsel. We need to get through the public hearings.

If there is wrongdoing, then the judiciary will get involved. The Senate's role is limited. The job of Congress constitutionally is not to prosecute but to reveal. It is a place not only where the people rule, but where the people hear. Through hearings and other means, the Senate has and can continue to reveal what really happened in Whitewater. For the good of the Presidency and for the good of the country, we must find out.

Surely we can find a way to come to an agreement on the necessary funds to get this hearing done and completed in a reasonable way, but without artificial cutoffs. We will regret that if we do it.

Mr. President, I would like to address a couple of questions to the distinguished chairman of the committee to clear up some of these things that some of the Members are wondering about and that I wonder about.

Obviously, documents have been coming in fits and stops and not all the documents that the committee subpoenaed, but I just wonder and ask the chairman of the committee, what kind of cooperation have you received from the White House? The White House keeps talking about the number of

pages of documents. The Senator from Maryland talked about this tremendous, voluminous amount of material that has been furnished to the committee, but have we received full cooperation from the White House? Have you received everything you have asked for?

I yield to the Senator.

Mr. D'AMATO. The Senator raised a very good point, because we have heard ''50,000 pages of documents being produced in response to requests,'' but the fact of the matter is, as Senator MACK pointed out yesterday that it is not the sheer quantity of documents that matter, it is the quality and relevance; for example, documents that were under the jurisdiction of key people with the so-called Whitewater defense team, the group that was attempting to deal with press inquiries and other inquiries, headed by Mr. Ickes. We just received about 200 pages, literally, last week. Incredible.

Now, we have requested that—

Mr. LOTT. You received 200 pages just last week?

Mr. D'AMATO. That is right.

Mr. LOTT. Where did those documents come from?

Mr. D'AMATO. It was indicated they were in a box, a file. He thought he maybe turned them over to his lawyer.

Mr. LOTT. Who is he?

Mr. D'AMATO. He is Mr. Ickes, deputy chief at the White House, and in charge of this task force dealing with this Whitewater and Whitewater-related matters.

Let me say that the production of those documents alone have raised very interesting questions, and I have to think that there are many more documents—because the produced records contain information relating to Mr. Ickes tasking assignments out to different people. You know something, we have not gotten any of those documents or any of the task reports from the other members of that so-called White House defense team. But that is only one individual.

With Mark Gearan several weeks ago, former White House communications director, the same kind of event. He claims that the documents were not found because he put them in a box while he was packing. He was going to head the Peace Corps, and he thought mistakenly that they had been turned over. An inadvertence. Interesting. Because he is another member of the defense team.

Guess what? Again, just several weeks ago, the same thing. This time Mr. Waldman, another member of the defense team, finds documents. Again, it relates to specifically Whitewater-related matters. No question. I have to tell you, it does lead one to believe—even if one were to accept that these were just accidental—these are delays that are no fault of the committee.

What about the manner in which the White House conducted an investigation to get the documents? Let me give you an example of what the Treasury Department did. They sent a team of IRS agents in to comb the files for relevant material. It is not what the White House did. They had a haphazard handling of this, almost with the back-of-the-hand attitude, designed—or certainly if not designed, they should have recognized that it certainly did not comply with the spirit and intent of what the President meant by promising full cooperation.

Last but not least is the miraculous production of the billing records—billing records that are very essential to analyze what Mrs. Clinton did or did not do for Madison. Where are they found? In the personal residence of the White House. I do not know how it got there. But I have to tell you, as our friend from North Carolina, Senator LAUCH FAIRCLOTH, points out, that is one of the most secure places in the world. He asked, tongue in cheek, ''Did the butler bring it there?'' Who do you think had control of the billing records of the Rose Law Firm? Who? It was not this Senator. I do not know. Where do you think they found them? They were found in the personal library of the First Family. Who brought them there? How did they get there?

Our colleagues complain that we are bringing in witnesses unnecessarily. An attorney, Austin Jennings, was brought in. Let me tell you why we asked for that poor attorney to come in. It was because he came up to Washington to meet with the Clintons' personal defense lawyer. Are we supposed to talk to him by telephone? Why did the Clinton's attorney not do that? He was writing a book—this is a great story—and he wanted to ascertain, was Mrs. Clinton a competent lawyer.

Could you believe he flew from Little Rock up here to the White House itself to meet with the Clintons' personal lawyer and Mrs. Clinton to spend 20 minutes simply to say that, yes, if asked any questions, he would say she was a competent lawyer? He did not even know who paid for his trip. You want to talk about disingenuous. I think it is disingenuous to ask why we asked this poor gentlemen to come here. Incredible. Sympathy and sop? Come on. Let us level somewhat.

I have to tell you something. The fact of the matter is that Mr. Jennings was Seth Ward's attorney. Who is Seth Ward? If my friends want to debate this, we will bring out what the committee has been doing on this floor. If you want to do it for 10 hours, we will do it for 10 hours. If you want to do it for 20 hours, we will do it for 20 hours, and we will spell it out.

Seth Ward is Webb Hubbell's father-in-law, and he participated in Castle Grande, the biggest of Madison Guaranty's sham deals—a $3.8 million loss. By the way, Mrs. Clinton, when asked by various investigative agencies of the Government, gave indications that she did not know about Castle Grande. She heard it referred to by a different name. She had 15 conversations with Seth Ward. Jennings was Seth Ward's attorney. That is why we brought him in. When an attorney says tongue in cheek, like Mr. Jennings did—a smart fellow—says, ''I do not know what I am doing here,'' come on, it is disingenuous to come to the American people and to the Senate and to say some witnesses did not even know why. Here is a smart lawyer, and he does not even know who paid for him to come up here. I have to tell you, it raises many more questions than it answers.

It is this kind of delay and holding back that puts us here in this position. You can pull out the letter and all of the conversations you want. I thought we would have this matter finished by February 29. If we had the cooperation of witnesses, the White House, and others, we could have wound this up. But we did not have the kind of cooperation that the American people are entitled to.

VISIT TO THE SENATE BY HIS HIGHNESS SHEIKH JABER AL-AHMAD AL-JABER AL-SABAH, AMIR OF THE STATE OF KUWAIT, AND MEMBERS OF THE OFFICIAL KUWAITI DELEGATION

RECESS

Mr. LOTT. Mr. President, I ask now that the Senate recess for 2 minutes to receive His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.

There being no objection, the Senate, at 4:44 p.m. recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

WHITEWATER

Mr. LOTT. Mr. President, I know others wish to speak and ask questions. I will ask one more question at this time. I think it is really the key question that we had asked in answer to the objections we are hearing from the other side of the aisle.

There have been complaints that the chairman's request does not set up an end date for the investigation. I assume he has some very good reasons for that. Why can we not say that the investigation will end on such and such a date? Why is May 3 or May 31 not an acceptable date?

Mr. D'AMATO. That is a very valid point and question. Also, again, when one looks at the contention that we have looked for an indefinite, ad infinitum extension, that fails to take into account that we have asked for a finite amount of money, up to $600,000. But if we get into the situation where we cannot get certain witnesses, because their lawyers seek—as has been spelled out in a book called ''Men of Zeal,'' where they talk about what happens if you fix a date for the end of an investigation or the work of the committee. Exactly what we are confronting today is what

our colleague, Senator Mitchell, the former Democratic leader, and Senator COHEN warned us about: there will be lawyers who use the deadline as a target time, and delay their clients from coming forward; and there will be bureaucratic stalling. It is stated quite explicitly in here. This is the result of hard deadlines.

He says: ''The committee's deadline provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace.''

My gosh, if that is not exactly what is taking place. We have experienced that. If we want to guarantee that stratagem will continue, just put on a date certain and we will see that take place.

Last, it says, ''perhaps more important, the deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity and when in the process they might be called.''

We have key witnesses that we want to appear. And I joined with Senator SARBANES in trying to bring a key witness, Judge David Hale, before the committee. Indeed, the Senator quotes a letter of October 2—but he does not read all of it—in which we said to the special prosecutor, who objected to us calling Mr. Hale in, ''having determined that the Senate must now move forward the special committee,'' we were going to bring various witnesses in. ''We will, of course, continue to make every effort to coordinate where practicable activities with those of your investigation.'' We say ''we stand ready to take into account consistent with the objectives set forth your views with regard to the timing of such private depositions and public testimony of particular witnesses.''

You have to read the whole letter to understand it and you have to understand that there were briefings subsequent to this letter in which counsel for the minority and the majority were advised as to the problems related to bringing Mr. Hale in. If somebody wants to impugn the motives of the committee for not bringing him in, I say why would I not want to? I did not want, first, to have a situation where we jeopardized the trial that would be taking place, which is starting this coming week; and second, to have lost the opportunity, probably for all times, to get the cooperation of Mr. Hale. I know that there are some in this body who may not really want Mr. Hale to come in and testify, because, indeed, if he testifies, as there have been indications, that he was asked—or even more, told—to make a $300,000 loan to Susan McDougal by the then Governor, it would seem to me that there are some who would not be very anxious for that to be uttered publicly, in view of the American people.

I suggest that if that is anything, it is an indication of the Senator's good will in not attempting—and lack of political motivation—in not attempting to pull them in here and say the devil may care, we do not care about that trial, I want somebody to come in here and make accusations against the President and the First Lady. I did not go in that direction. I think I chose to act in a responsible manner in accordance with the request of the special counsel. Yes, I wanted Mr. Hale to come in, but indeed the special counsel was able to make a convincing argument, and I think we did the right thing.

What would they have said, what would this body have said if I asked to immunize David Hale? They would have risen up, by the Democratic leadership, calling me and accusing me of all kinds of things, and would have said, ''What are you doing? You want to immunize a crook and a thief to have him make accusations?'' Think about it. Come on. Let me ask the question. What are you hiding? What are you afraid of? Why do you not want the facts to come out?

The New York Times says that, and this is what most responsible newspaper editorials are saying. When you suggest that we are asking for an unlimited period of time, that is not what we say. We couch it in terms of no more than or up to $600,000. But if we spell out, I say to my friend, a specific time certain, by gosh, everything that has taken place in terms of the procrastination, in terms of the documents that find their way—oh, I just found it in this book. Can you imagine, trained lawyers who are in charge of defending the White House giving us this drivel—drivel—that they were not aware that the documents were not turned over, documents setting out, tasking other members of the White House at the highest levels, what to do as it related to Whitewater.

This was the very man charged with the responsibility of mastering and bringing the very forces together—Mr. Ickes, Deputy Chief of Staff of the White House. I could just imagine if my friends and colleagues were in the majority and that was the Bush administration, and that was the manner in which their Chief of Staff was responding—Deputy Chief of Staff—on a particular matter. We are not talking about one instance or two instances. This is repeat; a pattern.

Want to talk about delay? We, unfortunately, were delayed for weeks and weeks because we had to battle over documents being produced and we had to vote subpoenas and come to the floor of the Senate. Who occasioned that political debacle? Who is it that created that political firestorm? We are always tested. Weeks and weeks and months and months of negotiations behind the scene. My friend brings out and says these subpoenas are so far reaching. He knows that those were, indeed, the preliminary negotiations as it related to scope and breadth. In only one case did we not agree upon the breadth and scope of the subpoenas. We agreed on every other one of them.

It is disingenuous to come out and say officially they requested a far-reaching subpoena. That happens and is part of the process in negotiating. We did negotiate. The one exception was the case where we had to come to this body and vote the enforcement of a subpoena and then, miraculously, we get the documents on a Friday afternoon. It's always on a Friday, by the way, most of these documents appear Friday afternoons; they get the least press.

Want to talk about politics? Talk about politics in the White House answers. When we ask for documents, let me tell you what the White House, Mr. Fabiani of the White House says, ''Tell Senator D'AMATO and one of his fat cats to pay for the production of them.'' Is that the kind of response that the Senate and the committee is entitled to when we ask for electronic e-mail? ''Tell the Senator and his fat cats to pay for it.''

Want to talk about crude political assassination? How about the team that they had over there, Mr. Waldman, who was assigned a task to get information, to get dirt, on Senator D'AMATO, on White House time, and then send it over to the Democratic Committee. Is that what we are involved in? Want to talk about a low down kind of thing—that is fact. That is fact.

Now, look, I never intended nor did I wish for this hearing, these investigations, to go into the political season. Had we had cooperation and had we been able to get some of the witnesses in, we would not have to be asking for that. Had we not been precluded from some of the witnesses we could have even made our request such that we will examine only these witnesses that we have not had access to. I did not delay the production of these documents. The committee was not responsible for the miraculous production of the billing records that showed up in the White House.

The fact of the matter is that we have encountered a far different situation than has been promised to us. The President promises cooperation. Those who carry out the President's wishes have stalled, have delayed, have been engaged in dilatory tactics. I will at a certain point in time elucidate on those and touch on those with definiteness. If, indeed, they think that by the political attacks upon the committee or upon the chairman that they are going to dissuade us from doing our job, and that is to get the facts, they are wrong.

I suggest that we call a truce, call a truce to the politicization of this, and say we will agree to get the facts and work together. We have demonstrated we can do that. I have no doubt that some of my colleagues are placed in a

very awkward position. I do not think they like what they are doing and saying—some of the things that they say. I think they are almost forced to do it. I think they are compelled to do it by an administration that seems to be totally bent on keeping the facts from coming to the people, an administration that says, ''We don't care.'' Why do you not care what the public thinks? Why are they not entitled to the truth? What is it that lurks behind that stone wall that has been constructed? We have not had cooperation.

Mr. LOTT. Mr. President, I ask, then, that we go ahead and vote to pass this resolution, stop the filibuster, find a way to get an agreement to go forward with these hearings, find the information that we need to draw the conclusion to the hearings. I think that can be done. I hope we will seek to find that process. I yield the floor.

Mr. SARBANES. Will the Senator yield for some questions?

Mr. LOTT. Mr. President, I apologize to the Senator from New Mexico but I indicated earlier I would be glad to yield for some questions, so I would like to be able to do that.

Mr. DOMENICI. Absolutely.

Mr. LOTT. I yield to the Senator from Maryland for a question.

Mr. SARBANES. First, the Senator indicated, as I understood it, the costs of the independent counsel were $12 million, is that correct?

Mr. LOTT. According to the information I have from the Congressional Research Service, the total cost of Whitewater to that point is $12,525,582. That is the congressional investigation plus the investigation of Robert Fiske and Kenneth Starr to this point. I have heard various estimates from several sources, all the way up to $25 or $30 million, but that is the information I got from the Congressional Research Service. If it is more than that, I would be glad to get that information, but that is not what I have.

Mr. SARBANES. I just want to put on the record, because I think it is important to keep it accurate if we can, that the GAO did a financial audit. It does periodic financial audit reports. The audit report for the period January 1994, which is when Fiske began, to March 1995, by the GAO, was $14,600,000.

In addition, an estimate has been made from the period subsequent to March 1995. In other words, April 1995 to January 1996. Based on the level that they were following at the end of the previous period—and, of course, the independent counsel has, in fact, intensified his efforts, but that is not taken into account—that figure would be $11 million, which would give you a total of $25,600,000.

Mr. LOTT. I believe, to respond to that, we could probably argue back and forth about what the accurate number is. The source that I have here, Congressional Research Service, versus GAO. But I still say that is probably just barely more than half what was spent on Iran-Contra. And that is still less than what I understand was spent on Watergate. So what is your point?

Mr. SARBANES. Of course Iran-Contra involved sending investigators overseas, if you recall, both to the Middle East and to South America.

Mr. LOTT. It might have been easier to get what you are looking for than what we experienced in the Whitewater. I do not know.

Mr. SARBANES. That is the next point I want to address. The fact of the matter is the committee has now received from the White House virtually everything that has been requested. There are a couple of weeks——

Mr. LOTT. Voila. Maybe that is true. I do not know. I do not know if the committee even knows that. All I do know is there has continued to be this drizzle of information. The Senator surely feels discomforted by the way documents have appeared in various places, at the White House, in boxes at the Peace Corps, and Vice Chief of Staff.

Mr. SARBANES. Let me give one example. Gearan came before us and he said this is how this happened. I thought it was a plausible statement, frankly. I mean, Gearan said when he packed up to go over to the Peace Corps his file was put in that box unbeknown to him and he did not find it over there. When he found it he tried to get it back into the loop. I think that is a plausible statement.

You have to judge it on your own. But the fact is, the documents have been provided in the end. The fact that there was a deadline——

Mr. LOTT. Do we know that is all of them? There was another group of papers that came to the committee just last week, 200 pages, not from Gearan but from Ickes. If it were one example, or maybe two—but three? I am not on the committee. The committee tells us, tells the Senators. Is this all the documentation or not? I do not know. I am under the impression there is reason to believe maybe there is more information that we should try to obtain. Maybe there is information, even from the independent counsel, that that might be available at some point. But we are not even going to be able to look at any of that?

Mr. SARBANES. No; the independent counsel is not able to make his information available to us, under grand jury requirements. Certainly the Senator——

Mr. LOTT. That is the point. I assume at some point——

Mr. SARBANES. Are you suggesting we should transgress those?

Mr. LOTT. I am suggesting at some point his work will be completed and some of what he has may, in fact, be available to the committee. I do not know to what extent. But I am just expressing a concern about how we just go ahead and wrap it up in 30 days and say we are done with it when there appears to be—in fact, when I look at this, from what I am hearing and what I have heard, it looks to me like the committee really is just getting started with this work. You have not started finding out some of the answers that are still pending out there.

I do not want to ask a whole series of questions. Maybe some more will be asked by the Senator from New Mexico. But there are other questions pending. You have not started to write the report. We do not know what is going to be the result of this trial down there.

Mr. SARBANES. We got the Gearan notes. We held a day of hearings with Gearan. We had nothing substantially new and the same thing happened with Ickes. We got the notes. We held the hearing on both of them. In both instances we received the notes and the hearings have been held.

Mr. LOTT. Is that a question or a statement?

Mr. SARBANES. No; it is a response to the point you just made.

Mr. LOTT. Mr. President, I think the Senator from New Mexico would like to get into this with some questions and a statement. I yield the floor at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Mexico.

Mr. DOMENICI. I wonder, Senator D'AMATO, would you answer the last question? I am asking it of you now.

Mr. D'AMATO. Yes, the Gearan notes indicate quite a few things that we did not know. They indicated——

Mr. SARBANES. Could I ask the Senator a question?

Mr. D'AMATO. They indicated an attitude of the Deputy Chief of Staff and others, but certainly the Deputy Chief of Staff, that they were concerned, very concerned. And they characterized in very descriptive language what professionals, civil servants at the Justice Department, were doing. And they did not like it. They did not say they are doing a professional job. They said, in essence, they are working us over. He is a bad guy. That is what we find in the Gearan notes.

We find a whole series of meetings that we were not aware of. No one came in and told us that we met on this day and the next day and we met in the morning and we met in the afternoon. Oh, no. We learned thereafter that various tasks are given out. And I have reason to believe, as it relates to the question that was asked, I say to the Senator, by the distinguished Senator from Mississippi, Senator LOTT, that, indeed, there very well may be—and I would suspect there are—substantial documents that have not been turned over to this committee or that may have been discarded deliberately, particularly by that team, that so-called Whitewater team. I cannot believe that we have only received documents from a handful of them.

Where is it? Where are they? What happened to those tasks? What did they do? What were their responses to

the tasks, very carefully enumerated? We will go through that.

Last, but not least, I think it is rather interesting that the First Lady turns up at, I believe, the first meeting—I may be wrong—the first meeting. And according to Mr. Gearan's notes: Oh, this looks like a meeting I would like to attend or that I would be interested in.

No, let us not let it be said that these were just casual, indifferent, that these were notes that had no meaning. They reflected a pattern of concern, of fear, of absolutely disdain, in some cases, for the work that professionals at the Justice Department were undertaking.

So, to your question, Senator DOMENICI, they were very revealing and revealed facts that we were not aware of, facts that we are still pursuing.

Mr. DOMENICI. Mr. President, I rise for just a few minutes today to talk about this Whitewater issue. I will take very little time.

I think I should say to my friends on the other side of the aisle that I believe they are making a very big mistake. I can tell you that, if they intend to preclude us from bringing this resolution to the floor and they intend to use that tool called filibuster, the American people are going to get their ears and eyes filled with Whitewater. However, it will not be in the records of the Whitewater Committee. It will be here on the Senate floor, and, frankly, what they are going to hear they are not going to like.

What they are going to hear is going to convince them, I say to my friend from Maryland, that the reason this committee needs more time is not because of Chairman AL D'AMATO of New York taking too much time, being too slow, not doing enough work, and not working the committee and his staff hard enough. That is pure bunk. There are reasons why we are still here and there are plain and simple reasons why we need more time: This is about the toughest committee investigation you will ever find.

Why? The first reason is because witnesses are telling half-truths all over the place. Witnesses are losing their recollection in a way which would make you think that a wave of amnesia has begun to affect young people. Witnesses cannot remember anything. In fact, I cite the testimony of just two of them. We had one witness, Josh Steiner. He was the chief of staff for the Secretary of the Treasury at one point. This young fellow claimed that he could not believe his own diary. Imagine that.

So people had to spend time getting to other witnesses and bringing them in to verify because he could not believe his own diary.

Mr. SARBANES. When was that hearing on Steiner?

Mr. DOMENICI. That was the very first part of the hearings.

Mr. SARBANES. When?

Mr. DOMENICI. Summer of 1994. I was there for that. So I know that.

Mr. SARBANES. Summer of 1994.

Mr. DOMENICI. That is what I was just told by counsel. That the hearing took place 2 years ago has nothing to do with whether he should believe what was in his diary. When we asked him, he had the diary put in front of him.

There is also another one. There is April Breslaw. This is a good one. This witness refused to even verify that her own voice on a tape recording was actually hers. That is the kind of thing this chairman, this committee, and the competent staff had to go through day after day with White House witnesses.

Why do I say that to the American people? I guarantee you that is what makes hearings go on forever. Hearings go on forever when you have to bring in extra witnesses to verify facts, when you have to bring in another witness to verify the verifier, and then some witnesses only know part of the truth, and others do not remember anything. That takes time. It takes energy. That takes competent legal counsel. That is one reason—because the huge entourage of witnesses were about as difficult as you will find in terms of volunteering information and getting it on the RECORD, getting it straight, and getting it right the first time.

And the second reason we need an extension—it will come out in huge panorama for the American people, if the other side chooses to filibuster this—is that the White House and the White House staff are more responsible than anyone else for this committee being unable to get its work done. Let me tell you why.

It came as a shock when, after subpoenas had been outstanding for a couple of years, all of a sudden just before a witness is supposed to testify, they find documents in the White House. Let me tell you, that makes for prolonged hearings. When that evidence should have been available for months, Mr. Ickes finds 200 pages of evidence just before he has to appear. These files and notes in some miraculous way all of a sudden became relevant and responsive to the subpoena. That costs time and exacerbates the delay. If that had been produced when it was supposed to have been produced, it would have been analyzed and these hearings could have been over with.

I am merely telling those listening just who is to blame for the delay. And that is just a little part of this debate. But anyone who blames the committee, the committee's chief counsel—counsel extraordinaire, in my opinion—for this dilemma will find more things in this RECORD to justify our committee and its counsel's competency and ability than anybody has ever thought could be put before the Senate.

If they want to bring Whitewater here and keep it on the Senate floor for a week, then people are going to hear what happened in the course of this investigation. It has been locked up in a committee. It will be unlocked here before the American people, and they are going to pass judgment, I tell you, Mr. President. And if the other side of the aisle does not agree that this investigation ought to go forward, they are harming our President. That is who they are harming, because it is not going to go away. I do not know of a single Member on this side of the aisle who thinks this is going to go away. And I would think, in fairness, there are many on that side who know they ought to extend this committee's work.

They can get up on the other side, whether it is my friend from Maryland or whomever, and say, Senator D'AMATO is asking for too much. As I understand it, he is asking for $600,000, which is probably between 3 and 4 months of effort at most, and then the committee would run out of money. Why did he choose not to agree to a date certain? Because he has now been informed by those who have undertaken investigations before him that to agree to a date certain invites more delays. So essentially this is not open ended because the committee will be out of money soon—in 2 or 3 months.

I can recite lots of facts about the Whitewater investigation. I can come down next time and give my friend, Senator D'AMATO, a couple of hours here. I will read some transcripts, and I will put them in the RECORD, and we will see why it was so tough to get things accomplished and why the investigation is not concluded. And we will see whose fault it is.

But, frankly, I believe the Democratic leader ought to sit down with the Republican leader, Senator Al D'AMATO, and the distinguished Senator from Maryland. They ought to decide and reach an agreement on how we should continue these hearings.

But we should not take a week in this Chamber exposing what is going on in these hearings, but I guarantee for those who want to do it, the President is not going to win. The President is not going to win that debate. If they think the American people are going to end up saying, ''Hurrah, hurrah, we should stop these hearings,'' let me tell you, they are mistaken. They are going to end up saying, ''What's the matter with that White House? What's the matter with all those people? And all that time and effort spent at the White House on Whitewater. Something is fishy.'' They are going to say, ''Something is being covered up.''

I came down to suggest that and to support the chairman. I happen to be on this committee. I am not a longtime member. I have been here a long time but not on the committee. But I think the committee has done a very good job. I do not think that in the debate over this extension that anyone ought to come down here and add onto this record indications that the committee is in any way to blame for the delays that have been caused.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. SARBANES. Will the Senator from Arkansas yield to me for just a moment.

Mr. PRYOR. I will be glad to yield.

Mr. SARBANES. I wish to point out to the Senator from New Mexico that this committee held 1 day of hearings in the last 9 days leading up to the end of our time. The Iran-Contra Committee held hearings in 8 of the last 9 days leading up to the end of its time.

Your leader, Senator DOLE, with respect to the Iran-Contra Committee, insisted that it have a timeframe because, he said, it would not be fair to run that inquiry into the 1988 political year. The Democrats in the Congress, led by Chairman HAMILTON and Chairman INOUYE from the Senate, agreed with that. They provided a time limit, and then they met almost around the clock over the last month. They held 21 days of hearings in the last month in order to complete their work. Now, it was your leader who pressed that case very hard. And the Democrats responded to it, in all fairness. Now, this situation is in complete contrast.

Mr. DOMENICI. I assume the Senator is asking for an observation or comment on my part.

Let me say to my friend from Maryland, I just want to repeat, I do not think that this committee has been intentionally dilatory. I do not think for a minute that Senator AL D'AMATO wants to use this to carry it into the Presidential election. Frankly, I look back at the last 3 months and I kind of wonder how he was able to hold as many hearings as he did. I look at what has happened in the Senate during most of that time. We had more votes during a 2- or 3-week period than we have ever had.

Mr. SARBANES. That is not accurate, I say to the Senator.

Mr. DOMENICI. I do not mean in the committee. I mean in December in the Senate.

Mr. SARBANES. I understand. In January and February, when we urged the committee to do an intensified schedule, when the Senate was not holding floor sessions and not voting, over that 2-month period we held only 15 hearings. The Iran-Contra Committee in a month's time held 21 hearings. So during that period, January and February—in other words, the last 2 months of this committee's existence—

Mr. DOMENICI. We had a blizzard. Nobody could get around for a week.

Mr. SARBANES. The schedule ground down. It did not intensify. And over the last 10 days we have only had 1 day of hearings.

Mr. DOMENICI. I almost welcome this, and I am not in a position to do this right now, but if we continue this I will ask counsel for this committee to prepare a work product evaluation for the last 90 days of what the staff of this committee has gone through to try to get this moving, and we will produce it here. And anybody who thinks there has been intentional delay is truly not paying close attention to this situation.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, who has the floor?

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

Mr. PRYOR. Mr. President, let me also respond to my friend from New Mexico.

Earlier in the afternoon, we did a very quick summary of what the Senate has done in the year 1996 as compared to 1995. In fact, I do not have that sheet before me, but I think we have had—if I am not mistaken, I think the Senate this year, in 1996, has had 21 votes, total. In 1995, we had had 97 votes up until this time. So basically, the Senate, except for the Whitewater operation, has been pretty well, let us say, called to a halt.

We have been waiting for all the primaries to get over, and we have been accommodating. We have been cooperative, et cetera.

Also, I think earlier in the afternoon—I do not know if our friend from New Mexico was here—talking about the lack of cooperation from the White House—I hope, Mr. President, my friend will listen to this—this committee has requested all documents covering an 18-month period—listen to this, please—any communication of any kind relating to any subject between the President, First Lady, any present or former White House employee, and any employee of the RTC and several dozen named individuals. The next group, the committee authorized a subpoena asking for all telephone calls—I heard the Senator from New Mexico, my friend, a while ago talking about his own area code. What is that area code?

Mr. DOMENICI. 505.

Mr. PRYOR. 505. Arkansas is 501. The committee authorized a subpoena asking for every telephone call from the White House in Washington, DC, to any area code 501 number, the entire State of Arkansas, for a 7-month period.

Third, they asked, above and beyond the committee's already overbroad authorization, the majority staff unilaterally, unilaterally issued a subpoena for all White House telephone calls from any White House telephone or communications device for a 7-month period in 1993 to anywhere in the country. This is the type of documentation the committee is trying to force the White House to come up with.

Now, it is my understanding that the committee is trying to get all of the e-mail messages from the White House. Well, I would say to my friend from New Mexico, I think that this White House has been extremely cooperative, and you know it was not just but a very few years ago when, in September 1992, after a subpoena, after a subpoena had been issued in the Iran-Contra affair, you might remember because the Senator was certainly here at that time, as this Senator was present, in September 1992, an administrative staff assistant, Patty Prescott, found George Bush's diary, President Bush's diary which was under subpoena. Where did they find it? They found it on the third floor of the White House living quarters.

Even when the document was not delivered to the investigators, as the subpoena called for—not delivered—Ms. Prescott told President Bush of her discovery and said she believed it was relevant to the latest then-counsel request. The President said he directed Ms. Prescott to have the Presidential counsel at that time, C. Boyden Gray—we all remember—''sort it out.'' That was December 1992, after the election, after the election when Mr. Clinton had won and Mr. Bush had lost. I do not think that the diary was ever turned over to the investigators. If it was, I do not have any knowledge of it.

I do not recall my friend from New Mexico or my friend from New York ever coming to the floor of this Senate and saying, ''Oh, my goodness, this has been a terrible transgression; this has been a terrible obstruction of justice.'' George Bush did not present his diary to the subpoena's call and request for that diary.

So I just think we ought to put things in perspective. I think we ought to talk about how this White House has cooperated—45,000 pages of statements and testimony and records have been turned over from the White House to this committee. They deposed 202 persons; 121 witnesses have testified to this date before the Committee on Whitewater, and the examination, as I have said, of thousands and thousands and thousands of pages.

We on our side of the aisle think that we have proposed a reasonable solution to this so-called impasse, a reasonable solution. April 3, continue with our hearings until April 3, and then allow the Whitewater Committee to, at that time, write a report and submit that report to the Congress and to the public on its findings and any recommendations that it might have.

Then after that, any and all information, I assume, would be turned over to the special counsel, Mr. Kenneth Starr, who is in Little Rock, AR. I am sure he would love to receive all of these truckloads of information that will be driven from Washington, DC, down to Little Rock and deposited in Mr. Starr's office, including all of the telephone logs, all of the telephone records, and even the subpoena for Chelsea Clinton's nanny. I am sure he would enjoy seeing that subpoena, too.

It is my understanding that there is a whole new list now out that the chairman wants to bring before the Whitewater committee, people who have no way to pay their legal bills, people who have no way to pay the costs of coming, mostly from Arkansas, to Washington, DC, and back.

Mr. President, I think we have to talk some sense into this matter. I think we have made a reasonable offer. I am very hopeful that our colleagues on the other side will consider that offer.

I have one other thing I wanted to place in the RECORD. But should my friend desire to ask a question, I will yield for a question.

Mr. DOMENICI. First, let me just say that we are going to miss him when he leaves the Senate.

Mr. PRYOR. I thank the Senator.

Mr. DOMENICI. I appreciate the manner and demeanor he uses in situations like this. It is pretty obvious he has been a loyal friend of the President for a long time. I respect him for that. Nothing I said here on the floor had anything whatsoever to do with a lack of cooperation. You can have cooperation, but what is the quality of the information provided by those who are told to cooperate?

Frankly, I say to the Senator, I believe that when Mr. Ickes just recently, 2 weeks ago, all of a sudden discovered 200 documents that had been under subpoena for a long time, and going through the transcripts and finding the large number of ''I don't remembers'' and the number of people forgetting things that hardly anybody could forget, not believing they are on tape recorders even if they are, and saying, ''That is not me''—when you have all that, it is pretty obvious that the committee is having difficulty getting facts and getting to a conclusion.

It is in that context that I speak here today. Frankly, you all have made an offer from the other side. You think it is reasonable. The chairman and his legal counsel, who know more about it than I do, think it is unreasonable. Somewhere between what you have presented and some other proposition may be where we ought to end up.

But all I wanted the Senator to know is that there are a lot of Senators on this side, who I think are fair-minded people and worried about many of those staff and their legal bills. I read in the paper about it. I am not one running around here saying they should not find resources to help them. I know about that kind of stuff. I am for trying to let them find resources to help with their bills. But that does not mean this committee is to blame for the kind of slipshod efforts that have gone on with reference to the type of cooperation that the President obviously told them to give to this committee.

Mr. PRYOR. Mr. President, if I may respond now that I have the floor. I want to thank my friend from New Mexico. I have loved serving in this body. I have enjoyed so much my service with the distinguished Senator from New Mexico and the Senator from New York and my colleagues on both sides of the aisle. It has been a hope and a dream that I have hoped for all of my life. I have been one of the fortunate 1,800 and some odd people who have had this great privilege. So I thank my colleague very much.

But the Senator and several of our colleagues have made reference during the discussion this afternoon of how many times witnesses forget, how many times they say, ''I don't know'' or, ''I don't recall.''

Let me ask my friend from New Mexico, what was the Senator doing 12 years ago? I am asking my friend, what was the Senator doing 12 years ago today?

Mr. DOMENICI. Let us see, 12 years ago.

Mr. PRYOR. Yes, 12 years ago today. Does the Senator recall who he talked to on the telephone?

Mr. DOMENICI. I was probably campaigning for reelection.

Mr. PRYOR. The Senator was probably campaigning, but he does not recall specifically?

Mr. DOMENICI. If I had a chance to look at all my records and prepare for a deposition, I probably could recall something.

Mr. D'AMATO. What if the Senator had a diary?

Mr. DOMENICI. Maybe if I had a diary. Everybody knows I do not have a diary.

Mr. PRYOR. I was trying to bring brevity. Some of these events happened 10, 12, 15 years ago, a decade ago, 6 and 7 and 8 years ago. A lot of these people did not have an associate or maybe someone we might call a staff person to keep a diary, to keep a phone log, to keep records for them. And they are trying, to the very best of their ability, to come up here and tell the truth as they know the truth. Yet, many times they appear to be badgered before the committee day after day. Sometimes they are attempting to answer the question, and the counsel will not even give them that opportunity. I would just——

Mr. SARBANES. Will the Senator yield?

Mr. PRYOR. I would be glad to.

Mr. SARBANES. One of the things that is happening—and I think this needs to be understood—is that we get notes and testimony, and then it is treated as though it is some new discovery. ''Oh, we found out something that no one knew anything about.'' For example, when Mr. Ickes came in, a lot of focus was on the fact that there was this damage control squad to deal with the Whitewater matter set up in early 1994 and that he was the head of it.

So this is treated in the hearings—and it has been done here on the floor as well today—as a major revelation, a new sort of breakthrough in discovery of facts that has been made.

This is from the Washington Post, January 7, 1994:

> With the start of the new year, the White House launched a major internal effort to fight back against mounting criticism of the way it has handled inquiries into President Clinton's Arkansas land investments. A high-powered damage control squad was appointed under the direction of new Deputy Chief of Staff, Harold Ickes, and daily strategy sessions began.

This article was in January 1994, reporting on this matter. Then we hold a hearing, we get these notes, and this is treated as though some major revelation has been discovered.

Actually the report on February 16, 1996, reads:

> Four days into the new year of 1994, top White House aides gathered in the office of then Chief of Staff Thomas F. ''Mack'' McLarty for the first meeting of the Whitewater response team.

You could take the story from January 1994 and the story written after our hearing, and they are virtually the same. Yet this is portrayed as though something new has been revealed or discovered. This sort of process is going on all the time. Members need to understand that. I thank the Senator for yielding.

Mr. PRYOR. Mr. President, I am going to yield in just a moment. I have only a few more points I wish to make. I would like to read, if I might, Mr. President, a few sentences from a February 15 editorial from the Atlanta Constitution. This editorial begins by saying, ''The Senate's Watergate hearings of 1973–1974''—Watergate hearings—''were momentous, delving into White House abuses into power, leading to the resignation of a disgraced President, and the imprisonment of many of his aides. That lasted 279 days. Next week Senator ALFONSE D'AMATO''—I want my friend to know that I am mentioning his name, and I do not want him to think I am abusing his name; I am simply reading from the editorial—''next week Senator ALFONSE D'AMATO, Republican, New York, and his fellow Whitewater investigators, will surpass that mark. Today,'' which was February 15, ''is the 275th day.''

The Watergate hearings went 279 days. And we have already surpassed probably almost 280 days. ''And they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to do is ponder a fairly obscure 1980's real estate and banking scandal in Arkansas.''

Let me interject here, Mr. President. President and Mrs. Clinton made an investment, and it went sour. They lost everything in that investment that they made. I do not know what it was, $50,000 or $60,000, $30,000. I am not sure how much they lost.

What would have happened had they made that much money in this investment or had they made $500,000? We would have really seen a momentous explosion. But they lost money, and they show that they lost that money.

Reading further:

> With the February 29 expiration date for the special panel staring him in the face, D'Amato has the effrontery to ask the Senate for more time and more money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another $600,000. That's on top of the $950,000 his committee has spent so far, plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994.

Mr. President, I conclude with the last paragraph of this editorial:

> The First Couple is still under investigation by independent counsel, Kenneth Starr, a former Reagan Justice Department official

who can be expected to scrutinize the Clinton's legal and business affairs rigorously. Any additional sleuthing by Mr. D'Amato would be a waste of taxpayer money.

That comes from the Atlanta Constitution.

An editorial that appeared yesterday in, I believe, the Washington Post states, and I read:

Senator Christopher Dodd of Connecticut reluctantly agreed to renewal of the Senate Whitewater committee's expiring mandates, suggesting limiting the extension to 5 weeks ending April the 3rd. Along with the minority leader Tom Daschle and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond April.

Mr. President, there is no desire for anyone to filibuster this legislation. We have offered a reasonable compromise, and that reasonable compromise is to go to April 3 and then to allow a 30-day period for a committee report to be sent out to the public and to the Senate and to the Congress of the United States. We think that is fair. We think that is reasonable. We think and we hope that proposal will be given very careful consideration by our colleagues on the other side of the aisle.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, and I will yield to my friend, Senator THOMAS, for some questions that he might want to pose, but before I yield to him for the purpose of questions, let me say, we can all quote editorials. My friend and colleague gave a viewpoint of a distinguished newspaper, but let me say, if one were to look at the major newspapers of this country, very clearly—and I am not talking about now the opinions expressed by various pundit s, but rather the editorial pages—you will find overwhelmingly, 5 to 1 or more, a clear pattern. Those in the media who have been following this, like the American people who have been supportive of our efforts.

And I'd like to add the manner under which we are compelled to operate does not make our work quick or easy. That is, bringing in witnesses, deposing them.

You cannot schedule 1 day after the other. You have to bring in witnesses and examine them. Thousands of hours go into these hearings, not just the hearings that are heard publicly, but in preparation for them. Otherwise, we would have had many, many witnesses who came in and, rightfully, the minority and, more important, the American people would have said, ''Why are you bringing these people here? They have no relevance.''

We have examined well over 100 witnesses—well over—and we will go into that. This month alone, we have examined dozens of witnesses not in a public forum. Many of them we will not call, because we have found that they do not add to the investigation.

So it is not accurate to suggest that the committee has not been diligent, notwithstanding that there may have been a period of time when we have not had many public hearings.

Again, as it relates to the various editorials, I will speak to some of them, but I will tell you that when you find most of the Gannett chain, when you find the Los Angeles Times, when you find the New York Times, when you find the Washington Post and others, for the most part, supporting very clearly that the work of the committee continue, I think it underscores the need for us to find the facts.

Mr. SARBANES. Will the Senator yield on that point?

Mr. D'AMATO. I am not going to. I want to take questions, but I want to yield for some questions which I think Senator THOMAS wants to——

Mr. SARBANES. Does the Senator read the Washington Post as supporting his position?

Mr. D'AMATO. I read the Washington Post as taking a middle ground, not one which I am totally unsympathetic with. And I also read the Washington Post as saying extend but with limits. I disagree to the limits for reasons I stated before.

I think it is noteworthy where they say:

The Senate Democrats would do themselves and the president little good—

Let me read you the concluding paragraph where they say there should be some extension, it is interesting, and I know my colleague, Senator THOMAS, wants to pose some questions:

What the Senate does not need is a Democratic-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree—

I think it is very interesting, because I think, indeed, that is what many of my colleagues have been forced to do, to kind of walk the plank.

Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed.

Then it goes on to say something rather interesting, that it is a responsibility that all of us have, including this Senator and the majority. It said:

Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Senator D'Amato and his committee are taking. The burden is also on them.

Mr. SARBANES. What about——

Mr. D'AMATO. Let me suggest that by simply saying this is politics, this is politics, this is politics, this is politics, it reminds me of the adage that if you repeat it over and over and over and over, you will draw people from what it is we are doing. I think this is a well-orchestrated attempt by the Democrats, by the minority, to have just that, to have us forget the paper trail, to have us forget the witnesses who deliberately —Senator, I will yield to you when I am ready to yield to you. Senator, I have not interrupted you once.

Mr. SARBANES. Yes, but you are——

Mr. D'AMATO. I watched you now for quite a period of time. I have not interrupted you. When I yield the floor, then you can ask whatever questions you wish. If I am here, I will attempt to answer them.

The fact of the matter is that there has been a persistent pattern of delay, obfuscation and deliberate memory loss. When this matter gets to the floor next week, we will go through it.

We will go through, for example, incidents where Mrs. Clinton, the First Lady, right after the death, or soon after the death of Vincent Foster, makes a phone call to Susan Thomases. Susan Thomases comes in and testifies to us she does not recall the phone call.

By the way, this is on, I believe, July 22. I will have the record in front of me. This is after the death, and they are now going to conduct the investigation as it relates to what papers may or may not be in Mr. Foster's office, looking for possibly a suicide note. She would have the committee and the American people believe—I think it is absolutely incredible—that at 7:57, a phone call from Little Rock, AR, made by the First Lady to her hotel, that she did not get it. The First Lady was on the phone for 3 minutes. ''Maybe the operator got it.'' At 8:01, 1 minute after that, she admits to paging Mr. Nussbaum.

Let me tell you why she admitted it, because she would have feigned recollection there, too, in my opinion. You see, because Mr. Nussbaum had an assistant, and that assistant indicated Mr. Nussbaum said Susan Thomases called him, so she could not very well deny that call. But, believe me, if there was any way for her to do it, she would have done it. This is one of the most capable lawyers in America, described as a lady who has the ''juice.'' ''She has the juice,'' they said. She walks into the White House whenever she wants. She is a close confidant, a friend, a counselor. Guess what Mr. Nussbaum's assistant, Mr. Neuwirth, says in depositions and testimony? He says—I am paraphrasing, but we will get it on the record with absolute precision because I know my colleague wants that. We will get that absolute precision.

The First Lady was not happy. The First Lady was not happy with the manner of investigation, that there would be unfettered access into Mr. Foster's office. We asked about that call and, of course, remember, we have absolute proof, phone logs—if we did not have the phone logs, they would deny anything and everything. I will give you examples of this. As Senator DOMENICI has indicated, I am not going to just sit here and have those who would take our work and our good efforts and simply attempt to politicize them for their own purposes. That is my observation. I think they ought to be ashamed of themselves for doing that. We have worked together too long and hard in a spirit of bipartisanship. But if they want to throw that out and just do the bidding of the

White House and carry their water, that is their decision. As the Washington Post said—and I just quoted that editorial—''to almost an embarrassing degree.''

Let me tell you, when we asked Mrs. Thomases about this call—she said she was reaching out. It was a touchy-feely call. When we asked about the other calls she made—and there were 13 or 14 within a hour and a half—to Nussbaum, calls to the Chief of Staff office, almost frantic. She was reaching out to touch someone. There is an ad about that. By the way, we have not been able to examine her yet. Only because we received logs and notes that indicate she had a communication from Mrs. Clinton's scheduler saying, ''Come down to Washington to see us,'' and she did come; the only reason we know she went over to see her is because the White House logs maintained by the Secret Service indicate that. Lawyers were meeting—a lawyer—Mr. Barnett was meeting with Mrs. Clinton to review various documents, and documents were indeed turned over to Mr. Barnett on that date. We said, ''Did you recall meeting Mrs. Clinton?'' She was upstairs for an hour and a half. I believe that date was July 27, but I have not looked at the records for a while. ''No.'' ''Did you meet with Mrs. Clinton?'' ''I do not recall.'' ''Did your scheduler tell you?'' ''I do not recall.''

Look, that is absurd. We are not talking about incidental events. We are talking about critical times and junctures. We are talking about a pattern. That is what we see taking place. So we have not been dealt with fairly. We have not had candid testimony from numerous witnesses. The pattern continues. And there are those who say, ''Why are you doing this?'' I say, why are you afraid of getting the facts? The only reason I am forced to editorialize, or at least sum up what I see at this point in time, is because of the opposition of the other side to permit us to do our work. So that, then, puts me in a very peculiar and difficult position, one that I have resisted in terms of making these observations public and making them with more precision and preciseness. But we will do that. We will have no choice but to do that. We will have no choice but to decide, when we do not have all of the facts—and that is why we are making a mistake by pushing this at this point in time, instead of saying, OK, we will permit x numbers of dollars, and let us see if we cannot wind this up within a reasonable period of time after you get access to the necessary witnesses, particularly those who may or may not be called to testify but that the special prosecutor objects to.

I see my friend wants to raise a question. Certainly, if he wants to raise that question, I will take it.

Mr. THOMAS. Mr. President, let me say, first of all, that I enter into this debate and discussion from a little different point of view. I have not been a member of this committee, and I have not indeed followed it real closely. But I am very interested in it. I understand there is a purpose for this committee action. The purpose is to discover what the facts are. So I am a little surprised when they argue that we ought to stop, put a limit on it, when we have not completed what the purpose of it was, which was to find facts.

I must tell you that I did have a little brush with it in the House last year. I was on the Banking Committee. Somebody talked about Mr. GONZALEZ's report. He would not let us do anything last year. We were stonewalled. So I was excited when the Senate went forward with an opportunity to do something. I know a little about that because I was there. So I say I am surprised, and I am not sure I should be surprised. I know that the minority sort of acted like defense counsel here instead of asking questions.

I do have a couple of points. Mr. President, if I might ask, I am curious about the work of the independent counsel and its effect on the committee's work specifically and if the criminal investigations into Whitewater have impeded the congressional efforts to get all the facts about Whitewater.

Mr. D'AMATO. As my distinguished colleague may be aware, the Senate resolution that empowered us to go forward indicated that we should coordinate our activities with the investigation of the counsel. We have attempted to do that.

Mr. THOMAS. What about the October 2, 1995, letter Senator SARBANES made reference to yesterday? Is it the special committee's intention to move forward without regard to the independent counsel's investigation?

Mr. D'AMATO. I am glad my colleague has raised that point. I think one has to read the letter in its entirety, not just part of it. It was our very real intent to bring forward and to move in an expeditious manner with these hearings, but never without regard to the independent counsel's investigation. Even in that letter of October 2—which does not contain the totality of our discussions either with the independent counsel or with the minority—indicates that we were going to be very mindful of the independent counsel's efforts. That letter, if you read it in its totality, indicates we are going to be very mindful of not impacting on the special counsel's work adversely.

Mr. THOMAS. It is my understanding that there are criminal trials pending. Could the Senator share with us the timetable with respect to these trials?

Mr. D'AMATO. Again, I appreciate my colleague's inquiry because we are now talking—by the way, in our letter, we expressed some concern that this trial would be adjourned much longer than the beginning of the year. They indicated they thought January and possibly early February. That is going to be going off next week. We are there at that point.

There have been other delays. It just seemed to us that as time went along, as we attempted to bring in Judge Hale, in particular meeting with the difficulties of Judge Hale's lawyer—the distinguished counsel had a number of arguments before the Supreme Court. He told our counsel that he could not even consider bringing his client in because he had to prepare him, and he would not be able to prepare and be thoroughly briefed until after he made these arguments. One of those arguments was postponed due to the snowstorm we had.

I have to tell you that we are making every effort. It was unusual, almost unheard of—the Supreme Court's adjournment of a matter that had been docketed and set for schedule. But the Court found that the circumstances were so difficult that they granted an adjournment. People could not make it in, participants in that case. That was put off until the end of January or very early February.

That is a practical matter that made it impossible for him to prepare the witness, to bring him in. We were just not ever able to get that concurrence. Notwithstanding that, we might have had strong objection because the independent counsel did indicate he was opposed. We were still willing to attempt to bring him in.

Let me say this to you. Once we began to hit February, the end of January, February, you then run into a question of responsibility of this body in conjunction with and cooperation with the independent counsel. You really do. We could have insisted that the attorney formally raise the fact that his client would assert the privilege against self-incrimination.

There is something more important. Rather than run the risk of jeopardizing—because we were so close to that trial, so close to the proposed trial of March—putting that off or creating an impediment to the special counsel going forward. I think in a responsible way we did what was absolutely necessary and did not attempt to create a clash or a crisis with the prerogatives that we had, which we could have exercised, but I think would have been injudicious.

Mr. THOMAS. As I understand it, the proposal that has been brought forth is to conclude the special committee's work in the middle of April and the possibility of examining either Governor Tucker or the McDougals, then, would not be possible, is that correct?

Mr. D'AMATO. That is absolutely correct. It would be impossible, and we may or may not be able to get them in any event. That would certainly preclude the examination of McDougal and would preclude us from even considering whether we might want to immunize him, to get his testimony, whether or not the special counsel might agree after that trial to us providing them with immunity, and also other witnesses, Judge Hale and about a dozen others who may or may not be testifying.

Let me say, it has been indicated that there is going to be public testimony at this trial. The scope of the trial—given that it is a criminal trial, and given the rules of evidence—will not permit the kind of latitude that would give a full, detailed story as to what did or did not take place. Indeed, there may be testimony that we seek or require that will never be asked of these witnesses at a public trial.

Indeed, all the questions may be answered. We may have no need to bring some of them in. We may not have to. But to prejudge it now and to say that we are going to cut it off now is wrong. It is wrong. We should not set an arbitrary time limit for it.

Mr. THOMAS. I thank the chairman, and I certainly want to congratulate you and your committee for continuing to seek to find the answers. That is what this is all about. I certainly hope we continue to do that.

Mr. MURKOWSKI. Could I ask my friend from New York a question?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. Mr. President, the Senator from New York has led, as chairman of the Banking Committee, the extraordinary responsibility of this body relative to the Whitewater investigation. I ask my friend from New York, as a consequence of what I understand is accurate to date, the investigations have led to nine convictions and seven indictments, which is reason to believe that more may still be coming. Two indictments occurred just last week.

Now, in conscience, how could the chairman suggest to this body, as a consequence of this factual information, to terminate these hearings or even indicate a definitive date at which time these hearings might be concluded? I think that my colleague would agree that the work of the Whitewater Committee is clearly not done, the investigation is not complete. The primary reason for its incompleteness is the inability of the White House to present factual material in a timely manner. It has been suggested that some of the material provided by the White House comes in like a haystack, but the needles—the information that the committee really needs—is missing.

I ask my friend from New York, how can those that object to the continuance of this very important process conceivably reflect on the collective responsibility we have as a body? My question to the Senator from New York is, how do you see your responsibility as chairman of this committee? How do you see the responsibilities have been given to you? And, without all the facts before the committee, how can you reach a definitive deadline such as April?

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New York.

Mr. D'AMATO. I thank my friend and colleague. The Senator from Alaska has served on the committee and knows and has felt the manner in which the committee in many cases has been almost stifled.

I think the point is inexorable. I do not think the Senate could possibly discharge its duties by truncating or terminating its work by setting an arbitrary deadline, one that particularly would ensure that we would not have access to a number of witnesses whose testimony may be very key, and as a result of relevant information and facts it leads you to possibly other facts that one must discover, other areas that one must look at.

That is why I think any thoughtful analysis of the committee's work, where we are today, would lead one to believe, as Senator Mitchell once indicated very clearly in his book, ''Men of Zeal,'' do not put an arbitrary end date for any hearing, even if the intent—and I am paraphrasing—is to avoid partisan politics. That was the intent in Iran-Contra, not running it into the political season. That was my intent. That was the intent of the distinguished ranking member.

There is no doubt, I hope he would not have questioned, or did not question, the sincerity of the Senator from moving forward in that manner. That was my intent. That continues to be my intent.

I also suggest that it seems to me that I do not know how my colleagues can know for certain what may be revealed or may not be revealed. I do not think they can. I do not think they know the documents that may or may not have been produced. I do not think that they are aware of what the testimony of various witnesses we would like to bring in will be, but certainly it would appear that the White House is very intent, and my colleagues are intent, in order to protect them—and I am paraphrasing the New York Times editorial—to protect them from embarrassment.

It is better to get the facts out now and let the chips fall where they may than to continue this exercise in this matter. It will not dissuade the chairman and the committee from doing its job by simply charging partisan politics. That has not been the case. It will not be the case. I will move as expeditiously as the events and facts permit to end the work of this committee, particularly the public hearings, but that will be based on facts, not an arbitrary date.

I answer my colleague in saying we should not set an arbitrary date. It is exactly the situation we find ourselves in today. By the way, if we reflect on the words, and I read them half a dozen times today, that our friend said—the parallel between what took place then, bureaucrats holding back information, looking at a date in which the inquiry would terminate, attorneys keeping their clients from coming forward, et cetera, and delaying and obfuscating—it is the same pattern that we see repeating itself. It is, I think. I am sorry that I agreed to a date. I did not contemplate that this would take place.

Now, you never get credit from the other side in attempting to be fair. You just do not. But I will attempt to be fair and to say to them, not all of this has been occasioned by some kind of a diabolical political plot by my colleagues or the Democrats or the White House. That would be unfair. Some has been occasioned by attorneys who are looking to protect their clients. And, so, they have engaged in a pattern, it seems to me, of withholding, having them testify in that manner. At least the clients have insisted upon it, or maybe witnesses, who said I cannot recall anything.

Mr. MURKOWSKI. Let me commend the Senator for accepting the responsibility of responding to such a wealth of questions. I know that it is your desire and sense of real obligation to get to the bottom of this investigation so we are all satisfied that the investigation was done fairly, appropriately, and in depth. But I wonder if my friend from New York recalls a comment of one of our colleagues during the Iran-Contra debate? Our good friend, Senator BYRD, said:

> The Congress has a Constitutional responsibility of oversight, a Constitutional responsibility of informing the people. . . [T]o reassure the faith of the American people in the Constitutional and political system, is to find out about all of these things that we have been hearing, and the way to do it is to go at it, put our hand to the plow, and develop the facts.

Now, I think that sets a pretty good direction for the committee. I think we all know that the constitutional process is going to take time. It is going to take expense. Also, I think that it is important for my friend to consider the recommendation of certain editorials—so I ask if my friend from New York would comment on two editorials. I will quote a portion from the Washington Post, February 15, 1996:

> Hardly a day goes by without someone in the administration suddenly discovering some long-sought subpoenaed documents. . . The committee clearly needs time to sift those late-arriving papers.

And, in the New York Times, February 28, 1996:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. . . .
>
> No arguments about the politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture. . . . Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite [an indefinite] extension. A Democratic filibuster against it would be silly stonewalling.

I ask my friend from New York, recognizing the statement of the former majority leader and our good friend, Senator BYRD, regarding his statement of the Iran-Contra dispute, is not the

same constitutional application and principle appropriate in this case? Should not that same constitutional application be used as we search for the facts and attempt to reach a final conclusion so that the American people as well as the Congress can be satisfied in this matter?

Mr. D'AMATO. The Senator from Alaska is absolutely correct. He is absolutely correct. I think our colleague, Senator FAIRCLOTH, has indicated there should be no price placed upon the integrity of the White House.

The fact is, the cost for the hearings, and given the work, the witnesses, the volume of work, sifting through the haystack to attempt to get the needles—it has been difficult. The lack of cooperation of various witnesses; the lack of cooperation with various agencies; the lack of cooperation and candor with many, many officials; total failure to recollect events, even though the diaries put them at various places doing various things; even the transmittal of documents when occasioned by distress calls.

I have to tell my colleague that the committee's work must continue and that we have limited it, both initially and now, to very modest sums. Although $600,000 is a lot of money, if we look at the Iran-Contra investigations and hearings—and again those were almost 10 years ago—that cost was $3,300,000. I think it was $3,298,000 at that point in time. If we were to get this appropriation, and I believe we will, we would still have spent less than $2 million.

I am not suggesting that is not a considerable sum. But I am suggesting that the work that we have done, the charge and the responsibility, is important. And in the words of Senator BYRD, it should be continued. It is our ''constitutional responsibility.'' Certainly it was true then and it is true now. Certainly Congress met its responsibility in fully funding the Iran-Contra hearings.

Again, if we look at the words of two of the Members who served on that committee, they said they made a mistake by setting an arbitrary date for concluding the hearing. I think it is disingenuous for people to say—by the way, I understand it comes out of the White House spin doctors—that $30 million has been spent. And we have heard it here today. ''Do you know how much food that could buy? Do you know how many people that could help?''

This committee has not spent $30 million. The work of the independent counsel was decided upon by none other than the President of the United States and the Attorney General. They requested that the independent counsel undertake his work and there have been 11 or 12 convictions or pleas of guilty. And he does continue his work. He has one capacity. That is to ascertain criminal wrongdoing and to prosecute it where it is found. We have another. To simply lump it in and then say to the American people, ''This is politics, and they are spending all this money in search of we know not what it is,'' I simply have to say that is not correct. And it is not factual. And it is not dealing with our colleagues in a fair and even-handed manner, in the same manner in which they would like to be dealt with.

Mr. MURKOWSKI. May I ask my friend from New York a question, since partisanship has been brought up here more than once or twice in the discussion? Would my friend from New York care to enlighten the Senator from Alaska on what is the objective of our friends on the other side of the aisle? Why do you believe that the other side of the aisle is delaying the majority from bringing this matter before the Senate for a vote? Wouldn't you agree that we are all here collectively to meet our obligation of finding the facts and presenting them to the American public? What could be more political than for one party to ban together in an attempt to delay a vote? I am sure that is of some frustration to my friend from New York. Would he convey, in the graciousness of the cordiality that we are all bound by, why this body is being prevented from bringing this resolution to the floor?

Mr. D'AMATO. I have to say to my colleague and friend from Alaska, politely, I can not understand what my Democratic colleagues hope to accomplish by extended, protracted debate—which is a filibuster. That is a nice way of talking about filibustering this. It will only conjure in the minds of people the question: What are you hiding and why are you doing this?

I think the Washington Post, although it did not say, today, that we should go on endlessly—nor do I believe we should—they said, today, that ''The Senate Democrats have already gone bail.'' That is pretty tough language. Listen to this.

''What the Senate does not need is a Democratic led filibuster, having already gone bail for the Clinton White House, often to an embarrassing degree.''

Mr. SARBANES. Will the Senator yield on this editorial?

Mr. D'AMATO. Certainly.

Mr. SARBANES. Because the Senator continues citing it, yet the editorial very clearly states the Senate should require the committee to complete its work and produce a final report by a fixed date. That is the essential difference between the two sides.

You want an indefinite hearing, and we have suggested that there be a fixed date, just like I say to the Senator from Alaska there was in Iran-Contra, which is exactly the position that Senator DOLE took at that time and which was acceded to by the Democratic Congress. This editorial is consistently being cited by my colleague from New York, and yet the editorial says, in very clear terms, the Senate should require the committee to complete its work and produce a final report by a fixed date, a matter with which the Senator, as I understand it, disagrees.

Mr. D'AMATO. I indicated heretofore that I would not—and I again cited none other than an authority on this than Senator Mitchell as to why a fixed date I believe would be counterproductive. Having said that, certainly April 3 is absolutely unacceptable, or April 5—is guaranteed to deny us essential information and evidence that we would need. There is no way that trial will be concluded.

Let me say something else. I would be willing to say that at some reasonable period of time after the conclusion of the trial, whether it results in whatever—an acquittal, a conviction, or a hung jury—that we then, because there are practicalities, an attempt to end this, whether it is 8 weeks thereafter, that we would, and then a time for the writing of a report. But even that is dangerous because then we run into the problem of having certain attorneys looking to take advantage of every opportunity to run the clock.

Mr. MURKOWSKI. I ask my friend from New York, is it not a fact that on February 17 the committee received notes of important substance from Mr. Gearan? And, isn't it true that on February 13, the committee received Michael Waldman's notes, which totaled over 200 of information? In addition, isn't it true that the committee received Harold Ickes' documents, which totaled over one hundred pages? That was just 8 days ago.

How could the committee possibly evaluate that information? How could the committee possibly be expected to set a definitive date of when this investigation will be completed when we received subpoenaed information only 8 days ago? Do you not believe that this task is virtually impossible knowing that we have every reason to believe there is other material going to come in?

I ask my friend from New York if he would feel that he is acting responsibly if he sets a definitive date of when the investigation would end, knowing that 8 days ago the committee just got several hundred more pages of information? How long does it take the professional staff to go through that information, and how long does it take the staff of the minority side of committee to examine that information?

Mr. D'AMATO. It would be impossible to give a date exactly, because the Senator is right: We have to go through the information and bring in people. It may develop—and does in many cases—additional leads and additional people.

I have to tell you. I do not believe that we have received nearly all of the pertinent information that we have requested, or subpoenaed, or that has been subpoenaed by the special counsel. I just do not believe that to be the case. I think it is impossible to believe that other members of that White House defense team, that strategy team that met during the early week of

January—they met under extraordinary circumstances, they met repeatedly, they met every day for a 1-week period of time, and thereafter—that there is not more information that was available that has not been turned over to this committee.

If we set a time, I have to tell you something, I do not think we will ever get it. If we do not wait to see what takes place in terms of that trial and what witnesses we may or may not have, we are never going to get all the facts. I never knew that a committee ran just simply on the basis of a time line. I thought that our obligation was to get the facts. I thought that was what determined. And if we were doing a credible job, if we were getting the facts, that we would continue until the picture was completed, until the job was completed, if it took additional resources. That is why we are here. We are here for those resources.

Let me say that we did not say ''give us such funds as may be necessary.'' So you see when we say there is not a definitive date, that is true. But we have asked to limit it to an amount of money. That amount of money will only enable us to go approximately 3, maybe 4 months if there is no real activity, and if we have to suspend during a period of time, maybe somewhat longer. Indeed, if there is no justification—and I suggest it has been the action of the White House and their people in terms of holding back documents, that has brought us to this point where we suspect, and I think we have reason to suspect, that they are still withholding key documents and information from the Senate.

Mr. MURKOWSKI. Along those lines, I would ask my colleague from New York if he can explain to me why throughout the testimony of Susan Thomases and Maggie Williams there seemed to be significant memory losses. I am particularly thinking of Maggie Williams, the chief of staff of the First Lady—she responded some 140 times, ''I do not remember.'' These are people that were in positions of responsibility, and, obviously, very intelligent people. These were significant events in their lives. And to suggest that Maggie Williams had no recollection 140 times is troubling to this Senator. Also troubling is the fact that Susan Thomases, the First Lady's friend and adviser, told the committee ''I do not remember'' over 70 times.

My friend from New York is a lawyer who has practiced and who knows something about the procedures in the court. What kind of an explanation can you provide for Maggie Williams responding 140 times ''I do not remember'' to questions from the committee? And what kind of explanation can you provide for Susan Thomases telling the committee that she ''didn't remember'' over 70 times? I find that very discomforting because, obviously, it suggests that there are questions that witnesses are refusing to answer. I know the chairman sat through every single witness and was troubled by this as well.

Mr. D'AMATO. The Senator is absolutely correct. Of course, you see that you could ask. If you were to say, ''Where were you, Senator, on last week on Tuesday,'' I could not tell you now. I would have to look. But when you have key events, monumental, the death of a trusted friend, someone you have known for a long time, someone who you have worked with, and you get some of the testimony surrounding that event, surrounding the search for something that was important, the possible suicide note, to have the kind of statements ''I do not recall.'' ''I do not know.''

''Who did you speak to?''

''I do not know.''

''Did you speak to anybody?''

''I do not know. I do not remember. It would have been any''—it is just inconceivable. It smells of a well-orchestrated plot to deny the committee the facts and the information. And it is not just once; it is repeated.

Then when we find—and, again, very troubling—documents that relate to the work of the First Lady, documents that relate to her representation, or at least the fact that there were numerous phone calls to Seth Ward, Seth Ward, a man who purchased the property known as Casa Grande, Seth Ward, Webb Hubbell's father-in-law, Associate Attorney General, his son-in-law is in that law firm. It is interesting the son-in-law did not represent or make the phone calls with respect to his father-in-law who he was close to, a transaction that can be described as nothing less than a sham, that attempted to provide Seth Ward, in the final analysis, with over $335,000, and finally had to agree to give back to the RTC. One has to say, was it that representation, or those phone calls which we were never aware of until we found the billing records? And where were the billing records of phone calls between Mrs. Clinton and Seth Ward? In the personal residence of the President and the First Lady, in their personal residence. How about that? Are we to believe some construction worker picked them up someplace? Where did they pick them up, and where did they get to where they got, the President's personal residence, in August, just when the RTC was again releasing a report dealing with these events?

So it is very troubling. It is very troubling and it raises questions. Maggie Williams, you see, was seen, at least by the testimony of Officer O'Neill, a career Secret Service officer, who would have no reason to concoct a story, says that on the night of Vincent Foster's death he saw Maggie Williams coming out of Vincent Foster's office—and she admits she was there—and that she was carrying papers, files. And he remembers with great detail, that when she, Maggie Williams, who is Mrs. Clinton's chief of staff, attempted to gain access to her office, she could not do it; she had to balance the files with one hand and then with the other hand open her door.

You see, this is an experience I think probably many of us have had when you are carrying something and then you have to shift it. And he said she propped it up against the wall or a cabinet so that she could then use her other hand to open the door. That was a specificity that made it hard for this Senator to not totally believe Officer O'Neill.

Let me tell you, the saga continues, the saga of the memory lapses, because Maggie Williams denies that this occurred.

But then there is another White House staffer, a young man who works there as an assistant by the name of Tom Castleton. He still works there. This is not someone who is in discord with the administration. This is not a partisan—if anything, he may be a partisan supporter of the White House. And there is nothing wrong with that. But he has no reason to lie.

What does he testify? He testifies that when Maggie Williams is carrying a box of documents up to the personal residence of the White House, she says, ''Mrs. Clinton wants to review these papers.'' When we asked Maggie Williams, she didn't say that; she has no memory of that. Why would she say that? She would never tell this young man that for no reason. After all, of course, he told us the truth. He had no reason to make this up.

Let me ask something else. It has always mystified me why it is people have to invent incredible stories. Would it not be ordinary, if papers that belonged to you, that were with a trusted friend and a legal advisor, that you would look them over as opposed to simply having them turned over to another attorney without looking?

I find that very difficult, very difficult to understand. It would seem to me that if the Senator had important papers entrusted to his legal advisor and counselor and something has suddenly gone wrong and those papers were packaged and sent to your residence so you could then send them over to your personal lawyer, would you not look through them? Would it not be natural? Would it not be correct? Would it not be right? But you see what happens when people invent stories; they are stuck to them. They are stuck to them. Once the White House issued the statement, a definitive statement, that the First Lady had, never looked at those papers, they could never explain how the papers that were sent up there found their way back down, and then, if all of those papers were sent over to Mr. Kendall, the lawyer for the Clintons, if all of them were sent over, then how could it be that the billing records were found in the personal residence, if you had already said for the public record, public consumption, that you never looked at the records?

So now we have the mystery of the appearing documents. Where are they found? In the personal residence, where all the papers had been brought initially, all of them, and, I would suggest

to you, probably including the billing records. And that, indeed, when we have heard this troubling story—because I tell you it would be absolutely totally reasonable for anybody, President or anyone—to look through their personal files and their personal records. I think that it would be unusual, unusual, absolutely unusual—after all, they had nothing to fear. There was no wrongdoing. Why would you not look through the papers to ascertain if these were papers, indeed, that should be then sent over to a new lawyer. Would you not want to look at them?

So the answers that are forthcoming do not in many cases lead to a conclusion. They raise other questions. But let me say our mandate is to get the facts. It is not to rush to judgment. It is only because—and I have only shared this for the first time—of some of the questions that I consider important, some of the troubling aspects, that I raise this. I have not raised this heretofore. I have not shared this with the media. I have not rushed to judgment, nor do I. But I raise this question—and there are others—in light of testimony given by witnesses who have nothing to gain, who, if anything, are supporters of the administration. Neuwirth, assistant counsel to the chief counsel of the United States, he says they are concerned about unfettered access, that Mrs. Clinton was concerned. This young man, Tom Castleton, who says Maggie Williams, Mrs. Clinton's chief of staff, says that Mrs. Clinton wants to review these documents. Then the White House states that they did not look at these documents. Then the billing records appearing. How did they get there?

So there is more work to be done. I do this—and I was not happy about having to raise these questions at this point in time—only because, again, the assertions have been made that our investigation has not revealed anything, that this is a waste of time and a waste of taxpayers' money.

Let me conclude by saying I believe that the committee has been patient, in some cases overly so; that the committee has gone out of its way to give the benefit of the doubt, as we should and will continue to do, to witnesses and in certain instances when evidence has not come forth when it should. We will say, let us conclude our job, get the facts, and that is when we will end the investigation, sooner rather than later.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Mr. President, unlike my colleague, I will be brief. I will be to the point as nearly as I can. I have been standing now for 1 hour and 20 minutes on the floor of the Senate to try to get a word in edgewise, and I recognize that when someone has the floor, they can literally keep it forever. I was prompted to come here by some remarks that I heard by my friend and colleague from New Mexico, Senator DOMENICI, a couple of hours ago when I happened to hear him say that the only way to resolve the problem before us is for the majority leader and the minority leader to sit down in one office or the other and come up with some kind of an agreeable compromise.

I thought, as usual, that was a very constructive suggestion from my friend and colleague from New Mexico, with whom I have worked on the Budget Committee each and every year, this being the 18th, since I have been here.

It makes an awful lot more sense than the long, drag-out confrontation that we seem to be headed for and are involved in now with regard to what is right and what is wrong with the request made by the chairman of the Banking Committee for the continuation of the hearings as long as he wants to pursue them in whatever manner the chairman of the committee wishes to pursue them.

I notice with great interest there were several references during the last hour and 20 minutes, when I was listening very carefully, that the name of Robert BYRD was used. We all respect Robert BYRD as one of the great Members of the U.S. Senate of today and certainly, in my opinion, of all time. It has been said on the floor that Senator BYRD felt that the Iran-Contra hearings should proceed because we have ''a constitutional responsibility.'' I do not think there is any quarrel with that. I suspect that Senator BYRD voted for the Whitewater investigation, as did this Senator, because I think it is our constitutional responsibility to investigate wrongdoing.

In that regard, I might say that one of the side elements of this investigation and other investigations that we see more and more and more going on forever and forever and forever in the Senate of the United States, has caused a great deal of harm and a great deal of expense to many people whom most would agree are totally innocent. That has happened. The committee is chaired by my colleague from New York. It happened in previous committees.

If you read the newspapers and talk to some of the people that have appeared before the Banking Committee, you will find that when they come there, they have to bring a lawyer to protect themselves. The amount of lawyers' fees that these people have, mostly without means, to defend themselves when they are called by a committee of the U.S. Senate, they have spent anywhere from $50,000 in the last few months, sometimes up to $500,000 in the last few months, out of their own pockets to defend themselves, when in most instances most would agree most of them, if not all —and I say most of them, and maybe all, with the understanding that there was always a reason to investigate Whitewater. The dialog that we have heard, the dog and pony show for the last hour and 20 minutes, was merely to fulfill the wishes of those who wish to continue.

Senator BYRD said it is our constitutional responsibility. And it is. And we have investigated. Senator DOMENICI suggests that the two leaders should get together and work out some kind of a compromise, if you will. That is the only way we get things done down here, after we raise all kinds of havoc. I endorse the suggestion made by Senator DOMENICI.

My colleague from Maryland, the ranking Democrat on the Banking Committee, knows where this Senator has been coming from on this issue for a long, long time. I think that we have granted the Banking Committee—I voted to give the Banking Committee the time and the money to make an investigation. I am willing to give them some additional time, if that is what they need.

But if anyone thinks that this Senator is going to give an open-ended license to the present chairman of the Banking Committee, or anyone else, to go on and on and on and on, on something that, in my view, should have been concluded weeks ago, they are badly mistaken.

We do this to ourselves here, Democrats and Republicans, over and over again. We wonder why the polls show that the people despise—I think the word ''despise'' is not overstated—they despise, as a group, the Members of the House of Representatives and the Members of the U.S. Senate. Even used car salesmen, I believe, rate ahead of us in the polls. Why is that? Because we bring it on ourselves, Democrats and Republicans. It is not just one side of the aisle or the other. It is the conspiratorial nature of the business, unfortunately.

Mr. President, I had been the Governor of my State for 8-years, longer than any other person in the history of that State, and this is my 18th year in the U.S. Senate. I have never been sued, either before I was in public service or since I have been in public service. I never have been accused of any wrongdoing. I have never had to pay out a dollar, let alone $50,000 or $500,000 or more, to defend myself. I have had the wonderful experience of serving 18 years in the U.S. Senate.

I have been in hundreds of thousands of hours of committee hearings on the national security interests of the United States, the Armed Services Committee, in the Budget Committee, that is very much up front now. I happen to be the ranking member of the Budget Committee at the present time. I also serve, and have since I came here, also, in addition to those two committees, as a member of the Commerce, Science, and Transportation Committee.

I am proud to say that never, as long as I have served or called witnesses or been a part of questioning witnesses, have I ever cost even one of those witnesses any money out of their own pocket to come before me as the sacred

one on the elevated platform directing questions down at them.

It so happens that I have not, nor have I ever, sought to serve on the Ethics Committee of the U.S. Senate. I do not like judging other people. I have never sought to serve on that committee or any other investigative committee that is going after people, to get people. Some of that is necessary. I believe that BOB BYRD is right in saying we have a constitutional responsibility to do that. But in so doing—and it has been going on and on every day, almost of every week of every month, and certainly of every year since I have served in this body—some people, a group of people, have set up themselves as judge and jury. They use the taxpayers' money of the United States of America to make accusations, to carry on investigations, some of them legitimate. But we wonder why the people of the United States distrust us.

I saw a bumper sticker on a car in Nebraska the other day that said, ''I love my country, but I don't trust my Government.'' Well, is it any wonder what we do to ourselves? We have become the conspirators, whether we recognize or realize it or not. And the feeling of the people of the United States with regard to their elected public officials, most of whom I can certify are honest, God-fearing people trying to do the right thing, whether they have Democrat or Republican behind their names, we wonder why we are not more respected. Because of what you see on the floor of the U.S. Senate tonight.

I am not conspiratorial by nature, and I do not like what is going on. In addition to the committee of jurisdiction that seems to be on the tube every time I turn on C–SPAN, and I see mean-looking lawyers peering down, as if they were judges, at these people behind them, kind of like the Christians in the lion's den in Rome—I see that, and I do not like that either because I think you can make inquiry of people as a U.S. Senator in a fashion that does not say, ''It is us against them.'' That is what is going on here.

The costs of this, as I understand it, are over $1 million for the committee and up to $15 million or more for the special prosecutor.

The special prosecutor has a job to do, and I voted the money to have the special prosecutor check into Whitewater. I guess what I am saying, Mr. President, is that somewhere sometime enough is enough.

Some—not this Senator—some have said that the chairman of the Banking Committee is doing this primarily because he is the chairman of the Republican Senatorial Campaign Committee, which is designed to collect money and make a lot of hoopla to try and elect Republicans. Well, that is the job of the Republican Senatorial Campaign Committee, and we have a Member on this side who does the same thing.

But some have said—not this Senator—some have said one of the main reasons that the chairman of the Banking Committee, who is simultaneously chairman of the Republican Senatorial Campaign Committee, is doing this and wants more taxpayer money to continue the investigation forever and forever and forever, as near as I can tell, is he wants to continue it at least until after the November elections, because some have said—not this Senator—that the chairman of the Banking Committee wants to do this for political reasons. He thinks it will help elect Republicans.

Now remember, I did not say that, but I guess other people have. Whether that is true or not, I voted for the money for the special prosecutor to investigate Whitewater. I voted in support of and provided a vote to provide the money to the Banking Committee to do their investigation. I had assumed that it would not take longer than it took to investigate other matters, such as Iran-Contra, but it has for whatever reason. Now the chairman of the Banking Committee wishes to go on and on and on.

I simply say that I do not believe this committee going on and on and on, spending more of the taxpayers' money is going to amount to any more than it has already. The special prosecutor is continuing, the special prosecutor is the place to bring charges if anyone before the Banking Committee has committed perjury, as was indicated by the dog-and-pony show tonight. If they committed perjury, they should be prosecuted, and if they are found guilty, they should stand whatever the sentence in court should be.

I simply say that I think it is far past time for this committee to have made its report, but in the good nature that I think has always embodied me, I suggested to the ranking Democrat, the Senator from Maryland, who is on the floor, what, 2 months ago, 3 months ago—I do not know what it was—when the chairman of the Banking Committee was beginning to talk about the necessity to extend this date beyond the expiration date of yesterday and wanted $200,000 or $300,000 more of taxpayers' money to get the job done, I said, ''I'm not for that at all. I think they should be called upon to wind up their inquiry and make their report to the U.S. Senate.''

But I said in the spirit of compromise, since the chairman of the Banking Committee says he wants more time and he needs more time, I would, against my better judgment say, ''All right, let's give them another 30 days, until the 28th of March, and $90,000,'' or whatever it takes to wind this up and then set a date for the report no later than 30 days after that, so that we can get on with this matter. I remember very well the ranking Democrat at that time thanking me for that suggestion.

We have now come to the place, while I can assure the Senate that the vast majority of the Democrats in this body—and there are 47 of us—the vast majority of them are against any extension period beyond the expiration date of the committee of yesterday.

But it has been talked over and it was agreed, in an effort to come to some kind of a compromise, that we do not want to filibuster, we do not think a filibuster is necessary.

Following up on what Senator DOMENICI suggested on the floor of the Senate, why do we not have the majority leader, Senator DOLE, and the minority leader, Senator DASCHLE, get together tomorrow and make a decision, a reasonable decision, along the lines that Senator DOLE suggested back under the Iran-Contra affair?

At that time, the Democrats were the conspirators. They were the ones who wanted to continue this discussion. Senator DOLE suggested that we should not go on with Iran-Contra forever. It was causing problems for the President of the United States who, at that time, was a Republican. Believe it or not, Mr. President, the Democratic majority at that time said, ''Senator DOLE, you're right. You're making sense. You're trying to be reasonable, Senator DOLE.''

What we are asking for at the present time, and taking up on the public expression and request by my friend and colleague from New Mexico, it is time for the two leaders to get together. It is time to end the dog-and-pony show. It is time to come to a definite timeframe—30 days, *x* amount of money, whatever is necessary—to wind up this investigation, and then anything further that is done beyond that, as it should be, would be accomplished by the special prosecutor.

If we end the investigation by the Banking Committee tonight, the special prosecutor is still there with full subpoena powers and the authority of a prosecutor to bring charges for anything that he thinks needs to be raised in the courts.

I simply say, Mr. President, that I hope we will take the wise counsel offered by the Senator from New Mexico, my friend, Senator DOMENICI, and resolve this matter tomorrow and get on with the business of the U.S. Senate.

I thank the Chair, and I yield the floor.

EXTENDING WHITEWATER INVESTIGATION

Ms. MIKULSKI. Mr. President, yesterday we returned for the last session of the 104th Congress to complete the Nation's business. We returned so that we could attempt to reach a bipartisan agreement on welfare reform. We returned to continue debating the future of Medicare. We returned so we could end the budget impasse. We returned so that we could face the legislative challenges before us and not let the American people down.

I'm sad to say, we are not doing these important things. We are not serving the American people by working on the things that affect their day to day lives. Instead, we are debating whether

to extend the Senate Committee's investigation into Whitewater indefinitely and if an additional $600,000 for the investigation should be provided.

I oppose this attempt to extend the hearings indefinitely. The Senate has already spent $950,000 on 277 days of Whitewater investigation, heard from more than 100 witnesses, and collected more than 45,000 pages of documents. Enough is enough.

Let me tell you what I support. I support Senator DASCHLE's proposal to complete the task at hand by extending the hearing until April 3, 1996, with a final report due on May 10, 1996. I also support letting the Independent Counsel do his work. Three federal judges have given him the job of investigating Whitewater and all related matters. He has more than 130 staff members helping him. There is no time limit or spending cap on his investigation, so he will be able to gather facts in a systematic and unencumbered way and to investigate Whitewater thoroughly. The results of his investigation will be made public. If the Independent Counsel finds wrongdoing, he has the authority to bring any lawbreakers to justice. By permitting him to do what none of us can do and what none of us should be doing, we will get a complete rendering of the facts. That's the right thing to do. That's what I support.

What I don't support is using Senate committees to play Presidential politics. The goal of this proposed extension is very clear. It's about Presidential politics. And, it's about vilifying Mrs. Clinton in the name of Presidential politics. This attack on her is unprecedented. She has voluntarily answered questions on four occasions from the Grand jury and on three occasions in interviews for the Grand jury, numerous written questions, and she has been cooperative with the committee. I know her personally. Like many others across the Nation, I have deep admiration and respect for her.

Like so many other American women she has struggled to meet the demands of both a career and a family. She is dedicated to her family and she is a dedicated advocate for children. For more than 25 years she worked on behalf of children and families which she discusses in her book ''It Takes a Village''. In ''Village'', Mrs. Clinton shares with the public her passion, conviction, and insight, gleaned from her experience as a mother, daughter, advocate, attorney, and First Lady.

Mrs. Clinton has truly inspired a generation of men, women and children. She has worked to raise her own family and she has worked to protect a generation of children. So I don't support extending the Senate committee's investigation into Whitewater.

We should not ask taxpayers to continue subsidizing this round of Presidential politics and this attack on Mrs. Clinton. Instead, I say, let's get on with the business of this country and its citizens. The Senate committee should finish its investigation immediately, write its report, and let the American people hear what the committee has to say. I believe the Senate should get back to the job we were elected to do. Get back to meeting the day to day needs of the American people. The American public deserves our full attention.

WHITEWATER

Mr. SARBANES. Mr. President, I listened with great interest while my colleague, the distinguished Senator from New York, and his colleagues went on for some length, and I do not intend to match that length at this hour. I do not think that is really necessary, but there are some matters that I think ought to be reviewed with respect to this Whitewater matter.

First, a great deal is being made about these documents that appear, as though it is a nefarious plot. I understand that people like to attach sinister intentions, but the explanation for it may be far more innocent than that. And I really want to include in the RECORD an article that appeared a few weeks ago in the New York Times by Sidney Herman, a former partner of Kenneth Starr. Let me quote from it:

> Documents that are relevant to an investigation are found in an unexpected place 6 months after they were first sought. A shocking development? Absolutely not. In most major pieces of litigation, files turn up late. One side or the other always thinks of making something of the late appearance. But these lawyers know the truth. It could just as easily happen to them. Despite diligent searches, important papers in large organizations are always turning up after the initial and follow-up searches.

Later on he goes on to say:

> My former partner, Kenneth Starr, knows all this. As independent counsel in the Whitewater investigation, he will take it into account. But the American people have no reason to know that this is a normal occurrence. It is not part of their every-day experience. Reporters really do not have any reason to know this either, or they may know and simply choose to ignore it.

Now, Mr. President, I ask unanimous consent that article be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. I place it in the RECORD simply to make the point, as the article does, that the appearance of documents a considerable period of time after they have been requested is, in fact, not a shocking development. This goes on all the time, as anyone involved in litigation or document requests well knows.

In each instance, of course, one has to judge the explanation for the late-appearing documents with respect to their plausibility, but as I indicated when we were discussing Mr. Gearan earlier, his explanation, I thought, was very straightforward. He said by mistake these had been packed into a box he took with him to the Peace Corps. He thought they had remained at the White House where the White House counsel could go through them and provide responsive matters to the committee. It was only by chance that these documents, then, were later discovered in that box that had been sent over to the Peace Corps and then were put back into the loop so that they eventually came to the committee.

A great to-do is made of the fact that if you have a fixed date for ending, you will not get the documents, and that to-do is made over documents that we have gotten. I find it incredible—in other words, these documents are furnished to us and then an argument is made if you have a fixed date—as we did, the date of February 29—you will not get the documents. I do not know how you square the two. We get the documents. They are provided to us. Then the assertion is made if you have a fixed date you will not get the documents. We have a fixed date. We got the documents. The people provided them to us in response to the request. I do not understand that argument. Obviously, logically, it does not hold together.

Now, the issue here is essentially the difference between the request of my colleague from New York, Chairman D'AMATO, for an open-ended extension of this inquiry, and the proposal put forth by Senator DASCHLE for an extension until April 3 for hearings and until May 10 to file the report.

When this resolution was first passed, it was passed on the premise that there would be an ending date, February 29, and the rationale advanced in part for that ending date was to keep this matter out of the Presidential election year and therefore avoid the politicizing of these hearings and the erosion of any public confidence in the hearings because of a perception that they were being conducted for political reasons.

I listened with some amazement earlier as the Washington Post editorial was cited by my colleagues on the other side of the aisle in support of their position for an unlimited extension. Now, that is the position, and I recognize it, of the New York Times. I recognize that the New York Times' posture is for an indefinite extension; but the Washington Post, which was also cited in support, said today, very clearly, ''The Senate should require the committee to complete its work, produce a final report by a fixed date.''

Now, they question the dates that we put forward as perhaps being too short a period. They said a limited extension makes sense but an unreasonably short deadline does not. They said 5 weeks may not be enough time. They suggested maybe there should be a little extra time, running in the range of through April or early May. In other words, a few more weeks beyond what the leader has proposed in the alternative, which my distinguished friend from Nebraska has suggested was a possible way of approaching this matter.

In any event, so that readers of the RECORD can judge for themselves, I ask unanimous consent that this Washington Post editorial entitled ''Extend But With Limits,'' and which contains as I said the sentence, ''The Senate should require the committee to complete its work and produce a final report by a fixed date,'' which editorial has been used by some in support of an indefinite extension—for the life of me I cannot understand how one can do that, can make that argument. I ask unanimous consent that editorial be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

Mr. SARBANES. Mr. President, I want to point out with respect to both the Gearan and Ickes notes, because the point was raised that we have these notes and we got them late in the day. The fact is the committee held a full day of hearing with Mr. Gearan and a full day of hearing with Mr. Ickes with respect to their notes. There was an opportunity to examine their notes, see the contents of their notes, bring them in before the committee, and have a hearing with respect to them.

The White House has, in effect, now responded to every request of the committee. We have some e-mails to be obtained, but that is almost completed. I outlined earlier the difficult problems that were associated with the e-mails. First of all, the extraordinary and onerous breadth of the committee's request and the fact that the Bush administration had put in a procedure, a process at the White House that made the recovery of those e-mails extremely difficult. The White House finally had to bring in a consultant, and they are expending hundreds of thousands of dollars in order to provide those e-mails. The ones that have been provided thus far, the weeks covered, have not produced anything. That is in a very real sense a fishing expedition. It has not produced anything thus far.

Now, Mr. President, a lot has been made of citing the book by Senator Mitchell and Senator COHEN with respect to having a firm deadline and their feeling that the Iran-Contra inquiry would have worked better without a firm deadline. Of course, as my colleague from Connecticut pointed out earlier, there has been no inquiry conducted in the Senate without a firm deadline. This is an entirely new and different precedent that was going to be established.

Let me just quote from their book:

> At the time, the setting of a deadline for the completion of the committee's work seemed a reasonable and responsible compromise between Democratic members in both the House of Representatives and the Senate who wanted no time limitation placed upon the committee, and Republican Members who wanted the hearings completed within 2 or 3 months.

As an aside, I may note that probably the strongest advocate of a time limitation for the committee's work was the then-minority leader, Senator DOLE. Time and time again he took the floor to argue that very strenuously, did the same thing in the meetings that were being held between the leadership to work out how that inquiry would be done, and did, in fact, press for a timeframe at one point of only 2 or 3 months, as this book indicates.

Now, the book then goes on to say, and I am now quoting it again:

''It escaped no one's attention that an investigation that spilled into 1988 could only help keep Republicans on the defensive during an election year. Both Inouye and Hamilton recommended rejecting'' and I underscore that. ''rejecting the opportunity to prolong, and thereby exploit President Reagan's difficulties, determining that 10 months would provide enough time to uncover any wrongdoing.''

I want to underscore to this body that the Democratic leadership of the Congress, as that book states, Chairman HAMILTON from the House and Chairman INOUYE from the Senate, agreed to a defined timeframe as the minority leader, Senator DOLE, had pressed for very, very hard. And, of course, the reason was to keep it out of the 1988 Presidential election year and, therefore, not turn the inquiry into a political football.

That was the thinking here last year when we passed Senate Resolution 120 with an ending date of February 29, 1996, which is where we find ourselves now. That was the thinking. And many of us have taken the view, and I hold to it very strongly, that extending the inquiry deep into a Presidential election year will seriously undermine the credibility of this investigation and create a public perception that this investigation is being conducted for political purposes. I think that is clearly happening, and I think the effort to have the inquiry continue on through the Presidential election year will contribute to that.

I was very much interested in an editorial that appeared in U.S. News & World Report on January 29, by its editor in chief, Mortimer Zuckerman.

I ask unanimous consent that editorial be printed in the RECORD at the end of my remarks.

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

(See exhibit 3.)

Mr. SARBANES. In the course of it he says, and let me just quote it:

> It would be foolish to expect a congressional investigation to be above politics. But at what point, in a decent democracy, does politics have to yield to objectivity? At what point does rumor have to retreat before truth? In Whitewater that point would seem to have been reached when we have had an independent, exhaustive study of the case under the supervision of a former Republican U.S. attorney, Jay Stephens.

Of course, he is referring there to the study that was commissioned by the RTC, from the Pillsbury, Madison, Sutro law firm.

He goes on a little later in that editorial to say:

> That official report is in, but hardly anyone who has been surfing the Whitewater headlines will know of it. It has been ignored by both the Republicans and a media hungry for scandal. The Stephens report provides a blow-by-blow account of virtually every charge involved in the Whitewater saga. Let us put the conclusions firmly on the record. The quotes below are directly from the Stephens report.

And he then goes through questions that were raised about various activities and the conclusions of the report. And then goes on to say:

> The report concludes: On this record there is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims. Nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.
>
> Stephens's firm—Pillsbury, Madison & Sutro—spent two years and almost $4 million to reach its conclusions and recommended that no further resources be expended on the Whitewater part of this investigation.

Pillsbury, Madison actually asked for a tolling agreement from the Rose Law Firm at the end of December, because of some new material that had come out. And then subsequent to that we received the billing records of Mrs. Clinton from the Rose firm. Other matters came of public record, and they examined all of those before they submitted their final report, which has just come in today. In that report they conclude, as they had concluded earlier, that there was no basis on any of the matters they investigated—and they went carefully through quite a long litany of them—

> . . . no basis on which to charge the Clintons with any kind of primary liability for fraud or intentional conduct, nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.

This report needs, obviously, to be carefully examined by my colleagues. It is a very important report; $4 million of public money was expended on it. And it reached the conclusions which I have just outlined.

Mr. President, I think the proposal that Senator DASCHLE has put forward is an eminently reasonable proposal. It is argued, on the one hand, we need even an indefinite time because we need to get more material. The material has now all come—an extraordinary request for material, some of it delayed, in my judgment, because of how far-reaching and onerous the document requests were. Other items were delayed because people misplaced them, did not find them. They have now been provided to the committee.

The other argument that is made, which is an interesting argument given the record of this committee, is that we now need to await the trial in Arkansas. It was recognized in Senate Resolution 120 that the independent counsel was already at work, and it was never anticipated that the committee would defer its work to the independent counsel in such a way as to go beyond the February 29 deadline.

In fact, when the independent counsel in September of last year indicated to the committee to forbear until some unspecified time any investigation and public hearings into many of the matters specified in Senate Resolution 120, we rejected that in a joint letter which Senator D'AMATO and I sent to Mr. Starr. We stated:

We have now determined that the special committee should not delay its investigation of the remaining matters specified in Senate Resolution 120.

We went on to say:

We believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with section 9 of the resolution.

Section 9 is the provision of the resolution which called for the February 29 concluding date for the work of this committee.

And we went on to say:

Accordingly, we have determined that the special committee will begin its next round of public hearings in late October of 1995. This round of hearings will focus primarily on the matters specified in section (1)(b)(2) of Senate Resolution 120, and through the remainder of this year the special committee will investigate the remaining matters specified in Senate Resolution 120 with the intention of holding public hearings thereon beginning in January 1996.

That was our position then. I thought it was a correct position. It was not anticipated that the committee would defer its work until after the independent counsel has pursued his trials. It is now said this trial. But he has other trials in the offing as well, all of which, of course, would serve to carry this inquiry on into infinity.

Just to underscore it with respect to Mr. Hale because we, the minority, have pressed repeatedly throughout for bringing Mr. Hale in, seeking through subpoena to obtain his documents—and that has consistently been delayed—this issue was considered at a hearing on the 28th of November, and Chairman D'AMATO said the following. I now quote:

I would like to bring him, Hale, in sooner rather than later so that he can testify and so that he can be examined. If we drag this, if this matter is dragged out into February or later, I believe legitimate questions can be raised as to why bringing him in so late and getting into next year and the political season—and I think that is a very legitimate concern of this committee—both Democrats and Republicans and I would like to avoid that.

It certainly was a legitimate concern and the effort to press to move on the Hale matter never was realized. The minority staff continually sent memoranda to the majority about Hale and nothing was done about it. We now find ourselves finding this being used as an argument to defer the hearings to the other side of the trial. As I said, the trial is not going to be in secret. So the matters developed at the trial will be, I can assure you, on the public record and available to the public.

Many of the witnesses sought have indicated they will take the fifth amendment. And there is every reason to assume that they will continue to do so. So then they are not going to become available to the committee in any event. And the committee has to do its work and make its report.

We have taken an extraordinary number of depositions. Much of what we are now looking at, which involves matters that occurred in Arkansas 10 and 15 years ago, had been covered voluminously in the press. I am really almost staggered by the fact that we hold a hearing and then it is asserted, well, new revelations came out at this hearing. We held a hearing with Ickes. And everyone said, ''My goodness, we have discovered that a special team was set up in the White House to deal with the Whitewater matter in January of 1994.'' A newspaper account in early January of 1994 states that a special team under the direction of Mr. Ickes was set up. So he comes in. We have these notes. He comes in and testifies. We have the situation in the committee where the establishment of this team and him as the head of it is considered as a new discovery when there is a newspaper story from 2 years earlier stating that such a team was being set up and that he would head it up.

Interestingly enough, the article that was written on the day after the hearing paralleled the article that was written 2 years earlier. The January 7th, 1994—not 1996, 1994—article in the Washington Post stated, and I quote:

With the start of the new year, the White House launched a major internal effort to fight back against mounting criticism of the way it has handled inquiries into President Clinton's Arkansas land investments. A high-powered damage control squad was appointed under the direction of new Deputy Chief of Staff, Harold Ickes, and daily strategy sessions began.

That is in 1994. Then we get notes from Ickes about a meeting of the special strategy session that he is heading up, and that is treated as though we discovered something new. In fact, the article reporting on the hearing paralleled the article written 2 years earlier.

That is what we have been going through; I mean a replowing of material that has already been available generally in the press and out to the public. In fact, the Atlanta Constitution in the editorial that my colleague, Senator PRYOR, cited of February 15 states:

The Senate's Watergate hearings of 1973 and 1974 were momentous delving into White House abuses of power and leading to the resignation of the disgraced President and the imprisonment of many of his aides. They lasted 279 days. Next week, Senator Alfonse D'Amato, Republican of New York and his fellow Whitewater investigators, will surpass that mark. Today is the 275th day, and they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to ponder is a fairly obscure 1980's real estate and banking scandal in Arkansas. With the February 29th expiration date for the special panel staring him in the face, Senator D'AMATO has the effrontery to ask the Senate for more time and money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another $600,000. That is on top of $950,000 his committee has spent so far plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994. The partisan motives behind Senator D'Amato's request could not be more obvious.

They then go on along this vein.

They also make the point in concluding that the independent counsel will continue his investigation and, therefore, the legal and business affairs of the President and Mrs. Clinton will be scrutinized by the independent counsel.

This editorial actually called for ending on February 29 as the resolution provided. The distinguished minority leader has in effect come forward and said we will not press this immediate cutoff. We are prepared for the hearings to go on for a limited further period of time, and for a period of time after that in order to do the report. I think that is a very forthcoming proposal, and I very strongly commend it to my colleagues on the other side of the aisle.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Jan. 27, 1996]

DOCUDRAMA

(By Sidney N. Herman)

Documents that are relevant to an investigation are found in an unexpected place six months after they were first sought. A shocking development?

Absolutely not. In most major pieces of litigation, files turn up late. One side or the other always thinks of making something of the late appearance, but these lawyers know the truth: it could just as easily happen to them.

Despite diligent searches, important papers in large organizations are always turning up after the initial and follow-up searches. How many times have you looked for something on your desk and couldn't find it, only to have it appear right under your nose later? Happens all the time.

Indeed, as every litigator knows, there is nothing worse than having an important document show up late. You've only highlighted its absence for your opponent. If you know where it is, it is far better to include it in the initial delivery of relevant papers, where it gets mixed in with the rest of the morass. Why red-flag it by holding it back?

My former partner, Kenneth Starr, knows all this. As independent counsel in the Whitewater investigation, he will take it into account.

But the American people have no reason to know that this is a normal occurrence; it is not part of their everyday experience. Reporters really don't have any reason to know this either. Or they may know, and simply choose to ignore it.

Last summer, notes that were critical to the celebrated libel suit brought by Jeffrey Masson against the writer Janet Malcolm appeared in her private study, years after they were first sought. I recall that discovery being treated as an interesting happenstance, nothing more.

When documents show up belatedly, even in private quarters, there is simply nothing unusual about it.

EXHIBIT 2

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing

long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen. D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely open ended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the ends of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry, including a complete examination of the Clinton's involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. The burden is also on them.

EXHIBIT 3

[From the U.S. News & World Report, Jan. 29, 1996]

THE REAL WHITEWATER REPORT

(By Mortimer B. Zuckerman)

Have you no sense of decency, sir, at long last? Have you left no sense of decency? Forty years ago, Joseph Welch, a venerable Boston lawyer, thus rebuked Joe McCarthy in the Army-McCarthy hearings and stopped his reckless persecution of a naive but innocent young man. How one longs for a Joseph Welch to emerge in the middle of the extraordinary affair now known as Whitewater! The parallels between Sen. Alfonse D'Amato's investigation of a land deal in Arkansas and McCarthy's investigation of communism in the Army are hardly exact, but there is an uncanny echo of 1954 in the fever of political innuendo we are now experiencing and in the failure of an excitable press to set it all in proper perspective. Then, as now, the public found itself lost in a welter of allegation, reduced to mumbling the old line about ''no smoke without fire.''

It would be foolish to expect a congressional investigation to be above politics. But at what point, in a decent democracy, does politics have to yield to objectivity? At what point does rumor have to retreat before truth? In Whitewater that point would seem to have been reached when we have had an independent, exhaustive study of the case under the supervision of a former Republican U.S. attorney, Jay Stephens, a man whose credibility is enhanced by the fact that he was such a political adversary of the Clintons that his appointment provoked Clinton aide George Stephanopoulos to call for his removal. Yes? No. That official report is in, but hardly anyone who has been surfing the Whitewater headlines will know of it. It has been ignored by both the Republicans and a media hungry for scandal. The Stephens report provides a blow-by-blow account of virtually every charge involved in the Whitewater saga. Let us put the conclusions firmly on the record. The quotes below are directly from the Stephens report.

Question 1: Were the Clintons involved in the illegal diversion of any money from the failed Madison Guaranty Savings & Loan, either to their own pockets or to Clinton's 1984 gubernatorial campaign? ''On this record, there is no basis to assert that the Clintons knew anything of substance about the McDougals' advances to Whitewater, the source of the funds used to make those advances, or the source of the funds used to make payments on bank debt. . . . For the relevant period (ending in 1986), the evidence suggests that the McDougals and not the Clintons managed Whitewater.''

Question 2: What of money diverted to the campaign? No evidence has been unearthed that any campaign worker for Clinton knew of any wrongdoing pertaining to any funds that might have come out of Madison into Clinton's campaign.

Question 3: Did taxpayers suffer from Whitewater through Madison's losses on the investment? No. Whitewater did not hurt Madison, the possible exceptions being a couple of payments involving James and Susan McDougal. The report says the Clintons knew nothing about the payments.

Question 4: Did the Clintons make any money? The report says they did not; instead, they borrowed $40,000 to put into Whitewater and lost it.

Question 5: What of the charge from David Hale, former municipal judge and Little Rock businessman, that Bill Clinton pressured him to make an improper Small Business Administration loan of $300,000 to Susan McDougal? As to the $300,000 loan to Mrs. McDougal, ''there is nothing except an unsubstantiated press report that David Hale claims then-Governor Clinton pressured him into making the loan to Susan McDougal.'' The charge lacked credibility in any event. It was made when Hale sought personal clemency in a criminal charge of defrauding the SBA.

What's left? Nothing. The report concludes: ''On this record there is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims. Nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.''

Stephen's firm—Pillsbury, Madison & Sutro—spent two years and almost $4 million to reach its conclusions and recommended ''that no further resources be expended on the Whitewater part of this investigation.'' Amen.

So when you cut through all the smoke from D'Amato's committee and almost hysterical press reports such as those emanating from the editorial page of the Wall Street Journal, what you have is smoke and no fire. No Whitewater wrongdoing to cover up, no incriminating documents to be stolen, no connection between the Clintons and any illegal activities from the real-estate business failure and the web of political and legal ties known as Whitewater.

But wait. What about the time sheets showing the amount of legal work that Hillary Clinton performed for the failed S&L? Surely we have some flames there? Again, no. Her role, says the Stephens report, was minimal. Mrs. Clinton did perform real-estate work in 1985 and 1986 pertaining to an option for about 2 percent of the land, but as the report says, that was at most related only tangentially to the acquisition itself. Mrs. Clinton did not play a legal part in the original acquisition of the land, known as castle Grande, although the Rose Law Firm did. Both sides pointed out that the principals, as opposed to the lawyers, put together the deal. The lawyers did only the scrivener work, and if this transaction was a sham, there is ''no substantial evidence that the Rose Law Firm knowingly and substantially assisted in its commission.''

As for the option, the report says there is no evidence that Mrs. Clinton knew of any illegalities in this transaction: ''The option did not assist in the closing of the acquisition. It . . . was created many months after the transaction closed. The option . . . does not prove any awareness on the part of its author of Ward's [Madison's partner] arrangements with Madison Financial. . . . While Mrs. Clinton seems to have had some role in drafting the May 1, 1986, option, nothing proves that she did so knowing it to be wrong, and the theories that tie this option to wrongdoing or to the straw-man arrangements are strained at best.''

Rep. James Leach's spokesman asserts that Hillary Clinton's minimal work on the option put her ''at the center of a fraudulent deal,'' and D'Amato says that her billing records show tremendous inconsistencies with her previous statements on the time she spent on Whitewater. Fraud? The only fraud lies in these congressional statements; they are a political fraud on a credulous public. On the role of real-estate lawyers, I must endorse the Stephens judgments here from my personal business experience of thousands of real-estate transactions. Never, not once, have my lawyers drawing up legal documents determined the business terms or the appropriateness of the price.

It is appalling that the smoke and smear game has been played so long by the Republicans and the media that everyone is tagged with some kind of presumption of guilt rather than a presumption of innocence. The double standard of judgment is well illustrated by the performance of those standard-setting newspapers, the New York Times and the Washington Post. The Times originally broke the Whitewater story on its front page with a jump to a full inside page. What did it do with Stephens's report? Ran it on Page 12, in a 12-inch story. The Post's priorities were so distorted that it mentioned the findings in only the 11th paragraph of a front-page story devoted to a much less important Whitewater subpoena battle. Most other major papers ran very short stores on inside pages, and the networks virtually ignored the report.

The press has slipped its moorings here. It seems to be caught in a time warp from the Nixon-Watergate era. The two questions then—what did the president know and when did he know it?—were at the very heart of the matter. The two questions now—what did the president's wife know and when did she know it?—seem a childish irrelevance by comparison. The time, money, and political energy spent barking up the wrong tree are

quite amazing. The press gives the impression that it has invested so much capital in the search for a scandal that it cannot drop it when the scandal evaporates. The Republicans give the impression that if one slander does not work, they will try another. No wonder the nation holds Congress, the White House and the media in such contempt; the people know that the press seems to be acting like a baby—a huge appetite at one end and no sense of responsibility at the other.

We have a topsy-turvy situation here. The Republicans win the case on merit over balancing the budget but are losing it politically on the basis of public perception. The Clintons have the better case on Whitewater but are losing it politically because of smear and slander, a situation compounded by their defensive behavior. The media seem unwilling to focus on the substance of either issue. So much for a responsible press!

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

EUROPEAN ARMIES DOWNSIZE

Mr. WARNER. Mr. President, I read with great interest an article in the Washington Times a few days ago. I ask unanimous consent to have it printed in the RECORD.

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

[From the Washington Times, Feb. 26, 1996]

EUROPEAN ARMIES LOSE SIZE, EFFICIENCY

CONSCRIPTION NOT WORKING; ALL-VOLUNTEER TOO EXPENSIVE

(By John Keegan)

LONDON.—The state may not be withering away, as Karl Marx predicted it would, but Europe's armies are.

Only seven years ago, Europe was awash with combat units. Now they are so thin on the ground that governments can scarcely meet their military commitments. And the situation is getting worse.

The problem is conscription. Young Europeans do not want to perform military service, even for as little as a year, now the norm.

Paradoxically, the generals are not keen on conscription either. As a result, the big armies, such as those of France and Germany, are planning either to increase the proportion of volunteers or to scrap conscription altogether.

France announced Thursday the most sweeping changes in its military since it developed nuclear weapons nearly 40 years ago, saying it will shrink its armed forces by one-third in six years and eliminate the draft. The French want a force of 350,000 by 2002, all of it volunteer.

Smaller armies in Europe have taken similar steps. The Netherlands will call up no new conscripts and release all those in service by Aug. 30. Belgium stopped conscription in 1993. Austria, not part of NATO, is talking of substituting an armed police for its army.

In the former Soviet bloc, the situation is confused at best, chaotic at worst.

Russia's problem is that young men of military age do not report for the call-up. In some military regions, the proportion of those who do is as low as 10 percent, and they tend to be unqualified—often dropouts who cannot find a place in the new free-enterprise economy. That does much to explain the poor performance of Russian units in Chechnya.

The Russian army has been humiliated by the collapse of the Soviet empire, of which it was the guardian. Russian officers resent the dimunition of national power as much as they are frustrated by the drop in their units' ability to perform. Inefficiency is so glaring that self-appointed volunteer formations, often calling themselves ''Cossacks,'' are springing up.

Military disgruntlement in circumstances of political weakness always bodes ill. The need to put the former Soviet armed forces on a proper footing is now urgent.

Poland, where the army is a revered national institution, still operates a successful conscription system. Neighboring states, such as Belarus and Ukraine, are laboring to decide what sort of army they want. They look to the West for advice.

The British Defense Ministry held a conference in London last year to explain the options to them. The British model of all-''regular''—that is, career or volunteer—forces is much admired, but is too expensive for many. Conscription staggers on but does not produce combat units worth the money they cost.

The crisis in France and Germany is of a different order.

Conscription in France, since the French Revolution, has always been given an ideological value. Military service, the French believe, teaches the ''republican virtues'' of equality and fraternity, besides patriotism and civic duty.

There have been ups and downs in the system: exemptions for the well-educated, substitution for the rich. Since 1905, however, all fit young Frenchmen have had to serve a year or two in the ranks.

The logic is different from that held by Britons, who pine for the days before 1961, when conscription was abolished. They see it as a recipe for an end to inner-city hooliganism. In France it has a higher motive. Military service makes Frenchmen into citizens.

In Germany, conscription also acquired an ideological justification in the post-Hitler years.

Under the kaiser, it was intended to produce the biggest army in Europe, but also to make German youth respectful of their betters and obedient to all authority. The imperial officer corps took trouble to see that their authority was obeyed. Regular officers remained a caste apart from civilians, even under Hitler.

When postwar West Germany rearmed, its democratic government harbored understandable fears of creating such an office corps again. It saw in conscription a check against military authoritarianism. Conscripts were guaranteed their civil rights, military law was abolished, and conscientious objection was made easy.

Too easy, it has proved.

More than half of the 300,000 annual conscripts now opt for alternative, non-military service. There are simply not enough men to keep units up to strength.

What makes things worse is that Chancellor Helmut Kohl, with his passion for European integration, is pushing for more inter-allied units, with Germans serving beside French, Spanish and Belgian soldiers.

Spain retains conscription, though the short term of service makes its army of little use. If French and Belgian troops are to be regulars in the future, the difference in quality between them and their German and Spanish comrades-in-arms will become an embarrassment.

The solution may be to make all soldiers regulars, to go for what Europeans increasingly call ''the British system.'' The problem is cost.

Regulars are at least twice as expensive as conscripts, requiring either a bigger defense budget or smaller armed forces. No one wants to spend more on defense, particularly when social budgets are crippling national economies. It seems inevitable, therefore, that armies must grow smaller but become all-regular if they are to meet international standards of efficiency.

The French appear to have accepted that logic.

President Jacques Chirac is about to be advised that France should withdraw the 1st Armed Division, its main contribution to the Franco-German Eurocorps, from Germany and disband several of its regiments, together with many others in metropolitan France. The army would be halved.

That may make good military sense, but it is likely to cause a political storm. Democratic France, like Germany, harbors suspicions of regular forces. They are thought to be anti-popular and all too readily turned against elected governments.

French history, like Germany's makes such fears realistic.

Napoleon III came to power through a military coup mounted with long-service troops. Charles de Gaulle faced another coup mounted by the Foreign Legion in Algeria. The Foreign Legion has never been allowed to serve in mainland France during peacetime because of fears about its loyalty.

In Germany, which already has some all-regular units, the public is probably no more ready to face a transition to the British system than is Mr. Kohl. The paradoxical outcome may be to leave Germany with the least efficient of armies among major European states.

German generals, who increasingly count on existing all-regular units to fulfill their NATO commitments, will not be pleased. They are likely to press for an end to conscription but unlikely to get it.

The difficulties involved in a change from conscript to regular forces are not easily understood in Britain, nor is the political debate it causes. The British take their system, together with the political stability of their armed forces, for granted.

What is not perceived is that such stability is the product of 300 years of unbroken constitutional government, during which the officer corps has completely integrated with civil society. There is, indeed, no ''officer corps'' in Britain, where soldiering is seen as a profession akin to others.

In Germany and France, with their different traditions, it may not take 300 years to change the relationship between army and society, but it will still take some time. In the former Soviet bloc, time may not be on the military reformers' side.

Mr. WARNER. Mr. President, this article was written by John Keegan of the London Daily Telegraph in which he stated the historical perspective of how the principal European nations and Great Britain have, through the years, raised their Armed Forces, and how the future portends that they are going to depart from these time-honored methods, and, as a consequence, the likelihood of their level of manpower could significantly drop in the coming years.

I promptly sent a letter to the Secretary of Defense, the Honorable William J. Perry, addressing my concerns.

The letter said:

DEAR MR. SECRETARY: I want to bring to your attention the enclosed article, ''European Armies Lose Size, Efficiency,'' which appeared in the ''Washington Times'' on February 26.

According to this article, European nations—many of which are Members of

NATO—are in the process of dramatically reducing the size of their ground forces. Such developments could have adverse consequences for the future of NATO, and require ever-increasing U.S. military contributions to the Alliance to compensate for European shortfalls. In such developments continue, NATO's ability to fulfill its commitments under Article 5 of the ''NATO Charter'' could be called into question.

As Chairman of the AirLand Forces Subcommittee of the Armed Services Committee—the Subcommittee with primary jurisdiction over NATO and the European Command—I will need information from the Department of Defense in order to assess the impact on the United States of the issues raised in the enclosed article. In particular, I am concerned about the long-term plans for meeting our NATO commitments in light of the reductions planned by our European allies; the need for increased U.S. military contributions to the Alliance to offset the European reductions; and the adequacy of current U.S. force structure planning to meet our NATO commitments in light of these changes.

During a time when NATO expansion is being actively considered, by some, these issues must be thoroughly examined. I ask that you provide your assessment as soon as possible in order for my Subcommittee to incorporate this information into its upcoming budget review and schedule of hearings. I am hopeful your reply will be detailed, as I view the representations in this article with deep concern.

SENATOR THURMOND APPOINTS ROMIE L. BROWNLEE AS NEW SENATE ARMED SERVICES COMMITTEE DIRECTOR

Mr. WARNER. Mr. President, I compliment the chairman of the Armed Services Committee, Senator THURMOND, for his selection of Col. Les Brownlee as the new staff director of the Armed Services Committee. Colonel Brownlee has served me with extraordinary professionalism for 12 years. He brings to this position a record of significant achievement as a highly decorated career military officer for his valor in combat, service with the Army Secretariat, special assistant to the undersecretary of the Army, and many other qualifications.

I wish to compliment the chairman for the selection of Colonel Brownlee, who, although he has been in my employ, so to speak, for a dozen years, now will owe his total allegiance to the chairman and all other members of the committee. I was so pleased when Chairman THURMOND consulted me on this nomination that he had in mind some days ago. Of course, I strongly recommended Colonel Brownlee, and I am pleased that the chairman did select him from the strong field of candidates to become the staff director.

Colonel Brownlee is well known throughout the Senate and the staffs. He has worked here by my side and by the side of many others, including Senators Tower, Goldwater, NUNN, and many members of the committee, in the preparation of our legislative responsibilities, which have been discharged here on the floor through these many years. I would like to think that the men and women in the Armed Forces on active duty today, and, indeed, the retired military, will receive with pride the news that one of their own, one who has distinguished himself so well in uniform, as well as in service to the committee, has been selected to this very, very important post.

I add, Mr. President, the fact that while Colonel Brownlee had not in any way actively looked at outside opportunities because he is a strict adherent to the rules of conflict of interest here, it was clear to me in our conversations that, in all probability, having spent 12 years on the committee and having many years before him of useful and productive life, thoughts were given to the more lucrative opportunities that are frequently offered by the private sector. But he clearly decided, once again, on the offer to serve his Nation, serve this Senate, and indeed serve the Armed Forces of the United States. The call came, and he responded unhesitatingly.

I ask unanimous consent that the press release accompanying the announcement by Chairman THURMOND be printed in the RECORD.

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

THURMOND APPOINTS NEW SASC DIRECTOR

WASHINGTON, FEB. 27. 1996.—Chairman of the Senate Armed Services Committee Strom Thurmond (R–SC) today appointed longtime committee staff member Romie L. Brownlee as the new Staff Director for the Committee.

Brownlee, a retired Army Colonel, has worked on defense issues in the Senate since 1984, when he began his career in the Legislative Branch as a National Security Assistant to Senator John Warner (R–VA), and then joined the Committee in 1987 as the Deputy Staff Director for the Minority. Before being named Staff Director, Brownlee was responsible for handling issues related to the Army and Marine Corps land forces, Special Operations Forces, and drug interdiction.

''Les Brownlee is extremely well qualified to serve as Staff Director of the Senate Armed Services Committee, as he is a man with a keen intellect and proven abilities,'' said Thurmond. ''He is widely respected by senior members of the armed forces, by Senators serving on the Armed Services Committee, and by his fellow staffers. We are fortunate to have him as our new Director.''

A native Texan, Brownlee was commissioned a Second Lieutenant of Infantry following his 1962 graduation from the University of Wyoming. Brownlee served two tours in Vietnam, including one as a Company Commander with the 173rd Airborne Brigade. During his career, Brownlee earned a number of decorations including two Silver Stars, three Bronze Stars, and a Purple Heart. In subsequent years, Brownlee would hold postings that included serving as Commander of the 3rd Battalion, 36th Infantry, and at the Pentagon as the executive officer for the Under Secretary of the Army. He earned a Master's of Business Administration from the University of Alabama, graduated from the Army War College, is a distinguished graduate from the Army's highly demanding Ranger Course, and is an Honor Graduate of both the Infantry Officer Advanced Course, and the Command and General Staff College.

Brownlee is replacing retired Brigadier General Richard Reynard, who is resigning from his position as Staff Director to return to the private sector.

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

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

NEW MEXICO, THE LAND OF ENCHANTMENT

Mr. DOMENICI. Mr. President, once again, 1 of our 50 is missing. If that seems like an enigmatic statement, bear with me a little longer. I have a story to relate to you that proves true once again the adage that truth is often stranger than fiction.

On Tuesday of this week one of my constituents, a man named Wade Miller, of Santa Fe, NM, called the Olympic ticket office in Atlanta, GA, in the United States—Atlanta, GA, USA. He was calling them to request tickets for the Olympics, I say to my friend from New York. Instead, imagine his surprise when he was told that since he was calling from New Mexico with his request, he would need to consult with the Mexican or Puerto Rican Olympic Committees in order to get tickets—not the Olympic office in Atlanta, which, I repeat, is in Georgia, USA.

Keep in mind that the area code for New Mexico is 505. The area code for Atlanta is 404. I checked it myself, and this does not register as an international call. If it was, my poor constituent, who argued with them for a half hour to 45 minutes trying to convince them that New Mexico was, indeed, in the United States, would have a real telephone bill. There was even some debate about old Mexico versus New Mexico. But when all was said and done they still told him that, no, you cannot buy any tickets from us. You have to get them from either the Mexican or Puerto Rican—they were not sure, I guess—Olympic office.

Finally, Mr. Miller produced a mailing address in Arizona and asked if his tickets could be mailed to that address. They established on the phone that yes, Arizona was in the United States and that tickets could be sent there. Alas, the identity crisis for New Mexico, USA, seems to continue. And while I'm pleased we could all agree that Arizona, our distinguished neighbor to our west, is a State, I must point out that New Mexico was actually a State even before Arizona, although not by much.

So, as the Senator from New Mexico—although I guess the Olympic Committee would simply call me a delegate, not a Senator—I must once more rise to refresh everyone's memory. New Mexico—that large span of land between the oil wells of Texas and the saguaros of Arizona—is in the United States. I flew home during the last recess and they did not book me on an

international flight, nor did I need to pass through customs on my way. And while my passport is in order, I can assure you I did not need it to land at Albuquerque International Sunport.

I might also remind the Senate, and also the Olympic organizers in Atlanta, that New Mexico was admitted to the Union as the 47th State in January 1912. It lies directly south of Colorado, east of Arizona, west of Texas, and north of the Mexican border. Let me repeat, north of the Mexican border. You may know it as one of the larger pieces in jigsaw puzzles of the United States.

In fact, New Mexico has one of the longest histories of any State in the Union, starting with our ancient Indian cultures, almost four centuries of Hispanic ancestry, and nearly 200 years of American settlement. It is a dramatic land of scenic vistas and 1.5 million proud citizens.

And let me remind the Olympic office that we had good reason to be proud during the last Olympics, for we had a great champion from New Mexico—Trent Dimas, who earned a gold medal in gymnastics. When Trent Dimas won this medal, it wasn't ''O Fair New Mexico,'' New Mexico's State song, that was played during the ceremony. They played the National Anthem of the United States—surely an indicator that even in the context of the Olympics, New Mexicans are proud U.S. citizens. And those New Mexican athletes who visit the State of Georgia this summer to attend the Summer Olympics will do so as citizens of the United States, cheering our other terrific American athletes.

Let me wrap up by assuring the Atlanta ticket office that we in New Mexico are well practiced in the use of U.S. currency. We, too, use the dollar and not the peso. We're also well accustomed to potable drinking water and to driving our cars on the right side of the road. And I can't even imagine that those unique Southern accents will give New Mexicans any trouble.

So today, I put a little note in Senator NUNN's and Senator COVERDELL's mailboxes, asking them if they would do us a favor in New Mexico and vouch for us to the Olympic Committee in Georgia—and I'm assuming that would be Georgia, USA, not Georgia, Russia. Perhaps they could each send a note to the good people of Georgia to remind them that New Mexico, the Land of Enchantment, is a State. No need to refer New Mexicans to any embassy, customs office, passport center, or currency exchange office. We're one of you.

THE TRAVIS LETTER

Mrs. HUTCHISON. Mr. President, this month marked the sesquicentennial of the end of the Republic of Texas.

But I rise this morning to celebrate the beginning of our Republic, not its end. One hundred sixty years ago Saturday, March 2, a band of Texans gathered in Washington-on-the-Brazos and declared our Independence from Mexico. Around them raged a fierce war for that Independence. I would like the Senate to remember the many brave Texans who gave their lives in that war as I read the last letter sent from the Alamo on February 24, 1836. In reading this letter, I continue a tradition begun by my late friend, Senator John Tower. Here then is the letter of Col. William Barrett Travis, from his fort at San Antonio.

To the people of Texas and all Americans in the world:

Fellow citizens and compatriots—I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or death.

P.S. The Lord is on our side. When the enemy appeared in sight we had not three bushels of corn. We have since found in deserted house 80 to 90 bushels and got in the walls 20 or 30 head of Beeves.

William B. Travis.—The Alamo, February 24, 1839.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

In that report (February 27, 1992) the Federal debt stood at $3,825,891,293,066.80, as of the close of business the previous day. The point is, the federal debt has escalated by $1,190,735,080,843.14 since February 26, 1992.

As of the close of business yesterday, February 28, 1996, the Federal debt stood at exactly $5,016,626,373,909.94. On a per capita basis, every man, woman and child in America owes $19,041.54 as his or her share of the Federal debt.

IMPORTED FOREIGN OIL BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 23, the United States imported 6,094,000 barrels of oil each day, a 6.5-percent increase over the 5,698,000 barrels imported during the same period 1 year ago.

Americans continue to rely on foreign oil for more than 50 percent of their needs, and there are no signs that this upward trend will abate.

According to the January 30, New York Times article ''Odds of Another Oil Crisis: Saudi Stability Plays a Large Role,'' Saudi Arabia, which sits on 25 percent of the world's proven oil reserves—that's approximately 260 billion barrels—is politically vulnerable. There is increasing tension between the Sunni majority and the Shiite minority; tensions within the royal family have been widely reported.

Mr. President, a power struggle could easily lead to violence with a disastrous effect on the price of oil. Of course, we all pray that Saudi Arabia remains stable, politically, economically, and otherwise. This is a concern that has bothered me for years.

Mr. President, I ask unanimous consent that the aforementioned article be printed in the RECORD at the conclusion of my remarks and, needless to say, I hope Senators and their staffs will heed the very explicit warning in it.

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

ODDS OF ANOTHER OIL CRISIS: SAUDI STABILITY PLAYS A LARGE ROLE

(By Agis Salpukas)

Oil Shock III. Could it happen again?

With supplies of oil plentiful and the price of gasoline, adjusted for inflation, as low as it was in the bountiful 1950's, the notion that the world will go through another spike in oil prices like those in 1973–74 and 1979 seems farfetched. And with Iraq apparently on the verge of re-entering the market, nothing is likely to change soon. Indeed, prices may fall for a while.

But some oil industry experts—worried that Saudi Arabia, the linchpin of the world oil market, may be more vulnerable politically than is generally believed—are raising the specter of an oil price surge for the first time in years.

The talk has intensified because of the possibility, remote as it may be, of a battle to succeed the ailing King Fahd between Crown Prince Abdullah, the King's half brother, and Prince Sultan, a full brother. Both men control large armies.

On Jan. 1, the 74-year-old King handed over authority to Crown Prince Abdullah, 72, for an unspecified time while he recovered from exhaustion. The Crown Prince, long designated to succeed the King, is known as an Arab nationalist who may be less open than King Fahd to American policies.

Civil war between rivals for power or between the Sunni majority and the Shiite minority cannot be ruled out, says David P. Hodel, Secretary of Energy under President Ronald Reagan. And any instability in Saudi Arabia, which sits on 25 percent of the world's proven oil reserves, or 260 billion barrels, would have wide repercussions. The tendency in the United States, he warns, has been to ''go merrily on our way as if there is no potential problem to world oil supply until it is too late.''

''Sadly,'' he added, ''the consequences can be devastating.''

Most political leaders and industry executives say there is nothing to worry about. Another oil crisis is always possible, they concede, but it is highly remote. The United Nations World Economic and Social Survey 1995 confidently predicts that the real price for oil will remain roughly constant for the next 20 years.

''Nobody can say it won't happen,'' said Alfred C. DeCrane Jr., the chairman and chief

executive of Texaco Inc. ''But an earthquake on the San Andreas Fault is more apt to happen than a disruption in oil.''

Is that confidence overdone?

Saudi Arabia is still vital to feed the world's growing appetite for oil, which now totals about 62 million barrels a day. It accounts for a little more than 8 million of the 17 million barrels of oil that flow from the Middle East. And even though output outside the Middle East has been growing, there is not enough reserve capacity to fill the void if Saudi supplies are disrupted.

''The world needs Saudi Arabia,'' said John H. Lichtblau, the chairman of the Petroleum Industry Research Foundation, a private research group. In the event of upheaval, the question, Mr. Lichtblau said, is, ''Will you be killed or just be hurt?''

Experts like Mr. Lichtblau offer the consoling thought that history demonstrates that even the most disruptive political events are unlikely to keep the crude oil from pumping for long.

Vahan Zanoyan, senior director of a private consulting firm in Washington, the Petroleum Finance Company, generally agrees. He recently warned in an article in Foreign Affairs magazine that Saudi Arabia's leaders were frozen in time and had shown little inclination to respond to the decade-old drop in oil prices by reining in spending by the royal family and its entourage of princes, households and hangers-on.

''If in the next three to four years the Saudi Government resists reforms,'' he said in an interview, ''you will see more often the types of riots and civil unrest partly caused by economic concerns and the rise of more Islamic movements. The oil markets in the world will not watch this kind of thing with detachment.''

Yet even under the worst view—in which a fundamentalist Islamic group seizes power in Saudi Arabia—the new government will only hurt itself if it cuts off the supply of oil for a sustained period. ''Sooner or later,'' he said, ''the new leaders would have to export oil.''

The best protection against a temporary cutoff in supplies lies in the United States Strategic Petroleum Reserve, which holds about 600 million barrels, enough to meet America's needs for 90 to 120 days. But growing complacency about the risk of another oil shock is leading some lawmakers to look at the reserve as a source of revenue today rather than an insurance policy for tomorrow. Senate Republicans have proposed selling 39 million barrels from the reserve to help reduce the budget deficit. And most companies have cut their own inventories of oil, leaving the nation with a smaller margin of protection.

There is also little will on the part of the public, political leaders or the oil industry to lessen the vulnerability by increasing conservation or supporting alternative energy sources.

''At the moment we're just letting things drift,'' said James R. Schlesinger, Energy Secretary under President Jimmy Carter, ''when we should be alert to finding possible contingencies.''

In the event of a crisis, the most likely outcome, many experts say, will not be a complete shutoff but the risk that any new leadership will decide to sacrifice maximum income for a while, cutting production over time in a bid to push up prices.

But not everybody is so confident that the worst can be avoided. Milton Copulos, president of the National Defense Council Foundation, a conservative group in Washington, raised the possibility of an oil crisis at Congressional hearings last year. ''The optimists assume that the Arabs are exclusively motivated by economics,'' Mr. Copulos said. ''The Ayotollah Khomeini was not motivated by economics. Other militants are not motivated by economics.''

Ultimately, of course, there is always the option of military force.

Walter E. Boomer, the president of the Babcock & Wilcox Generation Group and a former Marine Corps lieutenant general who was involved in the Persian Gulf war, said the United States had already demonstrated its commitment during the war to defend Western interests in the Middle East.

''If the country is threatened,'' he said, ''we would make that commitment again.''

INTERNATIONAL DRUG CERTIFICATION

Mr. BIDEN. Mr. President, I rise to draw a line—a line that divides our nation from those countries who have fallen prey to the obscene influence of international drug cartels.

This week, the President will offer his decision—drawing his line—about which countries have cooperated sufficiently with United States counternarcotics efforts to justify all the benefits of a full partnership with our Nation. This year, some of our neighbors have crossed the line and should not be ''certified'' as fully cooperating with the U.S. drug enforcement effort. Others of our neighbors are coming perilously close to crossing this line.

Before offering my specific views on which countries I believe have crossed this line, I want to offer my general views of this drug certification process. Foremost, the certification process does not seek to shift the full blame for the drug scourge solely to the drug-producing and transit countries. In fact, the comprehensive drug strategies I have offered call on the U.S. government and the U.S. people to remain vigilant and committed to attacking the drug problem at home.

But, as I have always recognized, slowing the flow of drugs into the U.S. must be an integral part of a comprehensive drug strategy. And this effort to cut the literally hundreds of tons of drugs flowing toward American shores must be assisted by all countries if they are to continue as our full partners in the family of nations.

Mr. President, let me make it real simple—any nation that wishes to enjoy the benefits of American friendship must do everything they can to help America fight the scourge of drugs. This is not an impossible task. We are not being unreasonable. We do not ask that the nations that have literally been held hostage by the drug cartels end the supply of drugs coming from their shores. That would be unreasonable—many of these nations just cannot eliminate all drug cartels, just as we cannot eliminate all of the mafia here in the U.S.

Still, America has the right to ask what is reasonable—no more but also no less. That has been my longstanding test, not only in the area of drug policy but also in other important questions of foreign policy, such as arms control.

To be more specific, I have long believed that a United States policy of support and cooperation with our friends in Latin America is the best way to counter the drug threat. While it might make us feel better, isolation and incrimination of other countries rarely helps us meet our ultimate objectives. Particularly in the drug interdiction task, cooperation and shared intelligence are absolutely essential to an effective strategy because drugs can be hidden in any of the billions of legal containers that cross our border every year. And with no intelligence, we can never hope to stop these drugs.

Nevertheless, despite the fact that cooperation is usually the best policy, there are grave circumstances where both morality and practicality require America to draw the line.

I regret to conclude that for Colombia that line has been crossed. The United States should not certify that Colombia has done everything possible to curb the operations and influence of the illicit drug trade, primarily because of the corruption at the highest levels of the Colombian government.

I also conclude that for Mexico, that line is close to being crossed. This requires the U.S. to send a clear warning—just as we did last year to Colombia. Let me also point out that totally cutting off cooperation could make a bad situation very much worse, and it is simply not in our national interest to do so. Therefore, I recommend that a vital national interest waiver or similarly strong, unambiguous warning be sent to the Mexican government.

Even as I call for our nation to decertify Colombia, I recognize the immense challenges that the drug trade poses in that country. I admire the courage of the men and women in Colombian law enforcement—leaders such as the National Police Chief, General Serrano—who endure violent threats and even actual assaults on their Government institutions. Hundreds of honest, hard-working Colombians sacrificed their lives last year in the struggle against drug traffickers.

But, how can we assured of the Government's commitment against drug trafficking when the President himself almost surely benefited from the drug trade? The extent and level of official drug corruption in Colombia is the single most glaring failure —and the overriding reason I must recommend decertification.

President Ernesto Samper has been charged with accepting $6 million in campaign funds from the Cali cartel—and may soon be impeached because of it. In addition, at least 20 members of congress are also under investigation for accepting drug funds.

I have long stated that such official corruption cannot be tolerated. Even if a nation is overwhelmed by the horrible powers of international drug cartels, as long as their leaders remain committed to fighting these cartels they deserve our support. But, once a nation's leaders have fallen under the corrupt influence of the drug cartels, morality and practicality require that they cannot be given our support.

This has been my test for certification for years. In 1989, I voted to overrule President Bush's decision to certify the Bahamas. I believed then that the Bahamas should have been decertified because drug corruption had permeated the highest levels of their Government.

Let me also point out that the current leadership of Colombia has already been given the benefit of the doubt—given chances—given tests—but, ultimately, their leaders have failed. The Senate was first faced with reports of the Samper campaign's alleged connection to the Cali cartel during the summer of 1994. I and every Senator voted to condition U.S. aid on progress in fighting drug operations and corruption. But, with no clear evidence of corruption against Mr. Samper available at the time, this provision was dropped when the final foreign operations bill was negotiated with the House of Representatives.

At the time of President Samper's inauguration in August 1994, I and the majority of Senators voted against a measure to place further counter narcotics conditions on United States aid to Colombia. We voted, in effect, to give the new President time to demonstrate his commitment to fighting the drug cartels. President Samper personally assured me that he would remain faithful to the struggle against drugs. The evidence is clearer every day that he has not lived up to his word.

Last year's certification of Colombia on vital national interest grounds was the clearest possible—and first ever—official United States warning that the leaders of Colombia must remain absolutely free from the corrupt influence of the drug cartels. In response to this warning, we did see an unprecedented series of raids—Colombian authorities, cooperating with the of DEA, captured six leaders of the Cali cartel.

But just last month, one of those key traffickers walked out of prison and reliable reports indicate that the cartel kingpins who stayed in prison continue to run their drug operations from their plush prison cells.

Finally, and unpardonably, charges of corruption have coincided with a marked diminution of efforts to slow the drug trade—as last year Colombian seizures of cocaine decreased by 24 percent last year. And, supplies of Colombian heroin are also on the rise—becoming more pure, less expensive, and taking over the streets of America.

Even as I recommend decertification, I recognize that this issue can—under the law—be revisited during the coming year. The Samper government may soon be replaced. It may even prove that the charges of corruption are groundless.

So, let me be crystal clear. If a new Colombian Government demonstrates a commitment to fighting the drug cartels and an absolute freedom from corrupt influence of the drug cartels, then the United States should revisit the decertification decision. The Foreign Assistance Act allows the President to reconsider a decertification decision if there has been a fundamental change of government or a fundamental change in the reasons for decertification. A new government—free of the corrupt influence of the drug cartels—would be such a fundamental change.

But, until then, I cannot recommend to the President that he do anything other than decertify Colombia.

The story for Mexico is different than Colombia's—at least so far. The key difference is the antinarcotics leadership of the current Mexican administration. Still, the growing threat to the United States of drugs grown, produced, or traveling through Mexico is too serious for Mexico to be granted full certification. Therefore, the correct course to take this year with Mexico is the step we took last year with Colombia. In other words, we must send a warning—such as granting a national interest waiver.

Let me point out, Mexico's problems are in some ways the result of successes in interdiction in the transit zone—the Caribbean. Our success at pushing the drug traffickers out of the transit zone means that the drug cartels needed a new route—the natural choice is the overland route that passes directly through Mexico. This has been the key opportunity for Mexican traffickers to gain control more phases of cocaine operations. Reports from the field indicate that Mexican drug kingpins actually accept payments in the form of cocaine—1 free kilo from the Colombian kingpins for every kilo the Mexican traffickers smuggle to the United States.

This 2-for-1 sale has had such a severe impact that now more than two-thirds of all the cocaine in this country now comes through Mexico. And, it means that Mexican drug cartels are poised to become much richer, more powerful and more deadly than ever before. What is worse, all this is on top of longstanding Mexican trafficking in heroin, marijuana, methamphetamine, and one of the newest drugs of abuse—rohypnol.

Let me also point out that Mexico's large geographic size and their limited resources mean that fighting the drug traffic is simply an overwhelming task.

Last year, for example, we heard that traffickers landed fast-flying jumbo jets with multi-ton shipments of cocaine in rural Mexico. Sometimes using dry riverbeds or dirt roads as landing strips, obviously ruining these planes—literally abandoning planes worth upwards of $10 million . Of course, it's worth it to the drug cartels—these tons of cocaine are worth literally hundreds of millions of dollars. Such tactics seriously test the capacity of Mexico's anti-drug personnel and resources.

But with all these problems, I believe Mexico has a President who is on our side. President Zedillo has taken sincere and important steps on the drug front, including judicial reforms and the appointment of an attorney general who is from the opposition party dedicated to weeding out corruption. The recent arrest of Juan Abrego—leader of the Mexican gulf cartel—was an example of United States-Mexican cooperation.

Mexico's demonstrated leadership amidst the growing drug threat is the fundamental reason I do not propose decertification for Mexico. Frankly, if we destroy Mexico's moral, political or practical resolve against the drug traffickers we will only have succeeded in making a bad situation very much worse.

Still, in rejecting no-strings-attached full certification for Mexico, we must send a clear and strong warning that the Mexican drug trade must be a priority in our bilateral relations and that we expect results. Nevertheless, continued cooperation between the United States and Mexico on drugs is critical with such a close and important neighbor. Last year, we sent a warning to the Colombian government—they did not heed this warning—and this year I call for them to pay the price. This year, we must send a warning to the Mexican government—and if they do not heed it, they will pay the price.

We cannot expect a quick fix to the drug problem in Mexico. But we must be clear about areas where we think a strong, honest government can make a difference—starting with reforms in the institutions and laws that are both governable by their national leadership and vulnerable to the narcotics industry.

For example, more can and must be done to curb the problem of money laundering in Mexico's financial sector. More can and must be done to control precursor chemicals of methamphetamine, as Mexican traffickers become key players in the manufacturing and distribution of this drug. And, more can and must be done to work together to control the new challenge posed by the flow of rohypnol across the border.

In 1993, I supported the North American Free Trade Agreement—and vowed to monitor carefully how the agreement with Mexico was functioning. And last year, I did not protest when President Clinton decided to lend Mexico money to help alleviate the peso crisis. My call to end the full no-strings-attached certification for Mexico means that my continued support for NAFTA will depend in great measure on an aggressive Mexican response to the growing drug threat. In doing so, I am following the same prudent course I followed for Colombia—a clear warning, a chance to comply, with failure to comply resulting in action.

Mr. President, I understand that both Mexico and Colombia are making efforts in counter-narcotics—but the standard for certification is full cooperation. Given the massive scourge of drugs confronting us, it is in the interest of the United States to raise the

level of expectations and attention given to the drug trade by our southern neighbors. This is what the certification process allows, and this is what our Nation must do.

THE FUTURE OF THE NATIONAL GUARD

Mr. FORD. Mr. President, shortly after Christmas, the New York Times printed a very one-sided portrayal of the National Guard. In that article, a senior Defense Department official is quoted as saying, ''There's a lot of the Army National Guard that's just irrelevant to our strategy. It's kind of like a welfare program for weekend warriors. * * *''

Aside from being grossly inappropriate, the statement is simply not true. Change is inevitable—not just for the Guard but for this Nation's military structure as a whole. And, while the Guard is prepared to face those new challenges, as we go forward, I'll continue to be guided by my unequivocal support for the Guard and by the knowledge that the Guard is in no way the problem, but rather the key to the solution.

I can also assure my colleagues that some nameless, faceless bureaucrat who equates the Guard—with its stellar performances in the Persian Gulf, Somalia, Haiti, the Sinai, and Bosnia—to a handout, will not be determining the Guard's fate. Instead, the Guard, sitting down as equals with the Army, will determine that future.

That's the message I delivered a few weeks ago to the Adjutants General Conference, that's the message I delivered when the Governors met here for their annual meeting, and that's the message I bring to you today. Because when representatives of the National Guard sit down at the negotiating table with the Army, I intend for both the Governors and Congress to be solidly behind them.

Our common goal has been to maximize the Guard's role both during times of war and peace, and to assure the Guard is ready and accessible. That goal has not changed. But, we must assure that this goal can adapt to the changing global, economic, technological, and political environment. I think that the Guard's accomplishments put us in an excellent position as we head into this debate, and ask the question, ''What are the military needs of this country, and how can we best meet them?''

We've already proven we can conform to the changing global demands being placed on our military. In his State of the Union Address, President Clinton said, ''We can't be everywhere. We can't do everything. But where our interests and our values are at stake—and where we can make a difference—America must lead. We must not be isolationists or the world's policeman. But we can be its best peacemaker.''

The Guard has proven itself 100 percent as a necessary and vital part of America's peacekeeping force. Any discussions about the Guard's future must recognize the interdependability of the regular Army and the Guard, rather than continuing to see them as having separate missions.

The Air Force and Air Guard are a perfect example of how we can make this integration work. Serving anywhere around the globe, there is no distinction between these two Air Forces. They fly as one, they work as one, and they succeed as one.

Another issue often mentioned is the changing technology and its impact on our military makeup. Again, the Guard is keeping pace with the changing demands. I'll use this opportunity to brag on Kentucky a bit. Our western Kentucky training facility, in conjunction with the high-technology training available at Fort Knox, puts Kentucky and the National Guard at the forefront of this country's military training.

Last year, 16,000 soldiers trained there. But, those numbers represent just the beginning in a long line of soldiers who will receive the best, state-of-the-art training this country has to offer.

The Kentucky Guard is certainly not alone in its ability to adapt to new high-technology opportunities and demands. And, who better than our citizen-soldiers with their added professional skills, to meet the high-technology challenges of the future? We've seen how these additional skills constantly come into play—a chief of police providing the know-how to set up policing operations in Haiti is just one example—and we'll see it when the Guard uses its outside expertise for the high-technology military of the future.

In the end, Mr. President, our greatest pleasure comes from budget realities and growing fiscal restraints. Last year, we essentially had to go in and write the Guard's resource and training needs into the budget. But, our hard work paid off and our priority items—Air National Guard force structure, military technician manning and the Army Guard operating funding—survived.

This year, things will get even more difficult. And as General Baca conceded a few weeks ago, we'll not only have to confront the issue of force structure, we'll have to accept change. But, the Guard can be the architects of that change.

In drawing up the plans for that change, I think we should be guided by the Adjutants General Association president, General Lawson's words. As he said last September, ''We may need less military, but we don't need the military less.''

Assistant Secretary of Defense Deborah Lee is right on target when she points out that our units cost 25 to 75 percent of active-duty counterparts. ''Making greater use of the reservists makes good sense in an area of shrinking budgets. This means that instead of reducing the Reserve components in the same direct proportion as the active components, more use should be made of reservists to control peacetime costs and to minimize the risks associated with active drawdown.''

And that last point is very important. As the executive officer of a Cobra helicopter squadron put it, ''If you dissolve units like this, it would take years to rebuild that ability if you ever needed it again.''

Major General Philbin put it another way: ''Since few conflicts evolve as anticipated, where would those reserve component forces be found if the Guard combat divisions are deactivated? The Army Reserve? Not structured for combat. Another draft? No time, since the Pentagon pundits are forecasting, however unrealistically, conflicts that arise like lightning bolts and are successfully concluded in a flash.''

When we go to the table to hammer out a new covenant with the Army, we must bring to the table our willingness to see changes to force structure. But we shouldn't leave behind our commitment to a relevant, viable and ready Guard that maintains a balanced force of combat, combat support, and combat service support, along with an equal level of command support to maintain balance across the Nation. These items will not be negotiable.

We're at a crucial juncture that will have long-felt repercussions for the National Guard and the Nation as a whole. But I hope we've reached that juncture, with Congress behind the Guard, with the Governors behind the Guard, and most important, with the American people behind the Guard.

That's because the citizen-soldiers of the National Guard find their roots in the history of this country, but equally important, in the communities of this country.

If you look behind the words in the Guard's theme—''Capable, Accessible, Affordable''—what you'll find are average folks who've struggled through some of the worst disasters imaginable.

They understand that taken together, these three words define with simplicity and clarity, the important dual Federal-State function of our National Guard, the decisive role they've played in our Nation's history, and will play in our Nation's future.

And taken together, they decree what the Guard has been, what they can be, and what they will be.

Mr. President, I look forward to working with my colleagues to assure that the Guard continues to play a major role in this Nation's military structure and mission.

CHARACTER COUNTS RESOLUTION, SENATE RESOLUTION 226

Mr. NUNN. Mr. President, yesterday, I joined with my distinguished colleague Senator DOMENICI, in submitting Senate Resolution 226. This resolution which, I strongly support, would designate the week of October 13–19, 1996, as the third annual National Character Counts Week.

For the past 2 years, I have joined with Senator DOMENICI and several of our other colleagues in introducing the previous character counts bills, and I have been very pleased with its reception by our colleagues and our constituents.

We have come together again this year to draw attention to the fact that our Nation is experiencing a crisis of values. This crisis is reflected in the rising tide of violence that kills children in the cross-fire on school yards and in front of their houses, and in the increasing number of children who kill each other.

This crisis goes beyond crime. It is reflected, also, in the recent survey of youngsters conducted by the Josephson Institute of Ethics. These ordinary youngsters may never be involved in crime, drug abuse, or teenage pregnancy, but they still acknowledge disturbing ethical lapses;

Two out of five high school age boys and one in four girls have stolen something from a store.

Nearly two-thirds of all high school students and one-third of all college students had cheated on an exam.

More than one-third of males and one-fifth of females aged 19–24 said they would lie to get a job and nearly one-fifth of college students had already done so in the last year. Twenty-one percent said they would falsify a report to keep a job.

As a character in John Steinbeck's novel ''Of Mice and Men'' complained, ''Nothing is wrong anymore.'' Unfortunately, a lot is wrong and our society seems reluctant to admit the problem, and to teach again and live by the values of right and wrong.

This is the core message of character counts—that there are core values that our society agrees on and that should guide our decisionmaking. These values, as set out in the resolution, are trustworthiness, respect, responsibility, fairness, caring, and citizenship. These values are and have been supported by an extremely broad and diverse coalition of people, including former Secretary of Education Bill Bennett, the late Barbara Jordan, actor-producer Tom Selleck, and Children's Defense Fund founder Marian Wright Edelman. Among our colleagues, Senators with such diverse political viewpoints as Senator HELMS and Senator BOXER have supported similar efforts in the past. I come before the Senate today on behalf of this group to urge continued attention to this important problem.

In recent months, I have joined with my colleague Senator LIEBERMAN and Secretary Bennett in an effort to raise awareness of the connection between what people see in the media and the way they live their lives. One of the points we have tried to stress to media producers and the advertisers who support these shows is that they have a responsibility to consider the societal context in which their programs play. It is difficult for our children to see trash and violence on television every day and avoid falling into those habits in their own lives. By the same token, we as citizens have a responsibility to provide an example of good character for our children to follow. If they see us upholding the pillars of good character in our everyday lives, it becomes easier for them to live that way.

This is a resolution considered by members of the Senate and House in Washington, DC. But it is the parents, teachers, coaches, ministers, big brothers and sisters in local communities who will lead the fight for values in our Nation. As a result of the efforts by the Character Counts Coalition, people in all areas of the country are more aware of the problems we face, and have begun to incorporate these values into their everyday lives and those of their children. Senator DOMENICI has outlined some of these efforts. We resubmit this resolution to remind the Senate that the work on this issue is far from over, and again to enlist our colleagues' support in reenforcing that these values are fundamental to our society. I am proud to join my colleagues, especially Senator DOMENICI, in this effort once again, and I urge the Senate to support this resolution.

HONORING THE BERQUISTS FOR CELEBRATING THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor the Reverend and Mrs. Ernie Berquist of Springfield, MO, who on February 28 celebrated their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Berquists commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

UNITED NATIONS SANCTIONS AGAINST IRAQ

Mr. THOMPSON. Mr. President, I rise today to express my concern over ongoing discussions in New York between Iraqi representatives and the United Nations Secretariat over possible implementation of U.N. Security Council Resolution 986. Should Resolution 986 be accepted by Iraq, $2 billion of Iraqi oil would be permitted to be sold on the international market over a 6-month period. A loosening of the economic embargo under Resolution 986 would occur without any linkage to the cessation of Iraq's drive to acquire weapons of mass destruction. The prospect of even a partial lifting of the Iraqi embargo at this time raises a number of concerns and may serve to remind Members of the continuing duplicity and intransigence of the Iraqi regime, and the costs the United States has borne as a result. Moreover, the fact that the recent discussions over implementing Resolution 986 have occurred in a virtual information blackout, without the input or oversight of the American U.N. Representative, adds additional concern.

If accepted by Iraq, Resolution 986 would permit Iraq to sell oil in order to finance humanitarian goods and address ''the serious nutritional and health situation of the Iraqi people.'' Resolution 986 would not, however, require Iraq to cease its efforts to acquire weapons of mass destruction—the foremost reason sanctions were imposed against Iraq in the first place. While reducing the suffering of the Iraqi people is certainly a laudable goal, the cause of this suffering rests squarely and completely on the shoulders of Saddam Hussein. His continued refusal to accept relevant U.N. Security Council Resolutions regarding cessation of the production of weapons of mass destruction and his continued harsh internal repression against the people of Iraq are the causes of the economic embargo and the deprivations suffered by the Iraqi people, as well as others in the region.

Despite apparent cooperation with U.N. monitors in some areas, evidence of Iraqi's ongoing effort to build weapons of mass destruction was obtained as recently as 2 months ago. On December 8, 1995, Jordan said it intercepted a shipment of missile guidance components bound for Iraq. A few weeks later, on December 26, Jordan intercepted dangerous chemicals on their way to Iraq. On December 15, 1995, the United Nations Special Commission on Iraq (UNSCOM) reported that Iraq continues to conceal and provide false information on its efforts to develop weapons of mass destruction. Mr. President, these incidents alone, even ignoring past acts of terrorism and weapons procurement, should be sufficient cause to continue fully the economic embargo against Iraq. Even a temporary allowance for ''humanitarian'' oil sales will decrease the pressure on Iraq to comply with U.N. requirements to dismantle its facilities for the production of weapons of mass destruction and could free-up other Iraqi resources for its weapons programs.

Beyond ceasing production of chemical, biological and nuclear weapons, Saddam Hussein is also required to end

the repression of Iraqi citizens under the terms of U.N. Security Council Resolution 688 enacted on April 1, 1991. The most recently available Human Rights Report issued by our State Department calls the human rights situation in Iraq ''abysmal''. Just a short excerpt from that report makes the case that conditions of Resolution 688 have not been met:

> Political power in Iraq is concentrated in a repressive one-party apparatus dominated by Saddam Hussein. . . . Systematic violations continued in all categories, including mass executions of political opponents, widespread use of torture, extreme repression of ethnic groups, disappearances, denial of due process, and arbitrary detention.

Mr. President, I certainly do not wish more hardships on the Iraqi people beyond those they have already suffered at the hands of Saddam Hussein. But softening the pressure against his regime, while so many examples of outrageous and dangerous activities continue to confront us, makes no sense. Certainly reducing the pressure on Iraq now will not hasten the day when the Iraqi people can live free of the depredations imposed on them by Saddam Hussein.

Even more alarming than a temporary easing of sanctions, however, are suggestions that UNSCOM may recommend lifting the Iraqi embargo entirely sometime this year. How such a recommendation could be contemplated so shortly after UNSCOM itself reported that Iraq continues to lie and hide information about its weapons program is baffling. Further increasing America's dependence on imported oil from a country with Iraq's openly hostile objectives is not in our national interest.

On that point, I should also mention that on March 27 of last year, the Foreign Relations Committee held hearings on the subject of American dependence on foreign oil. Despite repeated findings over many years that the United States' national security is harmed by a dependence on foreign oil, this dependence continues to increase. I commend Chairman HELMS for having held this hearing and recommend that colleagues concerned about our national dependence on foreign oil review the hearing record.

In any case Mr. President, either a temporary easing of sanctions under Resolution 986, or a permanent lifting of sanctions pursuant to earlier Security Council Resolutions, should be accompanied by a full reporting to Congress of the effect on U.S. national security of any Iraqi oil sales, the steps being taken to ensure adequate protection of human rights in Iraq, and the international safeguards in place to protect against future weapons development by Iraq.

CUBAN SHOOT DOWN OF MIAMI-BASED CUBAN EXILE PLANES AND THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY—LIBERTAD—ACT CONFERENCE REPORT

Mr. THURMOND. Mr. President, I rise today in strong support of the conference report to H.R. 927, the Cuban Liberty and Democratic Solidarity Act—Libertad. As an original cosponsor of this legislation in the Senate, I have long believed that the United States should strengthen international sanctions against the dictatorial regime of Fidel Castro. I regret that it has taken the most recent outrageous behavior of the Cuban Government to convince the President of this.

Fidel Castro was, is, and always will be a despot and a murderer who has no regard for human life and no respect for international law. The downing of 2 private planes and the killing of 4 civilians by Cuban military fighter aircraft reiterates this fact. It is imperative that Mr. Castro realize that the United States will not tolerate his tyranny. The passage of the Libertad Act will send this vitally important message.

This legislation strengthens international sanctions against Cuba, provides support for a free and independent Cuba, protects the interests of American citizens whose property was confiscated by the Castro regime, and denies visas to individuals who traffic in confiscated property.

I urge all of my colleagues to join me in support of this vital legislation. President Clinton has agreed to sign this act into law. It is time that we send a strong bipartisan message to Fidel Castro.

TRIBUTE TO BRIG. GEN. RICHARD L. REYNARD, STAFF DIRECTOR, SENATE ARMED SERVICES COMMITTEE

Mr. THURMOND. Mr. President, I rise today to recognize the contributions of Brig. Gen. Richard L. Reynard, the staff director of the Committee on Armed Services. Dick Reynard, who is well known to many in the Senate and in the Department of Defense, is leaving the committee to return to the private sector.

General Reynard joined the committee as the minority staff director in April 1993. He quickly earned the reputation as a capable leader to whom the Members and staff could turn for clear advice and counsel. His more than 34 years of leadership and management experience in government and the private sector served him and the committee very well.

General Reynard was commissioned in the Army as an artillery officer following graduation from the U.S. Military Academy in June 1958. He served in a wide variety of staff and command assignments at every level of the Army, including a combat tour in Vietnam. General Reynard taught at the U.S. Military Academy where he helped shape a new generation of leaders for our Nation. Many Members of the Senate remember Dick Reynard from his assignment as the Army's liaison officer to the Senate where he ensured that we understood the Army's priorities and traveled with us as we performed our duties around the world.

Following retirement from the Army, General Reynard worked in the private sector as an officer in a small corporation and as a government relations specialist. When I asked General Reynard to be my staff director, he agreed to return to Government service even though it meant personal and financial sacrifice. During his first year in the committee, we addressed such important issues as the ''Don't Ask, Don't Tell'' policy concerning the service of gays in the military, force reduction policies and benefits, assignment of women in the military, and Secretary Aspin's reorganization of the Department of Defense. His analysis, advice, and ability to protect the minority points of view resulted in important legislation which enjoyed bipartisan support. Following the elections in November 1994, General Reynard administered the transition of the Armed Services Committee from a Republican minority to the majority. Under his direction, the Armed Services Committee staff was in place and ready to support the committee members when the Congress convened in January 1995.

During his 3 years with the committee, General Reynard earned the reputation as a reliable, steady, and fair person to whom Members and staff could turn when they sought advice or insight on National Security issues. He was a tireless, dedicated, and trusted aide to me. I know many in this Chamber join me in expressing our appreciation to General Reynard and in wishing him and his wife Bibs well in his new endeavors.

Thank you, Mr. President.

UNITED STATES-GERMAN OPEN SKIES AGREEMENT

Mr. PRESSLER. Mr. President, I am delighted to inform the Senate that today the United States and the Federal Republic of Germany signed an open skies agreement which will liberalize air service between our two countries. I am also pleased to advise my colleagues that the United States and Germany initialed a Bilateral Aviation Safety Agreement [BASA] which will greatly enhance safety coordination between the Federal Aviation Administration [FAA] and its German counterpart agency.

The United States-German open skies agreement is a great economic victory for both countries and a very welcome development for consumers. In fact, I regard this agreement to be a trade accord of truly historic proportions for both countries. As always is the case where market forces are unleashed, consumers flying between the

United States and Germany, as well as passengers connecting in either country for travel to a third country, will benefit enormously. These consumer benefits will include increased choice and competitive air fares.

Mr. President, the United States-German open skies agreement is the product of bold and visionary leadership by two men. I refer to our Secretary of Transportation Federico Peña and German Transport Minister Matthias Wissmann. Secretary Peña had the vision to identify this opportunity and to recognize that competition will be our best ally in opening restrictive European air service markets such as those in the United Kingdom and France. Minister Wissmann had the vision to recognize the economic benefits of an open skies agreement with the United States are a two-way street.

In addition, I want to praise the great work of four men who labored for months to negotiate the fine points of this agreement. For the United States, I commend the outstanding work of Mark Gerchick, DOT's Deputy Assistant Secretary for Aviation and International Affairs, and John Bylerly, special negotiator for Transportation Affairs at the State Department. For the Germans, I commend the outstanding work of Dr. Jurgen Pfohler, Deputy chief of staff to Minister Wissmann, and Dieter Bartkowski, Director of the Air Transport Section at the German Ministry of Transport. The United States-German open skies agreement is a fitting tribute to their efforts and exemplary public service.

What does the United States-German open skies agreement do in terms of putting aviation relations between our two countries on the firm foundation of market principles? It will allow airlines of both countries to operate to any points in either country, as well as third countries, without limitation. It also liberalizes pricing, charter services and further liberalizes the open skies cargo regime already in place. In short, it allows market demand, not the heavy hands of governments, to decide air service between the United States and Germany.

How will this open skies agreement benefit all U.S. carriers? It will create tremendous new air service opportunities between the United States and Germany in which all U.S. carriers can partake. Also, German airports will provide well-situated gateway opportunities for our carriers to serve points throughout Europe, the Middle East, Africa, and the booming Asia-Pacific market. These gateway opportunities offer the double benefit of serving as a means of breaking the bottleneck at London's Heathrow Airport and offering a backdoor to the booming Asia-Pacific market.

All U.S. carriers also will receive indirect benefits from the United States-German open skies agreement. I predict the United States-German open skies agreement will be an important catalyst for further liberalization of air service opportunities throughout Europe. In fact, I believe this agreement will serve as a template for such liberalization. Hopefully, the United States-German open skies agreement, in combination with open skies agreements we already have with 11 other European nations, will force the United Kingdom and France to come to the alter of air service competition.

Mr. President, let me conclude by saying that today is a very important day in U.S. international aviation policy and U.S. trade policy. It also is an important day in United States-German economic and political relations. Perhaps most important, it is a great day for consumers in both countries.

UNITED STATES-GERMAN BILATERAL AGREEMENT

Mr. FORD. Mr. President, this morning the Department of Transportation announced an open skies agreement with Germany. Access to Germany, as Secretary Peña has recognized, is critical. I want to recognize the effort by the administration and the Secretary is aggressively pursuing an open skies agreement with Germany.

The agreement today does three things. First, it will enable our carriers to satisfy consumer demand this summer. Second, the Secretary and the German Government also will sign an important safety agreement. Finally, the two countries have initialed an open skies agreement.

The open skies agreement is the 10th with a European country and is a big step forward in our efforts to liberalize aviation agreements in Europe. Germany is the second largest European market. I caution my colleagues not to get over-confident—countries like the United Kingdom are not likely to jump on the bandwagon quickly. Each country and market differs. We also must focus on Japan, which I will discuss at a later date.

This open skies agreement is a major step forward. With all of the praise forthcoming today for the administration and Secretary Peña, I want to raise one issue. The effective date of the open skies agreement is triggered by favorable treatment of an application for antitrust immunity by Lufthansa and United. I have been assured that the request will be treated separately, and that the two matters are not linked. I know the Departments of Justice and Transportation will review the request thoroughly. I would have preferred that consumer benefits of an open skies agreement not be held hostage to a subsequent and independent review of the antitrust issue. This open skies agreement, as the Secretary recognizes, is an important one. I hope that this agreement, and others in the future, are able to be implemented without extraneous issues encumbering the process. I am certain Secretary Peña shares my views and I congratulate him on this breakthrough today.

MESSAGE FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. GILMAN, Mr. GOODLING, Mr. HYDE, Mr. ROTH, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. HAMILTON, Mr. GEJDENSON, Mr. LANTOS, Mr. TORRICELLI, Mr. BERMAN, and Mr. ACKERMAN as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on February 28, 1996, by the President pro tempore [Mr. THURMOND]:

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

MEASURE REFERRED

The Committee on Rules and Administration was discharged from further consideration of the following measure which was referred to the Committee on Governmental Affairs:

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2854. An act to modify the operation of certain agricultural programs.

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–1898. A communication from the President of the United States, transmitting, pursuant to law, the report of three rescission proposals of budgetary resources relative to Bosnia peace implementation force, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, and to the Committee on Armed Services.

EC–1899. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated February 12, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on Budget, Committee on Finance, and the Committee on Foreign Relations

EC–1900. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the compliance report for the session of Congress ending January 3, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and the Committee on the Budget.

EC–1901. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report on General Accounting Office employees detailed to congressional committees as of January 19, 1996; to the Committee on Appropriations.

EC–1902. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–23; to the Committee on Appropriations.

EC–1903. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, a report entitled ''The Performance of Department of Defense Commercial Activities'' for fiscal year 1995; to the Committee on Armed Services.

EC–1904. A communication from the Secretary of the Army, transmitting, pursuant to law, a notice to award a particular contract without competition; to the Committee on Armed Services.

EC–1905. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the annual Defense Manpower Requirements Report (DMRR); to the Committee on Armed Services.

EC–1906. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation to revise and amend the provisions of title 32, United States Code, relating to the jurisdiction and powers of courts-martial for the National Guard not in Federal service; to the Committee on Armed Services.

EC–1907. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–1908. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade.

James E. Johnson, of New Jersey, to be an Assistant Secretary of the Treasury.

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

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

Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy, vice Lee Patrick Brown.

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

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. KERRY:

S. 1580. A bill to provide funding for community-oriented policing, to reduce funding for the Department of Defense, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 1581. A bill to reinstate the License for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. SIMON):

S. 1582. A bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 1583. A bill to establish the Lower Eastern Shore American Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself, Mr. FRIST, and Ms. MOSELEY-BRAUN):

S. 1584. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. MACK, Mrs. FEINSTEIN, Mr. BIDEN, Mrs. KASSEBAUM, Mr. SARBANES, Mr. THOMAS, Mr. GRAMS, Mr. LUGAR, Mr. D'AMATO, Ms. SNOWE, Mr. ASHCROFT, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. BRADLEY, Mr. LEVIN, Mr. SPECTER, Mr. SANTORUM, and Mr. WELLSTONE):

S. Res. 228. A resolution condemning terror attacks in Israel; considered and agreed to.

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. D'AMATO):

S. Res. 229. A resolution commemorating Black History Month and contributions of African-American United States Senators; considered and agreed to.

By Mr. INHOFE (for himself, Ms. MOSELEY-BRAUN, and Mr. WARNER):

S. Res. 230. A resolution to urge the President to announce at the earliest opportunity the results of the Senior Army Decorations Board which reviewed certain cases of gallantry and heroism by black Americans during World War II; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1580. A bill to provide funding for community-oriented policing, to reduce funding for the Department of Defense, and for other purposes; to the Committee on the Judiciary.

THE SAFER STREETS ACT OF 1996

●Mr. KERRY. Mr. President, I am today introducing the Safer Streets Act of 1996 that will address the anxiety of many citizens who believe that violence and crime are eating away at the social fabric of their communities. The Safer Streets Act would help to restore family security by funding an additional 100,000 police officers, above and beyond the 100,000 initially funded by the crime bill, to take their place on the streets of communities across our Nation.

Mr. President, to date, Massachusetts has received $53 million in funding from the 1994 crime bill for 1,020 new police officers, including the redeployment of 407 officers to the street from desk duty. Our communities must be able to respond to the threat of violent crime with an effort we know is already working in towns and cities across Massachusetts. I have listened to police officers and law enforcement officials, and citizens across my State, and they tell me that there is a real need for an even greater police presence on the streets of Massachusetts. Our first effort—putting 100,000 cops on the streets of our Nation—is already working to fight crime. There is no better deterrent to crime in our communities than a cop on the beat, so it is vital that we help communities obtain the police they need to keep neighborhoods safe. The Safer Streets Act will fund approximately 100,000 additional community police positions across the Nation—effectively doubling the number it was possible to provide from the first year's funding. It does this by cutting $6.5 billion from the 1996 fiscal year Defense Department appropriation and transferring it to the Justice Department to fund community policing efforts with grants that will be awarded to communities using the same formula as the first 100,000 cops on the street initiative. This is money the Defense Department did not ask for, and it is money we desperately need for more cops on the street.

Americans are understandably anxious about their economic and personal security. How we as a Congress respond to that anxiety—the kinds of partnerships we form between government and communities to address the concerns of families struggling to keep up and do well—will determine this Nation's future. That's why a strong, affordable effort to expand community policing, that has been proven to be extraordinarily successful, is not only our responsibility but is our obligation to the people we represent.

Mr. President, If we know that community policing works; and we know

that our constituents are anxious about their personal security, then it would be irresponsible not to act. This legislation addresses the personal frustrations of families who see a level of crime and violence on their streets and in their neighborhoods that is unacceptable. People want their government to respond with what we know can make a difference. Community policing with 200,000 more police on the streets will make a difference.

Mr. President, passing the Safer Streets Act is our duty.

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. 1580

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

SECTION 1. TRANSFER OF FUNDS.

(a) IN GENERAL.—Notwithstanding any provision of the Department of Defense Appropriations Act, 1996 (P.L. 104–61), the Secretary of Defense shall transfer $6,500,000,000 of unobligated funds appropriated under such Act for fiscal year 1996 to the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).

(b) ALLOCATION.—The Secretary of Defense shall allocate the amount transferred under subsection (a) from among any programs in the Department of Defense for which funding was not requested in the 1996 budget request of the President.

SEC. 2. FUNDING FOR COMMUNITY-ORIENTED POLICING PROGRAMS.

The amount transferred under section 1 shall only be used for community-oriented policing programs under section 1701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)).●

By Mr. DEWINE:

S. 1581. A bill to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

HYDROELECTRIC PROJECT LEGISLATION

● Mr. DEWINE. Mr. President, S. 1581 would reinstate the license for a 49.5 megawatt hydroelectric project in Ohio, which was originally issued on September 27, 1989, and extend the deadline for construction until September 24, 1999. The licensee for this project is the City of Orrville. The original license was stayed and held in abeyance until 1992, due to administrative and judicial challenges to FERC's decision to issue licenses for 16 projects in the upper Ohio River basin. In 1992, the D.C. Circuit Court of Appeals upheld FERC's licensing decision. Due to the delay caused by the litigation and difficulty securing adequate funding for the project, the city surrendered its license in June, 1993 and sought other sources of power to meet its immediate energy needs. This bill would reinstate the license and extend the construction deadline for this project. In a letter dated February 9, 1996, FERC chair, Elizabeth Moler, stated that she did not have any specific objections to legislation reinstating the license and extending the construction deadline for Pike Island Project No. 3218.●

By Mr. LEAHY (for himself and Mr. SIMON):

S. 1582. A bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

REAUTHORIZATION LEGISLATION

● Mr. LEAHY. Mr. President, today I am joining with Senator SIMON to introduce a bill reauthorizing a number of worthwhile programs that serve young people and their families in Vermont and across the country. In particular, I am referring to the Runaway and Homeless Youth Act, the Missing Children's Assistance Act, and related programs, whose authorizations are expiring later this year.

A few weeks ago, I had the privilege of meeting with Frances Dodd, coordinator of the Vermont Coalition of Runaway and Homeless Youth programs. The Vermont Coalition is a community-based network comprised of eight member programs that provide crisis response, emergency shelter, counseling, and other services to troubled youth throughout nine Vermont counties. This meeting also included a number of young Vermonters who knew first-hand the value of providing shelters and support for young people facing difficult times. I came away from that meeting more convinced than ever that the Federal assistance provided by the Runaway and Homeless Youth Act continues to make an important difference in the lives of our young people and to play a critical role in reuniting families.

Those who provide services pursuant to these programs and those who are the beneficiaries of those services are far too important to be left hanging. In a Congress in which the budget and appropriations processes have given way to short-lived spending authority, they all deserve the reassurance of reauthorization and a commitment to funding. Only then will our State youth service bureaus and other shelter and service providers be able to plan, design and implement the local programs necessary to make the goals of the act a reality.

In 1974, Congress passed the Runaway and Homeless Youth Act as title III of the Juvenile Justice and Delinquency Prevention Act. The inclusion of the Runaway and Homeless Youth Act in this legislation recognized that young people who were effectively homeless were in need of shelter, guidance and supervision, rather than punishment, and should be united with their families wherever possible.

Since 1974, the programs that make up the Runaway and Homeless Youth Act have evolved to meet the complex problems faced by our young people, their families and our communities. Over the last decade, as a nation, we have witnessed an increase in teen pregnancy rates, drug and alcohol abuse beginning as early as grade school, child physical and sexual abuse, and a soaring youth suicide rate.

Today, the Runaway and Homeless Youth Act encompasses basic center grants, the transitional living program and drug abuse prevention program. These programs are vital to meeting the needs of troubled youth in rural Vermont and across the Nation. While the actual numbers of young people who run away or become homeless in rural areas might be small in comparison to that of large cities, emergency shelter and other services must still be accessible. It is an unfortunate reality that urban and rural youth can experience family conflict, and physical or sexual abuse.

The majority of these programs in my home State are coordinated through the Vermont Coalition. Young people find these services through friends and family as well as through referrals by police and our court diversion program.

Our Vermont programs and services have been very successful. Last year, for example 87 percent of runaways returned home or to a positive living situation after receiving services. Only 7 percent of those served in 1995 had new State social service cases open and less than 1 percent ended up in police custody. Since 1993, there has been a 42-percent increase in the total number of youths served by Vermont's programs. In 1995, these programs reached over 700 young people and over 1000 family members.

Two years ago, the Vermont Coalition was awarded a Federal rural demonstration grant to assist counties that lack adequate services for runaway youth in developing responsive programs. Through this grant, the Vermont Coalition was able to identify underserved counties, draw upon the expertise of its many programs and help develop programs for three additional Vermont counties in which services are now emerging.

Since 1989, the transitional living program, which was developed by my colleague, Senator SIMON, has filled a gap in the needs of older youth to help them make the transition to independent living situations. I know how hard Senator SIMON worked on creating this important program and I look forward to working with him now to continue it.

The programs we seek to reauthorize include those directed at young people who have had some kind of alcohol or other drug problem. The isolation in rural areas can lead to serious substance abuse problems. It is difficult to reach young people in rural areas and it is difficult for them to find the services they need. In Vermont, these drug abuse prevention programs provide essential outreach services.

Providing these types of community-based services to runaway and homeless youth seems to me to make good economic sense. We need only compare the cost of these programs to other services often needed by young people experiencing serious family conflict and associated social difficulties. Neglecting the needs of runaway and homeless youth and their families would have staggering economic implications. In Vermont, the average cost of services to youth by the Vermont Coalition of Runaway Youth Programs is $1,895. Compare this with $18,392, the average annual cost of maintaining someone in State custody through the social services department; the $50,000 it would cost to place someone in a substance abuse treatment facility; or the $60,000 a year it costs to incarcerate someone.

I receive letters from parents whose families have been kept together with the assistance of runaway and homeless programs as well as from young people who have been helped by these services. In one, a mother wrote of a program in the Northeast Kingdom:

> My teenage daughter ran away this spring. I feel fortunate to have been able to call upon the [Northeast Kingdom Youth Services] programs. I credit the quick, compassionate response by [the] on-call worker, with keeping my daughter out of state custody. Careful, immediate intervention was the key in helping my daughter feel comfortable about remaining at home. [Your] ongoing efforts to mediate issues which continue to arise have kept our family together.

These service providers are being challenged as never before with an increasingly complex set of problems affecting young people and their families. Now is not the time to abandon them. There is consensus among services providers that young people seeking services and their families are increasingly more troubled—as evidenced by reports of family violence, substance abuse and the effects of an array of economic pressures. These services may well be the key to breaking through the isolation of street youth, their mistrust of adults, and their reluctance to get involved with public or private providers.

Among the other critical programs reauthorized by our bill is the Missing Children's Assistance Act. Since its initial passage in 1984, we have made real progress on the tragedy of missing and exploited children. A national coordinated effort has proved essential in facing these problems. I understand that in Vermont alone there have been more than 30 cases of missing children resolved. Those children and their families know the value of this program.

This month, Senator THOMPSON has begun a series of hearings before the subcommittee on Youth Violence. I look forward to working with him and with Senator BIDEN, the ranking member on the subcommittee and on the Judiciary Committee, and our other colleagues in connection with these matters. In addition to the critical role that Senator BIDEN is playing, Senator KENNEDY and Senator KOHL have long been supporters of the juvenile justice and delinquency prevention programs. Senator SPECTER has been actively involved in these matters for more than a decade, formerly chaired the Juvenile Justice Subcommittee and currently chairs the Appropriations Subcommittee with jurisdiction over many of these programs.

In light of the ongoing hearings and in deference to our colleagues who lead the subcommittee, we have chosen not to include the title II Juvenile Justice and Delinquency Prevention Act programs in this reauthorization bill at this time. I understand that our colleagues, the administration, State program officers, the Ad Hoc Coalition on Juvenile Justice and Delinquency Prevention, and other groups are all currently developing proposals for the reauthorization of the Juvenile Justice and Delinquency Prevention Act. We look forward to consideration of those proposals and to working together to continue the bipartisan traditional that has always attended this program. While we all need to work together to address the rise in serious, violent juvenile crime and the need to enhance public safety, I believe that we can do so while still preserving the essential elements of the act.

The Juvenile Justice and Delinquency Prevention Act has helped foster strides nationwide through a series of funded mandates. Throughout the United States, the number of violations of the deinstitutionalization mandate for status offenders and nonoffenders has been reduced from 171,581 to 3,146 among the participating States. In 1994, 55 States and territories participated in the program and only three received reduced funding because of compliance issues.

Over a decade ago, the Vermont General Assembly established the Children and Family Council for Prevention programs, which is the designated State advisory group that monitors and distributes our funds under the title II block grant. The Vermont co-chairs of the council, Ken Schatz and Pamela Smith, and its other members encourage community involvement in the development of effective prevention programs that promote the health and increase the self-reliance of Vermont children and families. I look forward to working closely with the council on the reauthorization of the title II programs.

In June 1993, the council used Federal assistance under the act to sponsor a youthful offender study project. The ensuing report recommended the development of a youthful offender program, which won the endorsement of the Vermont Department of Corrections and the Department of Social Rehabilitative Services. The council is now funding projects with Federal assistance to implement this recommendation.

In 1994, the council developed Vermont's 3-year plan for the formula grant monies by identifying State priority areas. The largest portion of juvenile justice and delinquency prevention funding is a State block grant program, not a one-size-fits-all solution. In Vermont, the priorities are violent family functioning, the lack of treatment resources for violent youthful offenders and the need to improve the juvenile justice system. Over the last decade, Vermont has seen a substantial increase in reported violence against women and children. The council's plan allowed it to target this problem. The decrease in substantial cases of child abuse last year signals that the State's prevention efforts are making a difference.

Using its Federal assistance, Vermont has made great progress in improving the juvenile justice system in recent years. These funds enable Vermont to replicate initiatives that are working across the State. Typically, the Federal funding is leveraged with State and private funds to support these efforts. Vermont's formula grant has gone to support such projects as community-based treatment, court diversion, diversity training, pilot programs on juvenile restitution, its Families First program, its Caring Communities program and teen centers where young people can gather in a safe, supervised environment for socializing, group activities and educational events. One Vermont youthful offender noted:

> The Diversion program works. The board's faith in me gave me something to live up to and gave me confidence. They trusted me at a time when almost all the trust I ever had was gone, and they gave me one extra chance and that one extra bit of trust that I needed.

Through the programs which make up the Juvenile Justice and Delinquency Prevention Act, the Federal response to the problems of our youth has become comprehensive and collaborative. The Federal technical and financial resources have enabled States to undertake a number of system-wide improvements. The bill that we are introducing today recognizes the importance of a nonpunitive system for vulnerable youth.

In my view, the Runaway and Homeless Youth Act and the other Juvenile Justice and Delinquency Prevention Act programs are working in Vermont and ought to be continued. Given the short time left in this Congress, I believe that changes proposed to the Juvenile Justice and Delinquency Prevention Act will have to be those around which a consensus can be obtained very quickly if we are to meet our goal of reauthorizing it before the end of the year.●

● Mr. SIMON. Mr. President, this is the year that the Juvenile Justice and Delinquency Prevention Act needs to be reauthorized. This important act has vastly improved our handling of juveniles in our criminal justice system, and has provided funding for services to some of the most vulnerable young people in our society.

Today, Senator LEAHY and I are introducing a bill to reauthorize the runaway and homeless youth sections of the act. Although I feel strongly that the entire Juvenile Justice and Delinquency Prevention Act should be reauthorized, I understand that Senators THOMPSON and BIDEN, chairman and ranking member of the Juvenile Violence Subcommittee of the Senate Judiciary Committee, are holding hearings on the rest of the act. I applaud their work to examine these issues and construct a reauthorization plan, however I want to introduce this bill because the runaway and homeless youth parts of the act are particularly important to me.

In 1988, I held a hearing in Chicago on the problem of homeless youth. As a result of that hearing, I sponsored the Transitional Living Program. The Transitional Living Program was designed to fill a gap in the Runaway and Homeless Youth Act. The basic centers part of the act provides grants to community centers which provide temporary shelter and services to runaways while they try to reunite with their families or are placed in a foster home. Unfortunately, as I discovered during my 1988 hearing, many young people never return to their family homes, largely because of neglect and abuse, but are too old to be placed with a foster family. These young people were not being adequately served by the temporary shelters which help so many others.

The Transitional Living Program awards new-start grants to community projects which provide longer-term residential services to older homeless youth ages 16 through 21. Nonprofit, community-based grantees teach these young people independent living skills to prepare them to live on their own. Young people live in host family homes, group houses, or in supervised apartments, and receive guidance from counselors to help them make the transition to independent living. The goal of this program is to help these young people live productive, self-sufficient lives, and prevent future dependency on social services. The total annual appropriations for this program has been approximately $12 million. That investment has assisted countless young people who otherwise would have found themselves on the street with no one to provide the support and resources they need to live independently.

In 1988, a third component of the Runaway and Homeless Youth Act was also added. This Drug Abuse Prevention Program [DAPP] for runaway and homeless youth was initiated because of the recognition that drugs play a large role in these young people's lives. Their difficult living situations make them particularly vulnerable to the dangers of drug use, and such drug use severely hinders efforts to improve their circumstances. As anyone working in this field will testify, drug prevention and treatment are an essential element of any efforts to help runaway and homeless youth. Unfortunately, this DAPP component of the Runaway and Homeless Youth Act, along with a companion DAPP program for youth gangs, was not reauthorized last year and did not receive any funding this year. This bill recognizes the destructive role of illicit drug use in these young people's lives, and reauthorizes both of these essential programs.

Finally, this bill reauthorizes the National Center for Missing and Exploited Children. This center, created in 1984, provides important services to the thousands of families who face the devastating, mysterious loss of a child. The center operates a toll-free number to gather tips about missing children, coordinates Federal, State and local efforts to locate missing children, serves as a clearinghouse of information on successful service and research efforts, provides grants to local agencies for research and service efforts and conducts a regular survey on the number of missing children. This center has helped us as a nation understand the scope of this problem and has helped families locate missing children. Unfortunately, the problem of missing children continues, as President Clinton recognized on January 19, 1996, when he signed an order instructing Federal agencies to post missing-children posters in Federal buildings. The National Center for Missing and Exploited Children performs an essential function and should be reauthorized.

Mr. President, this bill should not be considered a substitute for a complete reauthorization of the Juvenile Justice and Delinquency Prevention Act. I support the efforts of Senators THOMPSON, and BIDEN, and look forward to working with them to reauthorize the act. However, Senator LEAHY and I agree that the runaway and homeless youth part of the act provide essential support for a most vulnerable group of young people. Our bill is meant to highlight our support for these programs and our belief that they should be reauthorized.●

By Mr. SARBANES:

S. 1583. A bill to establish the Lower Eastern Shore American Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOWER EASTERN SHORE AMERICAN HERITAGE AREA ACT OF 1996

● Mr. SARBANES. Mr. President, today I am introducing legislation to designate the Lower Eastern Shore of Maryland as a National Heritage Area. The purpose of this legislation is to help conserve and promote the resources of the region's communities and their unique contribution to the fabric of the Nation, while revitalizing its local economies and improving its overall quality of life.

The Lower Eastern Shore is a very special place. It contains an unrivaled combination of resources and history which represent a unique and integral piece of the diverse tapestry of our national character. Situated on the Delmarva Peninsula between the Atlantic Ocean and the Chesapeake Bay—the largest and most productive estuary in North America, its nationally significant natural resources also include the Coastal Bays—Chincoteague, Sinepuxent, Isle of Wright, and Assawoman; the Wild and Scenic Pocomoke River; and one of the few relatively undisturbed strands of barriers islands on the east coast—to name only a few. Its unique land and water resources contain an extraordinary variety of habitat types—from old growth forests to cypress swamps—and a tremendous diversity of flora and fauna.

The Lower Eastern Shore has played an important role in the history and culture of our Nation from the earliest native American, African-American, and European-American settlements. Evidence of the Lower Shore's past is featured prominently in its daily life—including its watermen who for centuries have sailed the Bay's waters in the legendary Skipjacks—the last commercial sailing fleet left in North America—Bugeyes, and other vessels harvesting oysters, crabs, and fish. The area is recognized as the country's original historic and cultural center for the shell fishing industry. It holds the birth rights to the uniquely American art form of decoy carving through the internationally-recognized work of Lemuel and Steve Ward. The agriculture and water-related industries which flourished throughout the 1700's and 1800's, still contribute heavily to the regional economy. Many of the towns and communities on the Lower Shore including Crisfield, Deal Island, Smith Island, Snow Hill, and Princess Anne look much the same today as they did almost two centuries ago—and their numerous buildings and sites on the National Register of Historic Places still serve as important reminders of the history of the area.

The Lower Eastern Shore also boasts a wide array of national recreational amenities including: Ocean City, one of the Nation's premier ocean resorts; the Assateague Island National Seashore, one of the few pristine and unspoiled seashores remaining on the east coast; the Blackwater National Wildlife Refuge, home to the largest population of bald eagles east of the Mississippi River; and the Beach to Bay Indian National Recreational Trail. Over 10 million tourists visit the area each year to enjoy not only the scenic waterways and recreational draws, but also the historic sites and cultural attractions.

Five years ago, State and local government officials, area residents, the National Park Service, the Environmental Protection Agency, the University of Maryland-Eastern Shore, businesses, and other private organizations joined together to harness and at the same time protect this area's distinctive potential. This was one of the early efforts in a growing national movement of concerned individuals, organizations, and governments working

together to develop a vision for the future of an area distinguished by its resources, communities, and ways of life. Through that effort, a regional public-private partnership was formed and the Lower Eastern Shore Heritage Committee has prepared and begun to implement a plan which is already showing results in the conservation, preservation, and the revitalization of the Lower Shore counties.

The bill which I have introduced will provide further impetus for the successful implementation of a heritage conservation and development plan, while providing the Lower Eastern Shore with the important national recognition it deserves. This legislation is not designed to create a new national park or in any way change existing authorities of Federal, State and local governments to regulate the use of land as provided for by current law or regulations. Rather, it provides Federal technical assistance and grants and seed moneys at the grassroots level to foster Federal, State, and local partnerships, and promote and protect the unique characteristics of the area.

The Lower Eastern Shore Heritage initiative has been endorsed by a number of communities and organizations including the town of Berlin, the city of Crisfield, Pocomoke City, the town of Princess Anne, the town of Snow Hill, the Beach to Bay Indian Trail Committee, the Pocomoke River Alliance, the Greater Crisfield Marketing Authority, the Jenkins Creek Environmental Research Center, Wicomico, Worcester, and Somerest County tourism offices, and local chambers of commerce.

I ask unanimous consent that the full text of the bill and a section-by-section analysis be included in the RECORD. It is my hope that this bill can be included as part of the broader National Heritage Area legislation which is working its way through the Congress.●

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

S. 1583

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Eastern Shore American Heritage Area Act of 1996''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COORDINATING ENTITY.—The term ''coordinating entity'' means the Lower Eastern Shore Heritage Committee, Inc., a nonprofit corporation organized under the laws of Maryland.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Lower Eastern Shore American Heritage Area established under section 5.

(3) PARTICIPATING PARTNER.—The term ''participating partner'' means a county that has entered into the compact under section 6.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. FINDINGS.

Congress finds that—

(1) the Lower Eastern Shore possesses important historical, cultural, and natural resources, representing themes of settlement, migration, transportation, commerce, and natural resource uses, as described in the Lower Eastern Shore Heritage Plan (1992), endorsed by local governments, and in the draft report, Investing in a Special Place: A Report by the National Park Service to Congress and the Public on Resources, Accomplishments, and Opportunities for Conservation and Sustainable Development: Lower Eastern Shore, Maryland (1995);

(2) the Lower Eastern Shore played an important role in the history of the American Revolution and the Civil War;

(3) the Lower Eastern Shore gave birth to the uniquely American art form of decoy-carving through the internationally recognized work of Lemuel and Steve Ward and played a central role in the recognition of the aesthetic value of waterfowl habitat and landscapes;

(4) the skipjack, a popular symbol of the Chesapeake Bay designed and used in Maryland for harvesting oysters, is the last commercial sailing vessel still used in North America;

(5) the Lower Eastern Shore played an important role in the evolution of the colonial and American agricultural, timbering, shipping, and seafood industries in the 17th through 20th centuries, exemplified in many structures and landscapes, including farms and plantations, railroad towns, seafood processing industries, docks, and what was once the largest cannery in the United States;

(6) the Lower Eastern Shore rural townscapes and landscapes—

(A) display exceptional surviving physical resources illustrating the themes of the Lower Eastern Shore and the social, industrial, and cultural history of the 17th through the early 20th centuries; and

(B) include many national historic sites and landmarks;

(7) the Lower Eastern Shore is the home of traditions and research efforts associated with native American, African-American, and European-American settlements dating to periods before, during, and after European contact, and retains physical, social, and cultural evidence of the traditions; and

(8) the State of Maryland has established a structure to enable Lower Eastern Shore communities to join together to preserve, conserve, and manage the Lower Eastern Shore's resources through the Maryland Greenways Commission, river conservation, trail development, and other means.

SEC. 4. PURPOSES.

The purposes of this Act are to—

(1) recognize the importance of the history, culture, and living resources of the Lower Eastern Shore to the United States;

(2) assist the State of Maryland and the communities of the Lower Eastern Shore in protecting, restoring, and interpreting the Lower Eastern Shore's resources for the benefit of the United States; and

(3) authorize Federal financial and technical assistance to serve the purposes stated in paragraphs (1) and (2).

SEC. 5. LOWER EASTERN SHORE AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—The Secretary shall establish a Lower Eastern Shore American Heritage Area.

(b) INITIAL GEOGRAPHIC SCOPE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Heritage Area shall consist of the Maryland counties of Somerset, Wicomico, and Worcester.

(2) LOCAL AGREEMENT TO PARTICIPATE.—The government of each county listed under paragraph (1) and each municipality in a county listed under paragraph (1) shall become a participating partner by entering into the compact under section 6.

(3) ADDITIONAL PARTNERS.—The Secretary may include a county or municipality other than those listed in paragraph (1) to be part of the Heritage Area if the county becomes a participating partner by entering into the compact under section 6.

(4) COORDINATION.—The Secretary may coordinate with or allow participation by any county, city, town, or village in the Lower Eastern Shore.

SEC. 6. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this Act, the Secretary shall enter into a compact with the State of Maryland, the coordinating entity, and any county eligible to be a participating partner under section 5.

(b) INFORMATION.—The compact shall include information relating to the objectives and management of Heritage Area programs, including—

(1) a discussion of the goals and objectives of Heritage Area programs, including an explanation of a proposed approach to conservation and interpretation and a general outline of the measures committed to by the parties to the compact;

(2) a description of the respective roles of the participating partners;

(3) a list of the initial partners to be involved in developing and implementing a management plan for the Heritage Area and a statement of the financial commitment of the partners; and

(4) a description of the role of the State of Maryland.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—The coordinating entity and the participating partners shall develop a management plan for the Heritage Area that presents comprehensive recommendations for conservation, program funding, management, and development.

(b) PLAN REQUIREMENTS.—The management plan shall—

(1) be consistent with State and local plans in existence prior to development of the management plan;

(2) involve residents, public agencies, universities, and private organizations working in the Heritage Area;

(3) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(3) include—

(A) a description of actions to be undertaken by units of government and private organizations;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of the property's natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner that is consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan, including plans for restoration and construction, and specific commitments of the participating partners for the first 5 years of operation;

(E) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act; and

(F) an interpretation plan for the Heritage Area.

(c) TIME LIMIT FOR SUBMISSION OF A MANAGEMENT PLAN.—If the Secretary has not approved a management plan by the date that is 2 years after the date of enactment of this Act, the Heritage Area shall be ineligible for Federal funding until a management plan is approved.

SEC. 8. THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.

(a) DUTIES OF THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.—The coordinating entity and participating partners shall—

(1) develop and submit to the Secretary for approval a management plan pursuant to section 7 not later than the date that is 2 years after the date of enactment of this Act;

(2) give priority to implementing actions set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area; and

(v) restoring any historic building relating to the themes of the Heritage Area;

(B) encourage by appropriate means economic vitality in the area consistent with the management plan for the Heritage Area;

(C) encourage local governments to adopt policies consistent with the management of the Heritage Area and the goals of the plan; and

(D) assist units of government, regional planning organizations, businesses, and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings not less frequently than quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval;

(6) for any year in which Federal funds have been received under this Act, submit an annual report to the Secretary setting forth the accomplishments and expenses and income of the coordinating entity and the participating partners and the entity to which any loans and grants were made during the year for which the report is made; and

(7) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of the Federal funds and any matching funds and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of the funds.

(b) FEDERAL FUNDING.—

(1) OPERATIONS.—The Federal contribution to the operations of the coordinating entity and participating partners shall not exceed 50 percent of the annual operating cost of the entity and partners associated with carrying out this Act.

(2) IMPLEMENTATION.—A grant to the coordinating entity or a participating partner for implementation of this Act may not exceed 75 percent of the cost of the entity and partners for implementing this Act.

(c) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The coordinating entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) ELIGIBILITY TO RECEIVE FINANCIAL ASSISTANCE.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), the coordinating entity shall be eligible to receive funds to carry out this Act for a period of 10 years after the date on which the compact under section 6 is signed by the Secretary and the coordinating entity.

(2) EXCEPTION.—The coordinating entity may receive funding under this Act for a period of not more than 5 additional years, if—

(A) the coordinating entity determines that the extension is necessary in order to carry out the purposes of this Act and the coordinating entity notifies the Secretary of the determination not later than 180 days prior to the termination date;

(B) not later than 180 days prior to the termination date, the coordinating entity presents to the Secretary a plan of activities for the period of the extension, including a plan for becoming independent of the funds made available through this Act; and

(C) the Secretary, in consultation with the Governor of Maryland, approves the extension of funding.

(e) OTHER FEDERAL FUNDS.—Nothing in this Act shall affect the use of Federal funds received by the coordinating entity or a participating partner under any other Act.

SEC. 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) GRANTS TO THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.—The Secretary shall make grants available to the coordinating entity and the participating partners to carry out this Act.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On request of the coordinating entity, the Secretary may provide technical and financial assistance to the coordinating entity and participating partners to develop and implement the management plan.

(B) PRIORITY.—In assisting the coordinating entity and participating partners, the Secretary shall give priority to actions that—

(i) conserve the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) provide educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(B) EXPENDITURES FOR NONFEDERALLY OWNED PROPERTY.—The Secretary may expend Federal funds on nonfederally owned property to further the purposes of this Act, including assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(2) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(A) IN GENERAL.—The Secretary, in consultation with the Governor of Maryland, shall approve or disapprove a compact or management plan submitted under this Act not later than 90 days after receiving the compact or management plan.

(B) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves a compact or management plan, the Secretary shall advise the coordinating entity in writing of the reasons for rejecting the compact or plan and shall make recommendations for revisions in the compact or plan.

(ii) APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision not later than 90 days after the date the revision is submitted.

(3) APPROVING AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall review substantial amendments to the management plan for the Heritage Area.

(B) FUNDS FOR AMENDMENT.—Funds made available under this Act may not be expended to implement a substantial amendment to the management plan until the Secretary approves the amendment.

(4) ISSUING REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this Act.

(b) DUTIES OF FEDERAL ENTITIES.—A Federal entity conducting or supporting an activity directly affecting the Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting an activity directly affecting the Heritage Area, shall, to the maximum extent practicable—

(1) consult with the Secretary and the coordinating entity with respect to the activity;

(2) cooperate with the Secretary and the coordinating entity in carrying out the duties of the Secretary and the coordinating entity under this Act; and

(3) conduct or support the activity in a manner consistent with the management plan.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill, the Lower Eastern Shore Heritage Area Act of 1996.

SECTION 2. DEFINITIONS

Defines the terms, ''Coordinating Entity,'' ''Heritage Area,'' ''Participating Partner,'' and ''Secretary.''

SECTION 3. FINDINGS

Identifies historical, cultural, and natural resources of National significance on the Lower Eastern Shore.

SECTION 4. PURPOSE

States that the purpose of the Act is to: 1.) recognize the importance of the history, culture and living resources of the Lower Eastern Shore to the United States; 2.) assist the State of Maryland and the communities of the Lower Eastern Shore in protecting, restoring, and interpreting the Lower Eastern Shore's resources; and 3.) to authorize Federal financial and technical assistance to serve these purposes.

SECTION 5. LOWER EASTERN SHORE AMERICAN HERITAGE PLAN

Directs the Secretary of the Interior to designate the Lower Eastern Shore as an American Heritage Area. Establishes a process for the counties and municipalities of Somerset, Worcester, and Wicomico and other surrounding jurisdictions that wish to be included therein to participate in the Heritage Area.

SECTION 6. COMPACT

Directs the Secretary of Interior to enter into a compact with the State of Maryland, the coordinating entity, and any county eligible to participate in the heritage plan and also defines roles, objectives and goals for

management and implementation of the Lower Eastern Shore Heritage Area.

SECTION 7. MANAGEMENT PLAN

Requires, within two years, that the Secretary of the Interior, the coordinating entity and participating partners develop a management plan, that presents comprehensive recommendations for conservation, program funding, management, and development. The plan must be consistent with State and local plans in existence prior to its development and include a description of actions to be taken by units of government and private organizations and an inventory of resources contained within the area.

SECTION 8. COORDINATING ENTITY AND PARTICIPATING PARTNERS

Defines duties of Coordinating Entity and Participating Partners to include: 1.) coordination with state and local authorities in the development of the management plan; and 2.) holding of quarterly public meetings regarding the implementation of the plan. Establishes federal cost shares at 50 percent of the operating costs and 75 percent of the implementation costs.

SECTION 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES

Auhtorizes the Department of the Interior to provide technical and grant assistance to the coordinating entity and participating partners to develop and implement the management plan.

SECTION 10. AUTHORIZATION OF APPROPRIATIONS

Authorizes such sums as are necessary to carry out this Act.●

By Mr. THOMPSON (for himself, Mr. FIRST, and Ms. MOSELEY-BRAUN):

S. 1584. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Labor and Human Resources.

THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

Mr. THOMPSON. Mr. President, today I am pleased to offer on behalf of myself, Senator FRIST, and Senator MOSELY-BRAUN authorization legislation for historic preservation activity for buildings at historically black colleges and universities. This bill directs the Secretary of the Interior to administer a program of grants-in-aid, from amounts authorized to be appropriated to carry out the National Historic Preservation Act for fiscal year 1996 through 1999, to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on their campuses.

This being African-American History Month, I believe it is important for us to step back and reflect on the contributions that African-Americans have made to the founding and building of this Nation. And more importantly, to reflect on the institutions and organizations that were built by African-Americans to meet the challenges, goals, and needs of their people. Historically black colleges and universities stand as a testament to the hopes, dreams, achievements, and struggle of a people previously denied opportunity and justice to overcome extreme adversity and who succeeded despite the imposition of almost insurmountable legal and social obstacles.

This bill authorizes the Secretary to: First, obligate funds for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match the amount of such grant, with funds derived from non-Federal sources; and second, waive this matching requirement if an extreme emergency exists or is such a waiver is in the public interest to assure the preservation of historically significant resources.

It authorizes funds for to complete preservation operations at Fisk University and 13 historically black colleges and universities in Delaware, the District of Columbia and throughout the South, based on the 1991 National HBCU Historic Preservation Initiative. In September 1987, the Office of Historically Black College and University Programs within the Department of the Interior developed a proposal for a project designed to restore and preserve historic structures on the campuses of HBCU's. In 1988, a special survey to identify candidates for inclusion in the program generated responses from 46 HBCUs nominating 144 structures for consideration. The initiative selected 11 of the most historically significant and critically threatened structures which will require an estimated $20 million to restore and preserve the structure. Projects to be funded under the program include: Gains Hall, Morris Brown College, Atlanta, GA; Leonard Hall, Shaw University, Raleigh, NC; Hill Hall, Savannah State College, Savannah, GA; St. Agnes, St. Augustine's College, Raleigh, NC; The Mansion, Tougaloo College, Tougaloo, MS; White Hall, Bethune-Cookman College, Daytona Beach, FL; Graves Hall, Morehouse College, Atlanta, GA; Howard Hall, Howard University, Washington, DC; Virginia Hall, Hampton University, Hampton, VA; Parkard Hall, Spelman College, Atlanta, GA; Administration Building, Fisk University, Nashville, TN; Lookerman Hall, Delaware State College, Dover, DE; Cooper Hall, Sterling College, Sterling, KS; and Science Hall, Simpson College, Indianola, IA.

This bill is exactly the same as the bill that passed both the House and Senate in 1994 but died in conference due to the end of the session. The only changes made were to the effective dates. I am happy to be a part of preserving this important part of American history and urge my colleagues to join me in the effort.●

ADDITIONAL COSPONSORS

S. 173

At the request of Mr. NICKLES, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 173, a bill to provide for restitution of victims of crimes, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 295, a bill to permit Labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 592

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 592, a bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes.

S. 628

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 1028

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the

enactment of laws, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the names of the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1247

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1247, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

S. 1379

At the request of Mr. SIMPSON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1423

At the request of Mr. GREGG, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1501

At the request of Mr. COHEN, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1501, a bill to amend part V of title 28, United States Code, to require that the Department of Justice and State attorneys general are provided notice of a class action certification or settlement, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1506

At the request of Mr. LEVIN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1524

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1524, a bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation.

S. 1568

At the request of Mr. HATCH, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

S. 1575

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1575, a bill to improve rail transportation safety, and for other purposes.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 215, a resolution to designate June 19, 1996, as ''National Baseball Day.''

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from Kentucky [Mr. FORD], the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

SENATE RESOLUTION 228—CONDEMNING TERROR ATTACKS IN ISRAEL

Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. MACK, Mrs. FEINSTEIN, Mr. BIDEN, Mrs. KASSEBAUM, Mr. SARBANES, Mr. THOMAS, Mr. GRAMS, Mr. LUGAR, Mr. D'AMATO, Ms. SNOWE, Mr. ASHCROFT, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. BRADLEY, Mr. LEVIN, Mr. SPECTER, Mr. SANTORUM, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 228

Whereas on February 25, 1996, two vicious terror attacks in Jerusalem and Ashkelon killed two American citizens and 23 Israelis, and wounded dozens more;

Whereas the Gaza-headquartered terrorist organization ''Hamas'' claimed credit for the attack;

Whereas in 1995, 47 innocent Israeli and American citizens were killed in Palestinian terror attacks;

Whereas since the signing of the Declaration of Principles between Israel and the PLO on September 13, 1993, 168 people have been killed in terrorist acts, 163 Israelis and five American citizens;

Whereas the Gaza-based ''Hamas'' terror group and Damascus-based Palestinian Islamic Jihad and Popular Front for the Liberation of Palestine terror groups have claimed responsibility for the majority of those terror attacks;

Whereas the PLO, the Palestinian Authority and Yasser Arafat have undertaken on repeated occasions to crack down on terror and bring to justice those in areas under their jurisdiction who commit acts of terror;

Whereas notwithstanding such undertakings and some improvements in Palestinian efforts against terrorism, the vast majority of terror suspects have not been apprehended, or if apprehended, not tried or punished, and no terror suspects requested for transfer have been transferred to Israeli authorities by Palestinian authorities in direct contravention of agreements signed between the PLO and Israel;

Whereas the governments of Iran, Syria and Lebanon continue to provide safe haven, financial support and arms to terror groups such as Hamas, Islamic Jihad, or Hezbollah among others, and have in no way acted to restrain such groups from committing acts of terrorism;

Whereas failure to act against terrorists by the Palestinian Authority, Syria and others can only undermine the credibility of the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and reviles in the strongest terms the attacks in Jerusalem and in Ashkelon;

(2) extends condolences to the families of all those killed, and to the Government and all the people of the State of Israel;

(3) calls upon the Palestinian Authority, the elected Palestinian Council and Chairman Arafat to act swiftly and decisively to apprehend the perpetrators of terror attacks,

to do more to prevent such acts of terror in the future and to eschew all statements and gestures which signal tolerance for such acts and their perpetrators;

(4) calls upon the Palestinian Authority, and Palestinian representatives in the elected Council to take all possible action to eliminate terrorist activities by Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and all other such terror groups;

(5) urges all parties to the peace process, in order to retain the credibility of their commitment to peace, to bring to justice the perpetrators of acts of terrorism, and to cease harboring, financing and arming terror groups in all territories under their control; and

(6) urges the Clinton administration to act decisively and swiftly against those who continue to harbor, arm or finance terror groups seeking to undermine the peace process.

SENATE RESOLUTION 229—COMMEMORATING BLACK HISTORY MONTH AND CONTRIBUTIONS OF AFRICAN-AMERICAN UNITED STATES SENATORS

Mr. DOLE (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. D'AMATO) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas Black History Month in 1996 is a fitting occasion to direct public attention to the many significant contributions which have been made by African-American citizens in government service to the people of the United States of America; and

Whereas 125 years ago on February 25, 1870, Republican Hiram Rhodes Revels of Natchez, Mississippi was seated as the first Black citizen to serve in the United States Senate; and

Whereas the service of Senator Revels, an ordained minister of the Christian Gospel, was distinguished by conscientious support for desegregated public education, reconciliation, equal political opportunity and veterans' benefits and by opposition to discrimination in government employment and political corruption; and

Whereas Blanche Kelso Bruce of Bolivar County, Mississippi, whose term commenced on March 5, 1875, became the first Black citizen to serve a full term in the U.S. Senate and distinguished himself by supporting equality in Western State land grants, desegregation in the U.S. Army, electoral fairness, equitable treatment of Native Americans and by opposing fraud and incompetence in governmental affairs; and

Whereas Edward William Brooke of Newton, Massachusetts on January 3, 1967 became the first Black citizen to be elected directly by the people to serve in the U.S. Senate (and then was re-elected), distinguished himself by supporting American history awareness, racial reconciliation initiatives, strengthened foreign relations, stronger higher education, improved veterans' benefits, affordable housing and the performing arts; and

Whereas Carol Moseley-Braun of Chicago, Illinois on January 3, 1993 became the first Black woman and the first Black member of the Democrat Party to be seated in the U.S. Senate and is currently distinguishing herself for her resolute commitment to equal opportunity in education, advocacy of women's and children's rights, support for business entrepreneurship, expanded economic opportunity, equity for family farmers and fiscal responsibility and for her forceful opposition to all forms of crime; and

Whereas on February 29, 1996 the African-American Alliance, the James E. Chaney Foundation, and Local 372 of District Council 37 of the American Federation of State, County and Municipal Employees, are sponsoring ceremonies in the U.S. Capitol Building to pay tribute to the pioneering legacy of these intrepid and highly esteemed role models: Now, therefore, be it

Resolved, That the United States Senate does hereby join in honoring these inspiring legislators and expresses profound gratitude for their innumerable substantive contributions to the pursuit of justice, fairness, equality and opportunity for all U.S. citizens.

SENATE RESOLUTION 230—RELATIVE TO THE SENIOR ARMY DECORATIONS BOARD

Mr. INHOFE (for himself, Ms. MOSLEY-BRAUN, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 230

Whereas black Americans served in the Armed Forces during World War II with heroism and distinction, often giving their lives to ensure United States victory in that war;

Whereas prevailing attitudes in the Armed Forces at that time often prevented appropriate recognition of the distinguished service of black Americans, particularly service meriting the award of the medal of honor;

Whereas in May 1993, the Secretary of the Army convened a study to review the processes and procedures used by the Department of the Army in awarding medals during World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

Whereas the study recommended the review of the distinguished acts of 10 black American members of the Army in World War II in order to determine whether to recommend that the medal of honor be awarded to such members for such acts;

Whereas pursuant to subsection (d) of section 3744 of title 10, United States Code, the President may award a medal of honor to a person qualified for the medal, notwithstanding that the time for awarding the medal has otherwise expired under such section;

Whereas the award of the medal of honor to black Americans recommended by the Senior Army Decorations Board would reverse a past injustice; and

Whereas many family members, colleagues, and comrades of such black Americans, and a grateful Nation, have sought for more than 50 years proper and appropriate recognition for the distinguished actions of such black Americans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Secretary of the Army for convening a study to review the processes and procedures used by the Department of the Army in awarding medals for service in World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

(2) commends the Senior Army Decorations Board for convening to review cases pertaining to certain black American members of the Army for their acts of conspicuous gallantry in that war; and

(3) urges the President, pursuant to section 3744(d) of title 10, United States Code, to endorse the recommendations of the Senior Army Decorations Board and bring to a close the long struggle for appropriate recognition of our heroic black American patriots.

NOTICES OF HEARINGS

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 nomination of Christopher M. Coburn to be a member of the U.S. Enrichment Corporation will be considered at the hearing scheduled for Tuesday, March 5, 1996 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Wednesday, March 6, 1996, at 9:30 a.m., in room 562 of the Dirksen Senate Office Building. The hearing will discuss telemarketing scams against the elderly.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management to receive testimony on S. 393 and H.R. 924, the Angeles National Forest Land Exchange Act.

The hearing will take place on Thursday, March 7, 1996 at 1 p.m. in room SD 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey of the subcommittee staff at 202–224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the bipartisan proposal of the Governors on welfare and medicaid on Thursday, February 29, 1996, beginning at 10 a.m. in room SD–215.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, February 29, 1996, at 10 a.m. in SD–226.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet beyond 2 p.m. and during

the session of the Senate on Thursday, February 29, 1996, to hold a hearing to review the operations of the Secretary of the Senate, the Sergeant at Arms and the Architect of the Caiptol, and to receive testimony on the establishment of a criteria for the Architect of the Capitol.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 29, 1996 at 2:00 p.m. to hold a closed briefing on intelligence matters.

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

ADDITIONAL STATEMENTS

THE RETIREMENT OF ADM. WILLIAM OWENS AND JROC

Mr. COATS. Mr. President, I rise today to recognize Adm. William A. Owens and his extraordinary efforts in developing the military's Joint Requirements Oversight Council, better known as JROC. Admiral Owens retires today after 33 years of service to our Nation, and as our military's third Vice Chairman of the Joint Chiefs of Staff—the second highest ranking officer in our Armed Forces.

As Vice Chairman, Admiral Owens defined the role of the JROC in the defense requirements planning process—a process that has seen little change from the cold war planning process instituted by former Defense Secretary McNamara in the 1960's. The JROC as a forum, and a process, is little known and even less understood. But I believe it is essential to leveraging the tremendous capabilities that can be gained through joint planning and operations. I believe it also signals the need for a fundamental change in the way America plans for its future defense. This need for change is not a challenge limited to the Defense Department, but rather will provoke many of us to reflect what means to be pro-defense today—in a daunting era of emerging new technologies, uncertainly over future threats, an expanding continuum of military operations, and scarce and competing resources.

The JROC evolved in response to these challenges. But the JROC was also largely motivated by the Goldwater-Nichols' Defense Reorganization Act of 1986. Goldwater-Nichols required the Chairman of the Joint Chiefs of Staff to conduct net assessments to determine our military capabilities. The act also required that the Chairman provide the Secretary of Defense with alternative program recommendations and budget proposals—recommendations alternative to decisions derived from business as usual.

To assist the Chairman in this role, Goldwater-Nichols created the position of the Vice Chairman, Joint Chiefs of Staff. As Vice Chairman for the past 2 years, Admiral Owens has chaired the JROC and its members—the Air Force and Army Vice Chiefs of Staff, the Vice Chief of Naval Operations, and the Assistant Commander of the Marine Corps. These senior military leaders now devote 10 to 15 hours each week to review issues generated by various joint warfighting capability assessments, or JWCA's. The JWCA's, which Admiral Owens initiated, comprehensively evaluate 10 distinct warfighting capabilities across military service lines. The purpose of these assessments is to enhance interoperability among programs and services, and to identify those new technologies, organizational changes, as well as deficiencies and redundancies, that will improve our military's warfighting capabilities.

Through his leadership and vision, Admiral Owens transformed the JROC into what it is today—a forum where our military's senior leadership undertakes the critical process of reviewing, debating and planning our military's future warfighting capability. The JROC has given our military service members a greater awareness of other services' programs, requirements and operations, as well as the capabilities required by each of the warfighting commanders. Because it comprehensively assesses the overarching military capability as a whole—compared to the well-rooted program by program review of the past—the JROC can better assess how much warfighting capability is enough and how much redundancy is acceptable.

The JROC is in a state of evolution and its recommendations will not always be popular. But what's remarkable about the JROC is its ability to address military requirements across service lines—across the lines of parochialism that have, in the past, inhibited the military's move toward greater jointness, to greater effectiveness and to greater efficiencies. Admiral Owens and the JROC have been a catalyst for moving defense planning away from business as usual—shifting the focus of the defense debate away from defense spending levels, and move toward a process that collectively addresses a kaleidoscope of defense challenges, and will ensure that defense investment decisions and force structure changes are wise, attainable and affordable.

At one of our last meetings, Admiral Owens left with me a booklet entitled ''New York Habits for a Radically Changing World.'' There is one particular quote in this book which perhaps best captures Admiral Owens' concern and vision for the future of our armed forces. I quote:

> Organizations can't stop the world from changing. The best they can do is adapt. The smart ones change before they have to. The lucky ones manage to scramble and adjust when push comes to shove. The rest are losers, and they become history.

Our Nation owes a debt of gratitude to Admiral Ownes for effecting change before it was compelled, and for his stewardship in ensuring our Armed Forces are well-equipped, well-trained, and well-prepared in this century and beyond.●

TAYLOR MIDDLE SCHOOL NAMED BLUE RIBBON SCHOOL

● Mr. BINGAMAN. Mr. President, I rise today to recognize the outstanding achievements of Taylor Middle School in Albuquerque, NM. On February 8, 1996, U.S. Secretary of Education Richard Riley named Taylor Middle School a blue ribbon school, the highest honor for a school in our Nation. One of 266 recipients nationwide and the only recipient in New Mexico, Taylor Middle School deserves to be commended.

Taylor Middle School, a charter school, uses an interdisciplinary team approach in which both the teachers and the parents are catalysts for the educational development of their children. The school is using a revolutionary middle school philosophy in which the students are learning and the teachers are being taught. Taylor is using both special education and regular education teachers to work with the entire student body enabling a more supportive learning environment.

Secretary Riley recognized that Taylor Middle School offers a challenging and rigorous academic approach to learning in a safe, disciplined and drug-free environment. This school is an outstanding example of an academic institution that is using its own resources to work toward the National Education Goals. Taylor Middle School is an outstanding model for New Mexico's schools and schools across our Nation.

Mr. President, I would like to commend Taylor Middle School, its students, its staff, and the parents who have formed a partnership to create a healthy and effective learning environment.●

CONGRATULATING PAULINE D. GATT ON BEING NAMED SECRETARY OF THE YEAR BY THE MACOMB CHAPTER OF PROFESSIONAL SECRETARIES

● Mr. ABRAHAM. Mr. President, I rise today to congratulate and pay tribute to Pauline Gatt for receiving the Macomb Chapter of Professional Secretaries [PSI] Secretary of the Year Award. Ms. Gatt started her secretarial career after graduating from high school. She then went on to obtain her stockbroker and insurance licenses and earn her certified professional secretary designation. Currently, she is executive secretary to Joseph R. Grewe, president of Masco Tech Sintered Components in Auburn Hills.

Pauline joined PSI in 1994 and has been a very active member of the Macomb Chapter. She has served on several committees, both as leader and

a member. Pauline is currently team leader of the certified professional secretary [CPS] membership committee and spearheading the seminar and publicity committee for the Michigan division annual meeting. She also serves as proctor for the biannual CPS exams at Macomb Community College in Fraser.

Throughout such a busy career, Pauline has found time to marry Mr. William Gatt and raise their 4-year-old son, James Gatt. Her example should serve as an inspiration to all of us concerning what we can accomplish. On behalf of all Michigan residents, I would like to wish Pauline all the best and congratulations.●

BLACK HISTORY MONTH

● Mr. KERRY. Mr. President, as Black History Month, 1996, draws to a close, we have had an extraordinary opportunity to remember African-Americans who have changed America. We find our Nation more culturally enriched in the arts, in film and theater, in literature and music, in the humanities, the sciences, in our military and political history, in education, communications, and civil rights because of the contributions of African-Americans. But the most compelling stories are of the earliest African-American leaders who are among America's greatest heroes. They struggled and succeeded in the face of slavery and against the odds, and rose above the extraordinary prejudice and hatred of the 19th century to have a lasting impact on the cultural, social, and spiritual fabric of America. To name just a few: poets like Phillis Wheatley, a Massachusetts native and the first African-American woman to have her poetry published; Crispus Attucks, said to be the first person killed in a Boston battle that presaged the Revolutionary War; and the soldiers of the 54th Massachusetts Regiment, the first African-American unit in the Civil War who were memorialized in the film, ''Glory,'' and in a statue on Boston Common are not heroes to just African-Americans, but heroes to every American.

Their stories are part of this Nation's lexicon and should be as commonly known as the story of another Massachusetts native, Paul Revere, but they are not. That is one of the reasons that, 20 years ago, Black History Month formalized a 70-year-old celebration begun in 1926 by Dr. Carter Woodson, the father of black history. Dr. Woodson set aside a special time in February to celebrate the achievements and contributions of African-Americans and the rich traditions and proud heritage of those who contributed so much to the building of this Nation.

But, as we celebrate we must also recognize that the contributions of African-Americans serve as a bridge over the troubled waters of economic insecurity. Their struggle and achievements in the face of incredible odds give us hope when we see that struggle for freedom, and equal justice has become an economic as well as a social struggle that finds hard working, self-reliant, responsible African-Americans looking for a good job at a liveable wage. The economic disparity between African-Americans and the rest of America is disproportionate. I know that African-Americans in Massachusetts—from Roxbury to Lowell, from New Bedford to Springfield—are working harder and harder, like all Americans, without receiving a raise, struggling to get the skills they need, and trying to educate themselves and their families, and some are falling further and further behind.

So, this month, in recognizing the importance of African-American heroes and their contribution to the history of America, we must not only reaffirm our commitment to civil rights and equal opportunity but to building an opportunity economy that provides for a better paying job, decent benefits, and a chance for their children to make more and do better in a world that judges them as Martin Luther King said, ''on the content of their character.'' Black History Month is one more important step in tearing down the economic, social, and cultural walls that divide us and bridging the racial gaps between us. As we approach the 21st century, this will be one of our greatest challenges.●

TRIBUTE TO BLUE RIBBON SCHOOLS

● Mrs. HUTCHISON. Mr. President, I am here today to celebrate the achievements of the 27 schools from my State that were awarded the Department of Education's prestigious Blue Ribbon Award. The Blue Ribbon Award signifies excellence in education and calls attention to remarkably successful public and private schools.

Blue ribbon schools display the superior qualities that are necessary to prepare our young people for the challenges of the next century. The recognized schools serve as models for other schools and communities seeking to provide high quality education for their students. This year 266 secondary, junior high, and middle schools will be presented with the Blue Ribbon Award.

After a vigorous screening process by each State Department of Education, a panel consisting of 100 outstanding educators and other professionals reviews the nominations, and selects the most promising schools for a site visit. After the schools have been visited, the panel considers the reports and forward its final recommendations to Secretary Riley, who then reveals the names of the schools selected for recognition.

It is my honor and privilege to identify the following 27 Texas schools selected to receive a Blue Ribbon Award: Klein Oak High School, Plano Senior High School, Renner Middle School, Forest Meadow Junior High School, Strickland Middle School, Forest Park Middle School, Mayde Creek High School, Groesbeck Middle School, Lawrence D. Bell High School, Grapevine Middle School, Spring Forest Middle School, Spring Oaks Middle School, Northbrook Middle School, James E. Taylor High School, Westwood High School, Noel Grisham Middle School, Travis Middle School, Socorro High School, Lubbock High School, Lackland Junior-Senior High School, Georgetown High School, Coppell Middle School West, Edward S. Marcus High School, Booker T. Washington High School for Performing and Visual Arts, Crookett Middle School, Carroll High School, and Carroll Middle School. They are clearly among the most distinguished schools in the Nation with a persistent commitment to excellence in education.

I am elated that of all the schools selected from the entire United States, 10 percent are in Texas. Their achievements stand as positive testimony to the dedication, pride, and devotion to responsibility of the students, teachers, administrators, and parents at each of these blue ribbon schools.●

CHARACTER COUNTS WEEK

● Mr. LIEBERMAN. Mr. President, in my home State of Connecticut and across the Nation, something very positive is happening. Every day we hear about crime and violence committed by youth, teenage pregnancy, falling test scores and a host of other indications that the fabric of our society is fraying. These are problems that certainly need to be addressed. But today I would like to talk about Character Counts, a program that has committed itself to the children of this Nation in an affirmative way that conveys the faith and optimism we have in our youth and the high expectations we have for them. I am very proud to be a part of this growing endeavor.

On yesterday, I joined with my colleagues in the introduction of a resolution to designate October 13–19, 1996 as this year's National Character Counts Week. Character Counts Week will focus attention on the importance of character education and mobilize participation in the program. Last year in Connecticut, almost 3,000 students and teachers from 75 towns attended a rally in Hartford kicking off Character Counts Week, and I know many other States have had an equally enthusiastic response to the promise of character education. I invite all Americans to join us in taking part in the character education of our young people as it is everyone's duty.

Character Counts emphasizes six values—trustworthiness, respect, responsibility, fairness, caring, and citizenship. These are values that we all hold in common; these values transcend religions, cultures, socio-economics, and generations. But these values need to be explicitly taught to our children and reinforced and reflected in the way we live and in the way we shape our society. Character Counts does exactly

this—the program encourages participating schools to infuse their regular curriculum with the six core values. There is no set curriculum—schools create individualized programs to fit their needs. Character education can be quite simple—as one Connecticut educator commented, ''Any good teacher or good coach is probably doing it anyway.'' Character Counts spotlights and inspires these efforts.

A 1992 survey of 9,000 high school and college students conducted by the Josephson Institute of Ethics revealed that 65 percent felt that values should be taught in school because some parents fail to do so in the home, and 45 percent felt that character education should begin as early as kindergarten. This tells me that kids not only need guidance, because it is often not received at home, but that they want guidance. A responsible society will work together to fulfill this obligation.

Schools participating in the program have experienced a dramatic improvement in their behavioral problems. The Devereux Glenholme School in northwest Connecticut, the first school in the State to adopt Character Counts, saw a 50-percent drop in behavioral problems. And I know of at least three children in Connecticut who found sums of money, and instead of keeping it, turned it into the authorities. These children attributed Character Counts with helping them make the decision to turn in the money.

I believe that our youth reflect the broader society as it is revealed to them by adults and that they will rise to our expectations. If expectations of ourselves and of our children are low, then kids will fulfill those low expectations. If we communicate to our youth that they are bad kids, then they will be bad kids. If we recognize their potential for being good kids and then show them and teach them what it means to have character, then they will grow up to be adults of character, and it is our obligation to see that this happens. Character Counts helps us meet that charge.●

THE BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, a lot of folks don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of friends, how many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing they do know is that it was the U.S. Congress that ran up the enormous Federal debt that is now over $5 trillion. To be exact, as of the close of business Tuesday, February 27, the total Federal debt—down to the penny—stood at $5,016,697,045,327.39. Another sad statistic is that on a per capita basis, every man, woman, and child in America now owes $19,041.81.●

TRIBUTE TO VICE ADM. J.M. (MIKE) McCONNELL

● Mr. SPECTER. Mr. President, it is always an honor and a privilege to recognize the men and women of our Armed Forces who have diligently and faithfully maintained the security of this great Nation. We do this on Armed Forces Day and on Veteran's Day, but I believe everyone would agree that we do not recognize these individuals as frequently as their deeds would warrant. Today, I stand to recognize and pay tribute to one of the Nation's outstanding military leaders and unsung heroes, Vice Adm. Mike McConnell, Director of the National Security Agency [NSA], who will retire on March 1, 1996 after having unselfishly served his country for over 29 years.

Vice Admiral McConnell's life is truly an American success story. Being the product of humble roots, he attended Furman University in Greenville, SC, also the place of his birth, and was commissioned as a line officer in the Navy in 1967. He served tours in Vietnam, Japan, the Persian Gulf, and Indian Ocean as an intelligence officer before being nominated for flag rank and being selected as the Director for Joint Staff Intelligence, J–2. In this critical assignment, he served as the senior military intelligence advisor to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff [CJCS]. Vice Admiral McConnell's leadership skills and expertise were immediately put to use to keep the Nation's senior policymakers informed of developments during the turmoil and revolutionary changes that swept the former Soviet Union during 1990. More important, however, were his contributions to the Nation during the 1991–92 Persian Gulf crisis. Vice Admiral McConnell's service to the Nation during the gulf war, which included keeping Gen. Colin Powell [CJCS] informed of all enemy activity, was instrumental in saving U.S. and coalition lives and directly contributed to bringing about a quick and decisive victory for allied forces. Realizing that Vice Admiral McConnell had much more to offer the Nation, the President recommended him for a two-star elevation to vice admiral and nominated him to serve as Director of the National Security Agency in 1992.

Vice Admiral McConnell's greatest contributions to the Nation were yet to come. Becoming NSA's 13th Director in May 1992, he committed himself to ensuring that the United States had the world's best cryptologic organization. Vice Admiral McConnell streamlined NSA's operations while ensuring that the Agency had the requisite skills and resources to meet the quickly evolving technological challenges that faced the Nation. His candor and openness with the Congress and its oversight committees helped ensure that the Nation's legislators were well informed of the Agency's operations and how taxpayer dollars were being spent. Realizing that NSA's support saves lives, he also ensured that the Agency provided matchless support to every major military operation undertaken by the United States during his tenure. Most importantly, he crafted a strategy that will enable NSA to ensure that its people will remain its most critical resource.

Mr. President, I close by stating that everyone who calls this great Nation home owed a debt of gratitude to Vice Admiral McConnell. He has quietly, yet dutifully, served the Nation during four different decades and under seven different Commanders in Chief. Those of us who have been fortunate enough to know him personally can attest to his dedication, peerless integrity, and unwavering loyalty to this Nation. It is with a sense of great pride and honor that I salute Vice Adm. Mike McConnell.●

GIRL SCOUTS AND BOY SCOUTS OF RHODE ISLAND

● Mr. CHAFEE. Mr. President, it is with pride that I present to you the outstanding individuals who have achieved the highest honors as a Girl Scout or Boy Scout. These young people possess qualities of leadership and hard work that distinguishes them from the rest.

Since the beginning of the century, the Girl Scouts and Boy Scouts have provided a positive outlet for young men and women to develop leadership skills, make new friends, explore new ideas, as well as gain a sense of self determination, self-reliance and team work.

The highest honors that can be received by a Girl Scout are the Gold and Silver Awards. These awards are presented to those Girl Scouts who have demonstrated their commitment to excellence, hard work and the desire to help their community. The Eagle Scout Award is the highest honor given to a Boy Scout. Recipients display outstanding leadership in outdoor skills, and in community service that is helpful to religious and school institutions.

It is with great honor that I congratulate the recipients of these awards. The accomplishments of these young people are certainly worthy of praise. The skills they have learned as Scouts will allow them to help the world become a better place.

We also pay tribute to the parents, Scout leaders, and Scouting organizations that have guided these young people to achieve such greatness. Without their time and energy none of this would be possible.

It is a privilege to submit to you the list of the young men and women who have earned these awards, so I ask that it be printed in the RECORD.

The list follows:

GIRL SCOUT GOLD AWARD RECIPIENTS FOR 1995

Cranston: Amanda Toppa.
East Greenwich: Kimberly Gaffney.
Johnston: Amy Crane, Bonnie Renfrew.
Kenyon: Kimberly Pierce.

North Providence: Heather Konicki.
Pawtucket: Tanya Coots, Heather Davis.
Portsmouth: Elizabeth Goltman, Julia Kohl, Janessa LeComte, Jennifer McLean, Bridget Sullivan.
Rehoboth, MA: Nicole Swallow.
Riverside: Cochetta Dolloff.
West Kingston: Cheryl Berker.
West Warwick: Heather LaBelle.
Wood River Junction: Shayna Horgan.
Woonsocket: Kimberly Hebert.

GIRL SCOUT SILVER AWARD RECIPIENTS FOR 1995

Barrington: Heather Bianco, Nicole Daddona, Caroline Danish, Alison Fodor, Emilie Hosford, Ashley Humm, Stephanie Mailloux, Carly Marsh, Amy Poveromo, Sarah Richardson, Adrian Schlesinger, Emily Wetherbee.
Carolina: Amanda Bouressa.
Cranston: Sara Carnevale, Shannon Corey, Louise Humphrey, Elizabeth Kronenberg, Sarah Lavigne, Stacey Lehrer.
Middletown: Jennifer Hancock, Elizabeth Jump, Amy Kobayashi, Marie Kobayashi, Sarah Peter, Aimee Saunders, Mary Saunders.
North Smithfield: Jessica Cavedon.
Narragansett: Caroline Cutting, Shauna Dickens, Katie Webster.
Newport: Andrea Innes, Meredith Innes, Jennifer Matheny.
Pawtucket: Amy Medeiros, Valerie Poisson, Brce Smith.
Richmond: Emily Hisey.
West Kingston: Michelle Berker.
Wakefield: Ruth Anderson.
Warwick: Bethany Ascoli, Lynn Summers.
Woonsocket: Danielle Auclair, Tina Brin, Jessica Cousineau, Sarah Doire, Diane Ferland, Alicia Gamache, Stephanie Joannette, Melanie Labrecque, Lynn Turner.

BOY SCOTTS OF AMERICA EAGLE SCOUT RECIPIENTS FOR 1995

Ashaway: Chris Dumas.
Barrington: Jonathan T. Belmont, George William Campbell, Morgan Huffman Densley, Scott D. Harrison, Patrick Charles Keenan, Matthew Joseph Stoeckle, Jonathan Larrison Vohr, Russell Aubin Wallis, Rory W. Wood.
Blackstone Massachusetts: Joseph E. Niemczyk.
Bristol: Jason M. Bloom.
Charlestown: Jesse Rhodes.
Chepachet: John F. Valentine, IV.
Cranston: Matthew Erik Anderson, Benjamin J. Caito, Peter W. Caito, Peter Eli Jetty, Michael R. Kachanis, Anthony Mangiarelli, Christopher N. Reilly, Bryan Rekrut, Kevin A. Silva.
Coventry: Brian K. Martin, Matthew Walters.
Cumberland: Chad Michael Dillon.
East Greenwich: Christopher Joseph Cawley, John J. Doyle, Frederick W. Lumb, Kevin Allen Schwendiman, James M.R. Sloan.
Greene: Jeremy P. Skaling.
Greenville: Kenneth C. Collins, Charles Bradley Daniel, Scott E. Hopkins, Mark S. Wong.
Harrisville: Steven B. Mendall, Jr.
Hope: Stephen Raymond Pratt, Jr., Steven Etchells.
Hope Valley: Andrew J. Horton.
Hopkinton: James Romanski, Corey Small.
Jamestown: Scott E. Froberg, Alan D. Weaver, Jr.
Johnston: Neal R. Bradbury, Edward Albert Darragh, William P. DeRita, III, Michael L. Porter, Jr., Guy S. Shaffer.
Manville: Jason Michael Allen, David Raymond Levesque.
Middletown: Todd Michael Fisher, Michael A. Henry, Luke Allen Magnus, Eric Oldford, Brian J. Paquin, Jason F. Soules, Aaron M. Wilbur.
Millville, Massachusetts: Jeffrey Dean.
Narragansett: Matthew W. Maruska.
Nasonville: Brian D. Lafaille.
Newport: Aaron Hauquitz, Douglas Everett Jameson.
North Attleboro, Massachusetts: Raymond Gauthier, Jr.
North Dighton, Massachusetts: Joshua N. Labrie.
North Kingston: William C. Mainor, Walter E. Thomas, IV, John T. Walsh, III.
North Providence: Kevin M. Brault, Matthew William Thornton.
North Scituate: Thomas D. Alberg, Paul L. Carlson, Peter Charles Carlson, Matthew P. Koehler.
North Smithfield: James E.K. Doherty.
Pawcatuck, Connecticut: Patrick K. Cryan, James D. Spaziante.
Pawtucket: Dominic Chirchirillo, III, Ramiro Antonio Dacosta, Peter Fleurant, Albert Joseph Prew, Joseph Edward Sullivan, Joshua Brian Waldman.
Portsmouth: Jeremy Sawyer Brown, Benjamin Gorman, Kent D. Rutter, Colin B. Smith.
Providence: John James Joseph Banks, Matthew Charles Bastan, Luke C. Doyle, Andrew Frutchey, Christopher A. Goulet, Patrick J. Horrigan, Vincent R. Iacobucci, Jr., Adam Ryan Moore, Thomas J.W. Parker, Peter Scheidler, Jr.
Rumford: Tony Poole.
Seekonk, Massachusetts: Nathanael J. Greene, Brett Marcotte, Jeffrey C. McCabe, Christopher R. Nicholas, William J. Wood, Jr.
Smithfield: Brian P. Breguet, Michael J. Hogan, Nathan Moreau, Colin M. Segovis.
Sutton, Massachusetts: Matthew John Zell.
Uxbridge, Massachusetts: Brian M. Zifcak.
Warren: William Garcia.
Warwick: Ryan W. Arnold, Steven L. Bailey, Christopher A. Bissell, James R. Caddell, Jr., Fred Crossman, Jr., Joseph G. Diman, Ian T. Fairbairn, Sean R. Guzeika, Matthew L. Lutynski, Michael Marseglia, Andrew P. McGuirl, Adam J. Morelli, Matteo D. Morelli, Gerald Theroux, Bradley Thompson, Robert A. Wilcox.
Westerly: Shane Matthew Belanger, Vincent Anthony Fusaro.
West Kinston: Benjamin T. Brillat, Jacob Casimir Sosnowski.
West Warwick: Linton S. Wilder, IV, Frank M. Caliri.
Woonsocket: Adam Christopher Crepeau, Dominique Doiron.●

AGREEMENT TO CREATE TV RATING SYSTEM

● Mr. LIEBERMAN. Mr. President, a popular TV show in the 1960's, The Outer Limits, began each episode with these words: Do not attempt to adjust your television set. We control the horizontal. We control the vertical. . .

Those words symbolized the kind of control the TV industry has had over what viewers could watch in living rooms all across the country. For a long time, we didn't mind, as TV offered plenty of quality shows, with a few inoffensive bombs sprinkled in here and there.

But in recent years, the domination of the broadcast industry over what we see on TV has grated on the sensibilities of the American people, especially as TV has gone beyond the outer limits of good taste and decency, and into a twilight zone of immorality and degradation.

The Outer Limits TV show ended each week with the announcer telling viewers, ''We now return control of your television set,'' and that is what has begun to happen today.

This is an historic day for millions of American families. The major television networks and the people responsible for most of what we see on TV have agreed to create a rating system for their programs. This rating system will be compatible with the V-chip that television sets will carry in the near future. I would like to commend the entertainment industry leaders who have taken this step forward and agreed to implement a rating system and embrace the V-chip. I have no doubt that this will be seen as both a socially responsible and a good business decision in the long term. I have no illusions however, about how difficult it was for the entertainment leaders who met with the President to take this step.

Today's news means parents will have a new tool to use as they struggle to raise their children in a healthy, moral environment. Parents will be able to block out programs that they deem inappropriate for their children.

As co-sponsor of the V-chip legislation with Senator KENT CONRAD and Representative ED MARKEY, I am very pleased that the V-chip will soon become reality. President Bill Clinton deserves a lot of credit for making this major step forward possible. Beginning with his support for the V-chip last July, and continuing through his strong endorsement in the State of the Union Address, President Clinton, along with Vice President GORE, has helped move this issue front and center, and encouraged the television industry to abandon their opposition to ratings and the V-chip.

We all will be watching what the television industry does to implement this new rating system. I have some concerns about how the ratings will be structured, because the credibility of that system is essential if parents are going to be able to use and trust the V-chip. The ratings must be tough enough to allow parents to prevent their kids from seeing too much violence, sexual activity, vulgarity, and even sexual innuendo, which has inundated many prime time television shows in recent years. A Seinfeld or Friends episode about masturbation or orgasms might qualify for a PG rating in a movie theater but should get the equivalent of an R when it comes on at 8 o clock at night.

We must also guard against a rating system becoming a cover for even more inappropriate content in television programming. The parents of America will not stand still if the networks use the existence of ratings as an excuse to produce even more explicit and offensive shows.

But, if properly designed and widely used by parents, a rating system operating through a V-chip can change the economics of the television industry,

make quality programming more profitable than ever, and halt the current downward spiral in which the networks are too often competing with each other in a sleaze contest to capture their lucrative slice of a particular demographic pie.

Today, the V in V-chip stands for victory, and the struggle to reclaim our public airwaves from the sleaze which too often dominates what is broadcast will continue. Ratings alone do not solve the problem. You can rate garbage, but you haven't changed the fact that it is still garbage. As my friend BILL BENNETT said yesterday in a news conference we held with Senator NUNN and leaders from the Christian, Jewish, and Moslem organizations, a sign in front of a polluted lake does let you know that it's polluted, but it doesn't mean you can fish or swim in it. We need to clean up the polluted lake that is American television today, and take out the garbage.

There are some television programs that no rating will make acceptable. Last week, Sally Jessy Raphael put a 12-year-old girl on her stage—a girl who had been sexually victimized repeatedly by older men—and verbally abused her in front of a nationwide audience. That is a form of child abuse in itself, and it's totally unacceptable, rating or no rating.

That's the big, next task for the television industry—to use its incredible creative genius to bring us more programs that will elevate, not denigrate, our culture and our children.

There is probably no other force around that dominates the lives of young people in America today as thoroughly as television. Millions of children spend more time in front of a TV than they do talking with their parents, praying in church, or listening to their teachers.

The TV industry must do more to clean up their programs. Get rid of the violence that is still too pervasive, and damaging to impressionable young minds. Get rid of the gratuitous sex scenes, the common use of vulgarity, and the heavy sexual innuendo that dominates so many programs. You don't need to get down in the gutter to attract a big audience and make a profit. You do need to begin to draw a line, and say to yourselves and your producers, writers and actors—we won't go beyond that line, even if we can make more money, because it is wrong and it is bad for our country and our children.

One way the television networks can demonstrate they mean business when it comes to helping America and its parents is to adopt a code of conduct to govern their programming. They used to have active standards and practices divisions, but those divisions have been sub-standard and out-of-practice in recent years, and need to be bolstered and empowered by a strongly worded code of conduct that sets decent standards.

Another way the networks can show better corporate citizenship is to give us back the family hour. Give America's parents at least one hour at night when they can sit on the couch and watch TV with their children without fear of having their values insulted. Many parents, including my wife and I, have simply given up on network TV at night, choosing a family-oriented cable channel instead, or just reading or relaxing together. But tens of millions of families have no access to cable, and have little choice about what they can watch.

There is no law, no business imperative, no reason not to give the American people decent, quality programs from 8 pm to 9 pm every night. To paraphrase the line in Field of Dreams, air them, and we will come. We will watch good TV.

Mr. President, I am not a child of the information age. I am a child of the television age. I was raised watching TV, and I have watched TV with three generations of my children. I love TV, but I am not happy with what TV has become.

It is not too late to reverse course. The degradation of America's culture can be stopped. We can't go back to the 1950's, but we can go back to a time of decency and quality television.

We celebrate today the news that the television industry will develop a rating system for its programs and support the V-chip that will give parents more power to control over what their children see on TV. And we encourage the television executives to see today as a beginning, not an end. A beginning to a new partnership with America's families.

''A rising tide raises all ships,'' President Kennedy said, in speaking of economic growth. The same can be said of the tide of cultural decency. American television can uplift our people, or it can degrade them. It can inspire, or it can dispirit. Today, we hope the tide has begun to shift. Will the rising tide be sustained? All we can say now, is, ''stay tuned.''●

TRIBUTE TO ORDER OF DEMOLAY

● Mr. GREGG. Mr. President, I am pleased to rise today to commend a group whose members make important daily contributions to many communities across the country, including the town of Bristol, NH.

The International Supreme Council, Order of DeMolay has spent the past 77 years supporting their communities by assisting young men between the ages of 12 and 21 become better sons, citizens, and leaders. The Order of DeMolay urges these young men to lead lives full of filial love, reverence, courtesy, comradeship, fidelity, cleanness, and patriotism. This organization should be commended for its unwavering commitment and contributions to this Nation, and for participating in the molding of today's young men for a better world of peace and brotherhood.

Mr. President, I ask that the Senate acknowledge the Order of DeMolay's meritorious service toward our families, communities, States, and Nation and I invite the citizens of the United States to recognize this organization's significant efforts in community harmony.●

ORDER OF BUSINESS

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, I shall now address the wrapup. I wish to inform the Chair, as well as all Senators, that each of these items has been cleared by the Democratic leader.

ORDERS FOR TUESDAY, MARCH 5, 1996

Mr. WARNER. First, Mr. President, I ask unanimous consent that at 9:30 a.m., on Tuesday, March 5, the Senate proceed to the consideration of the conference report to accompany H.R. 927, and that there be 2½ hours of debate on the conference report to be equally divided between the Senator from Georgia, Mr. COVERDELL, and the Senator from Connecticut, Mr. DODD, or their designees, and that following the debate the conference report be laid aside.

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

Mr. WARNER. Mr. President, I further ask unanimous consent that a vote occur on adoption of the conference report at 2:15 p.m., Tuesday, and that paragraph 4 of rule XII be waived.

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

Mr. WARNER. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays at this time.

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

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that at 12 noon, Tuesday, March 5, the Senate resume the D.C. appropriations conference report, and there be 30 minutes equally divided in the usual form for debate on the cloture motion filed earlier today.

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

Mr. WARNER. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 p.m., to 2:15 p.m., in order for the weekly party caucuses to meet.

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

Mr. WARNER. Mr. President, I ask unanimous consent that immediately following the 2:15 p.m., vote on Tuesday on the adoption of the Cuba conference report, the Senate proceed to the cloture vote with respect to the D.C. appropriations conference report, and that the mandatory quorum under rule XXII be waived.

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

MEASURE DISCHARGED AND REFERRED—S. 1577

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1577, a bill to authorize appropriations for the National Historical Publications and Records Commission, be discharged from the Committee on Rules and referred to the Committee on Governmental Affairs.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the executive calendar: Calendar Nos. 472, 473, 474, 475, 476, 477, 478, and all nominations on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent that the nominations be considered en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to any of the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

So the nominations were considered and confirmed, en bloc, as follows:

AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10, United States Code, sections 8373, 12004, and 12203:

To be major general

Brig. Gen. Boyd L. Ashcraft, 000–00–0000, Air Force Reserve.

Brig. Gen. Jim L. Folsom, 000–00–0000, Air Force Reserve.

Brig. Gen. James E. Haight, Jr., 000–00–0000, Air Force Reserve.

Brig. Gen. Joseph A. McNeil, 000–00–0000, Air Force Reserve.

Brig. Gen. Robert E. Pfister, 000–00–0000, Air Force Reserve.

Brig. Gen. Donald B. Stokes, 000–00–0000, Air Force Reserve.

To be brigadier general

Col. John L. Baldwin, 000–00–0000, Air Force Reserve.

Col. James D. Bankers, 000–00–0000, Air Force Reserve.

Col. Ralph S. Clem, 000–00–0000, Air Force Reserve.

Col. Larry L. Enyart, 000–00–0000, Air Force Reserve.

Col. Jon S. Gingerich, 000–00–0000, Air Force Reserve.

Col. Charles H. King, 000–00–0000, Air Force Reserve.

Col. Ralph J. Luciani, 000–00–0000, Air Force Reserve.

Col. Richard M. McGill, 000–00–0000, Air Force Reserve.

Col. David R. Myers, 000–00–0000, Air Force Reserve.

Col. James Sanders, 000–00–0000, Air Force Reserve.

Col. Sanford Schlitt, 000–00–0000, Air Force Reserve.

Col. David E. Tanzi, 000–00–0000, Air Force Reserve.

Col. John L. Wilkinson, 000–00–0000, Air Force Reserve.

ARMY

The following-named officer for appointment to the grade of general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Johnnie E. Wilson, 000–00–0000, U.S. Army.

NAVY

The following-named officer for appointment to the grade of Admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

Vice Adm. Jay L. Johnson, 000–00–0000

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Vernon E. Clark, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Richard W Mies, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Dennis A. Jones, 000–00–0000.

MARINE CORPS

The following-named colonel of the U.S. Marine Corps Reserve for promotion to the grade of brigadier general, under the provisions of Section 5912 of Title 10, United States Code:

To be brigadier general

Col. Leo V. Williams III, 000–00–0000, USMCR.

IN THE AIR FORCE, ARMY, NAVY

Air Force nominations beginning James M. Abel, Jr., and ending Robert L. Williams, which nominations were received by the Senate and appeared in the Congressional Record of December 18, 1995.

Air Force nominations beginning Jonathan S. Flaugher, and ending Walter L. Bogart III, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Donald R. Smith, and ending James L. O'Neal, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Bradley S. Abels, and ending Mark A. Yuspa, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Joseph P. Anello, and ending Barbara T. Martin, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Edward A. Askins, and ending James L. Scott, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Andrea M. Andersen, and ending Bryan T. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Stephen W. Andrews, and ending Richard M. Zwirko, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Jeffrey K. Smith, and ending Lowry C. Shropshire, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Air Force nominations beginning Matthew D. Atkins, and ending Steven J. Youd, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Col. William G. Held, and ending Lt. Col. Patricia B. Genung, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Army nomination of Ricky J. Rogers, which was received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning James C. Ferguson, and ending Michael M. Wertz, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Romney C. Andersen, and ending David F. Tashea, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Danny W. Agee, and ending Frank A. Wittouck, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 1996.

Navy nominations beginning Charles Armstrong, and ending Winceslas Weems, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Navy nominations beginning Caleb Powell, Jr., and ending Paul T. Broere, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Navy nominations beginning Maurice J. Curran, and ending Kim M. Volk, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

LEGISLATIVE SESSION

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

REMOVAL OF INJUNCTION OF SECRECY—INVESTMENT TREATY WITH UZBEKISTAN, TREATY DOCUMENT 104–25

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 28, 1996, by the President of the United

States: Investment Treaty with Uzbekistan, Treaty Document No. 104–25.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Uzbekistan is designed to protect U.S. investment and assist the Republic of Uzbekistan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds related to investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 28, 1996.*

CONDEMNING TERROR ATTACKS IN ISRAEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 228, submitted earlier today by Senators HELMS, PELL, DOLE, and DASCHLE.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) condemning terror attacks in Israel.

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

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

Mr. HELMS. Mr. President, it is with profound regret that I feel obliged to offer another resolution condemning an act of terrorism in Israel.

Early this past Sunday, suicide bombers from the Palestinian terrorist group Hamas slaughtered 25 innocent human beings in two separate terrorist attacks. In Jerusalem, two young Americans, a young man and his financee, were among those who died.

Shock waves from the bomb blast reverberated around Jerusalem. I am confident that decent people the world over were dismayed.

Mr. President, we hear much oratory about the sacrifices that must be made for peace, but surely, however, there are mothers, fathers, and brothers and sisters throughout both Israel and America who are asking themselves how much more they must sacrifice; indeed when will they know peace?

When Yasser Arafat tours his new domain, when he pays condolence calls on the families of suicide bombers, does he ask himself what kind of man boards a crowded bus with pounds of explosive, specially packed with shards of metal to cause the maximum carnage?

Is Arafat willing himself to continue to be identified as the leader of such brutal men? If not, he must do more. Hamas and other such groups must be outlawed, and their members prosecuted to the fullest extent of the law.

For peace hangs in the balance. If Yasser Arafat expects Gaza and other areas under his control to be known as anything more than a breeding ground for terrorists, he must move swiftly, and decisively against the terrorists in his midst.

Only then can mourning Americans and Israelis believe that peace has real meaning.

Mr. PELL. Mr. President, I am pleased to join with the distinguished chairman of the Senate Committee on Foreign Relations—Senator HELMS—and others in submitting a resolution to condemn the recent terrorist attacks in Israel.

I have not doubt that all of my colleagues were as stunned and dismayed as I to learn about the horrifying bombings. All too often in the past several years, we have been forced to watch the gut-wrenching pictures on CNN of the Chaos, carnage, and misery of yet another terrorist bombing in Israel.

The frequency of these occurrences, however, does nothing to lessen their devastating impact. Each time a bombing occurs, the Israeli Government must reexamine its approach to security and its commitments to the Palestinians. The Israeli people again must come to grips with the fact that the peace has a heavy toll. The Palestinians must reaffirm that they are worthy of taking charge of their own destiny, and that they are living up to their commitments to end terrorism. And the United States must step back and ask yet again if we are doing the right thing.

As painful as these realities are, we must not let them obscure our interests in the Middle East peace process. Having just led a congressional delegation on a trip to the region—where Senators, ROBB, INHOFE, and I met with Prime Minister Peres and PLO Chairman Arafat among other—I have a renewed sense of the importance of the peace agreements between Israel and the Palestinians.

We must also remember that the perpetrators of these heinous bombings are in fact the enemies of peace, and more to the point, the enemies of those Palestinians who have committed themselves to peace with Israel. My own hope is that the world—and specifically the parties to the peace process—will not let them succeed in destroying the peace. While we must indeed hold Arafat's feet to the fire, and insist that he do more to stop terrorist acts, we must acknowledge the progress that the Palestinians have made to stop violence and terror. Clearly they have not yet succeeded, but we should not minimize the improvements they have made since signing their peace agreements with Israel.

Above all, this is a moment to commiserate with the families of the victims, to express our profound sorrow and regret to our ally, Israel, and to reaffirm our basic and fundamental commitment to the true success of the peace process. Our resolution intends to do just that, and I hope that the Senate will move to adopt the resolution as quickly as possible.

Mr. LIEBERMAN. Mr. President, I rise today to join with the leadership of the Foreign Relations Committee and of the Senate in cosponsoring Senate Resolution 228, a resolution condemning the recent terror attacks in Israel.

The heinous attacks in Jerusalem and Ashkelon on February 25 killed 25 people and wounded dozens more. A radical, crazy minority opposed to the peace process which is supported by most Israelis and Arabs has again taken innocent lives. The perpetrators and their supporters must be brought to justice.

Such cowardly attacks are always reprehensible. But these attacks truly brought home to us the horror of terrorism because the victims included two Americans, one of them from Connecticut. This is the second time in less than half a year that the hand of terrorism has struck someone from Connecticut.

In this case, Matt Eisenfeld—a wonderful young man, committed to the peace process, a student of the bible, exemplary of the best traditions—was struck down by cowards planting a bomb on a bus.

I am in awe of the strength of the Eisenfeld family of West Hartford at such a difficult time. They have been true to their principles and true to their son's principles and continue to support the movement toward peace in spite of the awful loss they have suffered. Let us hope that people of similar strength and good will among the Palestinians and the Israeli population will not be distracted and deterred by these violent acts.

Mr. BIDEN. Mr. President, I rise to condemn in the strongest possible terms this past Sunday's heinous bombings in Israel. I also wish to convey my heart-felt condolences to the families of the 23 Israelis and the 2 young Americans who lost their lives in these despicable acts.

Mr. President, many of us are asking the same questions that Israelis are asking in the wake of these attacks: why and for what end would someone commit such senseless acts of mass murder? We probably never will be able to penetrate the demented mind of a suicide-bomber to understand what causes that person to kill. But I think we all know the immediate aim of the bombers who struck on Sunday—it is to spread fear and terror in order to derail the peace process.

As hard as it is to comprehend, peace in the Middle East is actually perceived as a threat in some quarters. Coexistence, friendship, cooperation—all of these concepts are anathema to a small, extremist minority on both sides.

And Mr. President, I would submit that the vast majority of Palestinians—which does believe in these concepts—needs to stand up now to prevent its future from being stolen by the extremists. These extremists offer a version of the future that includes a return to the darkest days of the Arab-Israeli conflict. Indeed, they see renewed conflict as a necessary means to achieve their ultimate goal of destroying Israel.

Mr. President, if the Palestinians want a brighter future for their children—as I know they do—then they will need to stop these extremists in their tracks.

We stand ready, and I know that Israel stands ready, to provide whatever help the Palestinians need to win this fight. But they must be the ones to initiate a new all-out battle with the violent rejectionists.

Israelis have rejected the message and methods of extremists in their midst. Their democratically chosen institutions have been acting to thwart the designs of Israeli extremists.

Recently, the Palestinians have acquired their own democratically chosen institutions. It is time for those new institutions to be put to the test by employing their full might in a battle whose outcome will be historic for the Palestinian people and the middle east as a whole.

Mr. President, we cannot let Sunday's attackers achieve their goals. The peace process must continue. The two young American victims, Matthew Eisenfeld and Sarah Duker, whose future life together was so cruelly taken from them on Sunday, were committed to peace. We can best honor their memory by staying on the path that they had chosen.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 228) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 228

Whereas on February 25, 1996, two vicious terror attacks in Jerusalem and Ashkelon killed two American citizens and 23 Israelis, and wounded dozens more;

Whereas the Gaza-headquartered terrorist organization ''Hamas'' claimed credit for the attack;

Whereas in 1995, 47 innocent Israeli and American citizens were killed in Palestinian terror attacks;

Whereas since the signing of the Declaration of Principles between Israel and the PLO on September 13, 1993, 168 people have been killed in terrorist acts, 163 Israelis and five American citizens;

Whereas the Gaza-based ''Hamas'' terror group and Damascus-based Palestinian Islamic Jihad and Popular Front for the Liberation of Palestine terror groups have claimed responsibility for the majority of those terror attacks;

Whereas the PLO, the Palestinian Authority and Yasser Arafat have undertaken on repeated occasions to crack down on terror and bring to justice those in areas under their jurisdiction who commit acts of terror;

Whereas notwithstanding such undertaking and some improvements in Palestinian efforts against terrorism, the vast majority of terror suspects have not been apprehended, or if apprehended, not tried or punished, and no terror suspects requested for transfer have been transferred to Israeli authorities by Palestinian authorities in direct contravention of agreements signed between the PLO and Israel;

Whereas the governments of Iran, Syria and Lebanon continue to provide safe haven, financial support and arms to terror groups such as Hamas, Islamic Jihad, or Hezbollah among others, and have in no way acted to restrain such groups from committing acts of terrorism;

Whereas failure to act against terrorists by the Palestinian Authority, Syria and others can only undermine the credibility of the peace process: Now therefore be it

Resolved, That the Senate—

(1) condemns and reviles in the strongest terms the attacks in Jerusalem and in Ashkelon;

(2) extends condolences to the families of all those killed, and to the Government and all the people of the State of Israel;

(3) calls upon the Palestinian Authority, the elected Palestinian Council and Chairman Arafat to act swiftly and decisively to apprehend the perpetrators of terror attacks, to do more to prevent such acts of terror in the future and to eschew all statements and gestures which signal tolerance for such acts and their perpetrators;

(4) calls upon the Palestinian Authority, and Palestinian representatives in the elected Council to take all possible action to eliminate terrorist activities by Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and all other such terror groups;

(5) urges all parties to the peace process, in order to retain the credibility of their commitment to peace, to bring to justice the perpetrators of acts of terrorism, and to cease harboring, financing and arming terror groups in all territories under their control; and

(6) urges the Clinton administration to act decisively and swiftly against those who continue to harbor, arm or finance terror groups seeking to undermine the peace process.

COMMEMORATING BLACK HISTORY MONTH AND CONTRIBUTIONS OF AFRICAN-AMERICAN UNITED STATES SENATORS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 229, submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) commemorating Black History Month and contributions of African-American U.S. Senators.

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

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

Ms. MOSELEY-BRAUN. Mr. President, it is indeed the most profound honor and privilege to stand before the United States Senate today to commemorate the 126th anniversary of the election of the very first African-American ever to serve in these great Senate Chambers.

U.S. Senator Hiram Revels.

We are all of us indebted to this man, Mr. President—and to Senator Bruce and Senator Brooks who followed him. These leaders carried forth the dignity of black Americans, as they worked vigilantly inside these Chambers to open the opportunity of America to all Americans.

The past is always prolog. The history of the contributions of African-Americans is as much a part of the mosaic of America as any other. Indeed, the dream of black Americans resonates so powerfully, because it is an optimistic dream. Because it is about inclusion. Because it is about expanding opportunity. Because it breaks down the barriers that divide us.

The Declaration of Independence and our Constitution, the twin cornerstones of our Nation, eloquently set forth the kind of nation we all want. Think about the preamble of our Constitution. It states:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide

for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish the Constitution for the United States of America.

With that elegant pronouncement, 39 white men laid down the tenants that would organize the Government for this, the greatest nation in the world. In so doing, they created a democracy which guides us still.

However, as Dr. Martin Luther King so wisely said, ''The Declaration of Independence is really a declaration of intent.'' In reality, the Constitution was more a statement of principles than a set of rules carved in stone. It took almost two centuries of struggle and testing to fulfill the promise of so lofty a pronouncement.

For one thing, the new Americans learned right away that ''We the people'' was a pretty exclusive group. It certainly did not include women. Women were not enfranchised into the body politic until the 19th amendment to the Constitution was adopted in 1920. Poor people were shut out, too. Most States required ownership of property for participation in elections. Nor were young people recognized until the 26th amendment was ratified in 1971, allowing 18-year-olds to vote. And certainly not the large population of slaves, who counted as three-fifths of a person, for purposes of the census, taxes, and representation.

As Congresswoman Barbara Jordan was wont to note: ''When the Constitution was completed in September 1787, I was not included in that 'We, the people.'''

All of this despite the noble proclamation:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted by men, deriving their just powers from the consent of the governed.

After the first Constitutional Convention, Benjamin Franklin was asked: ''What have you wrought?'' He answered: ''A Republic, if you can keep it.''

If we can keep it. Indeed it is a grand vision that has inspired generations of African-Americans to steward the Constitution so that this statement of intent shall be realized and turned into a reality that benefits all Americans. By contrast, a history which deliberately erases the sagas of blacks and women is no history at all—it is fiction—as flat and incomplete as a history that would leave out George Washington, Abraham Lincoln or any of these 39 men who founded our great country.

Worse, it has the ultimate mischief of misdirecting future activity that grows forth from that fraud. For the past is indeed prolog. A distorted past without texture and honesty misleads us all.

And so Congresswoman Barbara Jordan said, too, when she was seated in the House Chambers—

> Today I am an inquisitor. I believe hyperbole would not overstate the solemnness that I feel right now. My faith in the Constitution is whole, it is complete, it is total. I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution.

I say to you today, Mr. President, Congresswoman Jordan was honoring a tradition of paramount importance to our African-American ancestors. A tradition started by the man we honor today. Senator Hiram Revels, the very first African-American to serve in the Senate, representing the great State of Mississippi during Reconstruction.

Senator Revels was a courageous man for his time. How he grew from his ordinary roots to dedicate his life to public service, and contribute in such an extraordinary way to public policy in the Reconstruction era should show us all that every one of us really can make a difference.

Consider who he was. Born the son of free parents, Senator Revels started out in the ministry, preaching in the Midwestern and border States, and assisting fugitives from slavery. When the Civil War broke out, Revels was a school principal and a church pastor in Baltimore. He helped raise two regiments of African-American troops in Maryland, then moved on to St. Louis, MO, where he established a school for freed men.

The following year, in 1864, Revels joined the Union Army and served as chaplain assigned to an Army regiment of African-Americans stationed in Mississippi. You heard me right. He served in a black regiment defending the Union in Mississippi.

Such courage as this is the foundation of our African-American ancestry.

By 1870, Revels had been elected to the Mississippi State Senate. But destiny tapped his shoulder when the Republican-dominated legislature elected Revels to the U.S. Senate, in anticipation of the State's readmission to representation in Congress.

It was in 1870, you will recall, and the 15th amendment granting citizens the right to vote regardless of race or previous condition of servitude, was finally passed. 1870. That is almost 100 years after the Constitution declared this country to exist for the protections of all people.

His victory was not without a fight. Sent to Washington, Senator Revels' credentials were immediately challenged. On the basis of the Dred Scott decision by the Supreme Court in 1857, which judged that persons of African-American descent were not U.S. citizens, he was accused of failing to satisfy the citizenship requirement to hold elected office in the Senate.

The debate over Senator Revels seat became increasingly bitter. For 2 days, his opponents offered up a caustic mix of racial epithets, inflammatory charges, and specious arguments in a futile effort to prevent the seating of the Nation's first black Senator.

As a result, this minister and school principal, this educator and spiritual leader, embarked on his career as a U.S. Senator defending the rights of other blacks to hold public office. His first debate was against an amendment to the Georgia readmission bill that prevented blacks from holding State office in Georgia, and from representing Georgia in either House of Congress. Prefacing his remarks, and I quote: ''With feelings which perhaps never before entered into the experience of any member of this body,'' Senator Revels declared that black citizens, ''ask but the rights which are theirs by God's universal law.'' And Senator Revels reminded his audience of the contributions that African-American troops had made to the war effort. Despite Senator Revels efforts, the Georgia readmission bill was enacted.

During 14 months of service in the Senate, Senator Revels spoke out against legislation to segregate public schools in the District of Columbia, and was instrumental in helping to integrate the work force at the Washington Navy Yard.

Although Senator Revels decided not to run for re-election, his short stay in the Senate paved the way for other African-American Senators to follow.

In fact, he opened the door of opportunity for the election of Senator Blanche Kelso Bruce in 1875, who became the first African-American to serve a full term in the U.S. Senate.

Though born a slave, Senator Bruce still believed in the guiding truth of the Constitution, and he dedicated his life to working for the inclusion of all under the arm of its protections. In an effort to support African-Americans seeking higher office, Senator Bruce championed the cause of Pinckney Pinchback, a Louisiana Republican who might have been this Nation's third black Senator but for a challenge to his seat. In his first speech in this Chamber, Senator Bruce vigorously defended Pinchback, and the Republican-dominated legislature which had elected him to the Senate. But it was to no avail.

During his 6-year term in the Senate, Senator Bruce served as chairman of a select committee charged with investigating the Freedman's Savings and Trust Co.—a federally chartered institution whose collapse threatened to impoverish thousands of black depositors. Through his efforts, investors were able to recover more than half of their deposits.

Senator Bruce made great contributions in the fight for inclusion during his one term in the Senate. However, despite the tremendous strides achieved during the Reconstruction era, in the late 1870's, ominous tactics of intimidation unbecoming of a great democracy were used to exclude African-Americans from full participation in the voting process. Lives were threatened, and lives were lost, when Afican-Americans dared to exercise their right to vote.

Both of these gentlemen clung to the promise of a republic, guided by a love

of liberty. And they did this, Mr. President, despite their direct exposure to a society that condoned slavery—and espoused the degradation of humanity—which characterized the popular will of their times. They did this because they hoped. Because they were determined that their hopes would not be in vain.

Even so, it was not for another 86 years—that's almost a century, Mr. President, a full century—until America elected another African-American to the U.S. Senate.

Not until the great surge of the civil rights era was the third African-American Senator elected; 1967 was the year, and the American politics had matured. For one thing, a change in the Constitution allowed for direct elections by the people, rather than elections or appointments by State legislatures.

Thus, it was a significant victory, Mr. President, when the people of Massachusetts, on their own volition, on the basis of their own vision and wisdom and depth of comprehension of America's political values elected Senator Edward Brooks to the U.S. Senate.

Senator Brooks was only the first African-American ever to win a Senate seat by direct election. With his victory, the American electorate showed that it had grown in its maturity. The people had a deeper connection to the meaning of ''We the People.'' They appreciated the value of inclusion for all peoples. They understood the great possibilities of allowing diversity to thrive in our Nation, and so they opened up the ranks of participation in leadership.

Senator Brooks served two terms until 1979. During his 12 years of service, Senator Brooks supported a number of measures aimed at healing the Nation's racial and economic divisions, including tax reform, fair housing legislation, the extension of the Voting Rights Act and Federal aid to education.

Each of these three gentlemen set a fine example of leadership that all Americans can be proud of. Each championed the cause of justice, democracy, and liberty for all. And perhaps most notably, each one of them avowed that one day, one day the promise of America would be a reality for all Americans.

Mr. President, I stand on the floor of this most powerful legislative body, and I am only the fourth American of African descent to serve in the U.S. Senate. The fourth ever. And the only one serving today.

But I want to tell you that I share the hopes of my ancestors, too. When the Senate convened for the first time, we met in the old Senate Chamber, and I searched out the desk of my predecessor from Illinois who would actually have been seated in that Chamber.

It was the seat of Stephen Douglas. You may recall that Abraham Lincoln debated Stephen Douglas in the late 1850's, and the famous Lincoln-Douglas debate sharpened the focus of the clouds of war on the horizon. Lincoln, not at that point an abolitionist, argued the question of the Douglas legislation, the Kansas-Nebraska Act, which would make the extension of slavery into the territories a matter to be decided by referendum. Lincoln thought slavery was best confined where it already existed, and made the moral argument against human enslavement as the basis for his opposition to its extension. Douglas defended his bill. Douglas won the election to the Senate. When I sat in that seat for the first time, I made sure I was well positioned in it.

How very different our times might have been—had the outcomes of their conflict been different. Through the crucible of a great civil war, our Nation redefined itself, to admit to citizenship those persons of color who were previously held as chattel. In his commitment to the Union, Lincoln held out a hope of freedom to those who, themselves, had never stopped hoping.

In his second inaugural address, Lincoln said with no small amount of anguish, ''With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nations wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.''

''Let us strive on to finish the work we are in * * *''

Lincoln was referring to the war between the States. But to African-Americans, the struggle against racism and for human dignity was to continue. Again, their contributions in that continuing struggle compel us today. Harriet Tubman and Frederick Douglass, W.E.B. DuBois and Booker T. Washington, Paul Lawrence Dunbar and James Weldon Johnson, Mary McCloud Bethane and S. Phillip Randolph, George Washington Carver and Jackie Robinson, Ida B. Wells and Mary Church Terrell, Langston Hughes, Ralph Bunche. Each name conjures a story of heroism, of patriotism, of hope.

We are today the product of their sacrifice, their labor, and their commitment to community. It is in the essential message of their contributions that we find guidance for out times. These people were great because they reached outside of themselves to define and serve the community as they hoped it would be. They saw, and enhanced the possibilities for America. They were protectors of the Constitution, cherishing and defending and promoting the promise of freedom. And in their many endeavors, they sought to guarantee that the value of liberty and the sanctity of human dignity would never be lost in this great Nation. They would not drop the flag because they believe in the Republic. They were stewards of the Constitution and the values it so eloquently established as the bedrock foundation of this country.

Dr. Kind once said, ''The arc of the moral universe is long, but it bends toward justice.'' African-Americans can take real pride in the fact that by our struggles for freedom, all people are made free. By our commitment and sacrifice, the weight of moral authority has helped bend that arc. By helping convert that Declaration of Intent into a firm reality, by insisting on a definition of community that is inclusive of all people and nurturing of human potential, we build the foundation for a 21st century that will move us beyond the painful struggles and lost talent which so sadly characterized our past.

There is a term in mathematics known as Vector addition. Simply stated it holds that you add forces working together and subtract forces working against each other. This formula is as true for society as it is for mathematics. If we can continue on the path to human dignity, and in the direction of the Declaration and Constitution together, we will reach the goals set out there. We will create the America that our ancestors prayed and died for.

We are not there yet.

Today, a lot of Americans want to believe that we have arrived. People now want to move away from the concept of inclusion, saying we need go no further. But remember that I am still the only African-American sitting in the Senate today, and I am the very first African-American woman to win election to the Senate in the history of the United States. Of the 1,827 Senators in the history of the United States, only 4 have been African-American. The numbers alone tell you where we are and how far we have to go.

I look forward to the day in American history when we will no longer have reason to take note how many women and African-Americans are in the Senate. I want to see that great day when ''We the People'' will include all Americans, that great day when skin color and ethnicity will not matter. Gender will not matter. The great day when the diversity that makes America so special in the history of the world will finally achieve this perfect union that our Forefathers envisioned.

We are, after all, in this together. Black and white, southern and northern, male and female, all these distinctions should point us to the real truth—that we are all created equal, and we are all one community. In our multi-color, multi-faceted, multi-dimensional diversity, we are all one people. And in that diversity lies our strength. When whites can take pride in the contributions of black Americans, and blacks can take pride in the history of white Americans, we can all be proud of our common heritage and common humanity.

And from that diversity we can stir the competitive pot, giving full play to the complete range of talent that 100 percent of our people—not just some of our people—can bring to bear on the challenges of our time.

When my own great State of Illinois rached beyond race and gender to embrace my candidacy, and carry me to an election triumph, they gave all of America a wonderful victory. It was first and foremost a victory for ''We the People,'' a resounding advancement and maturing of the American character, that it should promote leadership on the basis of individual contributions and vision, not on the basis of race and gender.

Yes indeed, the people of Illinois can be proud of the patriotism and love of country, which prompted this ultimate fulfillment of our Founding Fathers and mothers visions for what we could become. Like the people of Massachusetts who elected Senator Brooks before me, the victory was a mark of progress that all leadership and all participation. An act of inclusion that recognizes the worthiness of all facets of American life, and the need for all of America to benefit from that experience and expertise.

African-American history month is a celebration for all of us. It is not jsut for black children deprived of role models and heroes of their heritage. It is not just for white children, who are fed media images of African-Americans as drug dealers and gang bangers. It is a celebration for all of us, and a time for reflection on the kind of America we want to leave as our legacy. But most of all, it provides us with an opportunity for truth telling. Because there are tens of thousands of ordinary black Americans who have made significant contributions in the arts, literature, politics, science, business and community service. Most importantly of all, black history teaches that we all have a role to play in making this country great. We all had played a role in shaping the past, and we all have a role to play in shaping the future. All of us—African, Irish, Italian, Heinz 57 variety, we are all Americans and we will all individually and collectively make the decision today which will determine tomorrow.

That is why this salute to Hirim Revels, Blanche Bruce, and Ed Brooks is a salute to America and a celebration of the history of the contribution of Americans of African descent.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 229

Whereas, Black History Month in 1996 is a fitting occasion to direct public attention to the many significant contributions which have been made by African-American citizens in government service to the people of the United States of America; and

Whereas, 125 years ago on February 25, 1870, Republican Hiram Rhodes Revels of Natchez, Mississippi was seated as the first Black citizen to serve in the United States Senate; and

Whereas, the service of Senator Revels, an ordained minister of the Christian Gospel, was distinguished by conscientious support for desegregated public education, reconciliation, equal political opportunity and veterans' benefits and by opposition to discrimination in government employment and political corruption; and

Whereas, Blanche Kelso Bruce of Bolivar County, Mississippi, whose term commenced on March 5, 1875, became the first Black citizen to serve a full term in the U.S. Senate and distinguished himself by supporting equality in Western state land grants, desegregation in the U.S. Army, electoral fairness, equitable treatment of Native Americans and by opposing fraud and incompetence in governmental affairs; and

Whereas, Edward William Brooke of Newton, Massachusetts on January 3, 1967 became the first Black citizen to be elected directly by the people to serve in the U.S. Senate (and then was re-elected), distinguished himself by supporting American history awareness, racial reconciliation initiatives, strengthened foreign relations, stronger higher education, improved veterans' benefits, affordable housing and the performing arts; and

Whereas, Carol Moseley-Braun of Chicago, Illinois on January 3, 1993 became the first Black woman and the first Black member of the Democrat Party to be seated in the U.S. Senate and is currently distinguishing herself for her resolute commitment to equal opportunity in education, advocacy of women's and children's rights, support for business entrepreneurship, expanded economic opportunity, equity for family farmers and fiscal responsibility and for her forceful opposition to all forms of crime; and

Whereas, on February 29, 1996 the African-American Alliance, the James E. Chaney Foundation, and Local 372 of District Council 37 of the American Federation of State, County and Municipal Employees, are sponsoring ceremonies in the U.S. Capitol Building to pay tribute to the pioneering legacy of these intrepid and highly esteemed role models; Now, therefore, be it

Resolved that the United States Senate does hereby join in honoring these inspiring legislators and expresses profound gratitude for their innumerable substantive contributions to the pursuit of justice, fairness, equality and opportunity for all U.S. citizens.

MEASURE SEQUENTIALLY REFERRED—S. 1186

Mr. WARNER. Mr. President, I ask unanimous consent that when the Committee on Energy and Natural Resources reports S. 1186 regarding the Flathead Irrigation and Power Project, the bill be sequentially referred to the Committee on Indian Affairs for a period of 20 days, excluding days when the Senate is not in session; further, that if the Indian Affairs Committee has not reported the measure at the end of 20 session days, the bill be discharged from the committee and placed back on the calendar.

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

STAR PRINT—S. 1535

Mr. WARNER. Mr. President, I ask unanimous consent that the bill, S. 1535, be star printed with the changes that I understand are presently at the desk.

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

URGING THE PRESIDENT TO ANNOUNCE THE RESULTS OF A REVIEW OF CASES OF GALLANTRY AND HEROISM BY BLACK AMERICANS DURING WORLD WAR II

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 230, submitted earlier today by Senator INHOFE, for himself and Senator CAROL MOSELEY-BRAUN.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 230) to urge the President to announce at the earliest opportunity the results of the Senior Army Decorations Board which reviewed certain cases of gallantry and heroism by black Americans during World War II.

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

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Virginia [Mr. WARNER] be added as a cosponsor of S. Res. 230.

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

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 230

Whereas black Americans served in the Armed Forces during World War II with heroism and distinction, often giving their lives to ensure United States victory in that war;

Whereas prevailing attitudes in the Armed Forces at that time often prevented appropriate recognition of the distinguished service of black Americans, particularly service meriting the award of the medal of honor;

Whereas in May 1993, the Secretary of the Army convened a study to review the processes and procedures used by the Department of the Army in awarding medals during World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

Whereas the study recommended the review of the distinguished acts of 10 black

American members of the Army in World War II in order to determine whether to recommend that the medal of honor be awarded to such members for such acts;

Whereas pursuant to subsection (d) of section 3744 of title 10, United States Code, the President may award a medal of honor to a person qualified for the medal, notwithstanding that the time for awarding the medal has otherwise expired under such section;

Whereas the award of the medal of honor to black Americans recommended by the Senior Army Decorations Board would reverse a past injustice; and

Whereas many family members, colleagues, and comrades of such black Americans, and a grateful Nation, have sought for more than 50 years proper and appropriate recognition for the distinguished actions of such black Americans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Secretary of the Army for convening a study to review the processes and procedures used by the Department of the Army in awarding medals for service in World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

(2) commends the Senior Army Decorations Board for convening to review cases pertaining to certain black American members of the Army for their acts of conspicuous gallantry in that war; and

(3) urges the President, pursuant to section 3744(d) of title 10, United States Code, to endorse the recommendations of the Senior Army Decorations Board and bring to a close the long struggle for appropriate recognition of our heroic black American patriots.

ORDERS FOR MONDAY, MARCH 4, AND TUESDAY, MARCH 5, 1996

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Monday, March 4, for a pro forma session only, and that immediately following the convening, the Senate stand in adjournment until 9:30 a.m., March 5, 1996, and that immediately following the prayer, the Journal of the Proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved, at which time the Senate would proceed to the conference report to accompany H.R. 927, under a previous consent agreement.

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

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will debate the Cuba conference report and the D.C. appropriations conference report on Tuesday morning, and two back-to-back votes will occur beginning at 2:15 p.m. on Tuesday. The first vote is on adoption of the Cuba conference report, and the second is on the third attempt to invoke cloture on the D.C. appropriations conference report. Consequently, the next rollcall votes will be 2:15 p.m. on Tuesday, March 5, 1996.

RECESS UNTIL 11 A.M., MONDAY, MARCH 4, 1996

Mr. WARNER. Mr. President, if there be no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:57 p.m., recessed until Monday, March 4, 1996, at 11 a.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate February 29, 1996:

EXECUTIVE OFFICE OF THE PRESIDENT

BARRY R. MCCAFFREY, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

IN THE AIR FORCE

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

To be major general

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

To be brigadier general

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

IN THE ARMY

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

To be general

LT. GEN. JOHNNIE E. WILSON, 000–00–0000

NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

VICE ADM. JAY L. JOHNSON, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. VERNON E. CLARK, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) RICHARD W. MIES, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. DENNIS A. JONES, 000–00–0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. LEO V. WILLIAMS III, 000–00–0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JAMES M. ABEL, JR., AND ENDING ROBERT L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 18, 1995.

AIR FORCE NOMINATIONS BEGINNING JONATHAN S. FLAUGHER, AND ENDING WALTER L. BOGART III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING DONALD R. SMITH, AND ENDING JAMES L. O'NEAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING BRADLEY S. ABELS, AND ENDING MARK A. YUSPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING JOSEPH P. ANELLO, AND ENDING BARBARA T. MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING EDWARD A. ASKINS, AND ENDING JAMES L. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING ANDREA M. ANDERSEN, AND ENDING BRYAN T. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING STEPHEN W. ANDREWS, AND ENDING RICHARD M. ZWIRKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING JEFFREY K. SMITH, AND ENDING LOWRY C. SHROPSHIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

AIR FORCE NOMINATIONS BEGINNING MATTHEW D. ATKINS, AND ENDING STEVEN J. YOUD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WILLIAM G. HELD, AND ENDING PATRICIA B. GENUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

ARMY NOMINATION OF RICKY J. ROGERS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING JAMES C. FERGUSON, AND ENDING MICHAEL M. WERTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING ROMNEY C. ANDERSEN, AND ENDING DAVID F. TASHEA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING DANNY W. AGEE, AND ENDING FRANK A. WITTOUCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 1996.

NAVY

NAVY NOMINATIONS BEGINNING CHARLES ARMSTRONG, AND ENDING WINCESLAS WEEMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

NAVY NOMINATIONS BEGINNING CALEB POWELL, JR., AND ENDING PAUL T. BROERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

NAVY NOMINATIONS BEGINNING MAURICE J. CURRAN, AND ENDING KIM M. VOLK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.