

HOUSE OF REPRESENTATIVES—Friday, July 30, 1993

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for peace in our world, so that the weapons of war will be put aside and people will experience the blessings of security. We also pray for peace in individual hearts and souls so there will be respect and compassion between people of differing backgrounds and attitudes. O gracious God, You have created us to live together in peace and harmony, may we so lift our thoughts and raise our sights to see the wholeness of body, mind, and spirit that marks lives that are committed to the way of serenity and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kentucky [Mr. BARLOW] come forward and lead the House in the Pledge of Allegiance.

Mr. BARLOW led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 616. An act to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 422. An act to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities.

S. 1311. An act for the relief of Olga D. Zhondetskaya.

S. Con. Res. 33. Concurrent resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st.

JAPAN LOW-BALLING US AGAIN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, our new Trade Representative, Mickey Kantor, told Japan that we are not going to tolerate illegal trade any longer. Thank God.

So what happens? The State Department awards a contract to remodel our Ambassador's residence in Japan for \$7½ million. Two American companies bid \$10 million. They said there is no way they could have bid \$7½ million.

They are low-balling us to keep us out.

This brings me to several points. No. 1, we are really going to crack down on trade, right?

The State Department laughs in the face of our Trade Representative.

Second of all, if it costs \$7½ million to remodel the personal residence of our Ambassador in Japan, what is he living in, a Taj Mahal?

Congress should tell these Ambassadors that we are going to leave the lights on at Motel Six.

We have got a deficit. I think it is time to tell Japan that we are going to cut down on illegal trade before we do not have a job left in this country.

NOW IT'S JUST STUPID

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, Bill Clinton won election with the phrase: "It's the economy, stupid." Well, now after seeing his budget plan, America discovers President Clinton decided to keep the "stupid," but drop the "economy."

We listened to Bill Clinton run for President for months on the great ideas he had for America's economy. Once in office, we find he had only two after all: to raise taxes and to increase spending. During the campaign Bill Clinton said he would focus on the economy "like a laser beam." Instead as President, we get the focus of a firefly.

Everyone in this country knows raising taxes and increasing spending will

not solve anything, but will only put more bureaucrats to work collecting and spending. I presume that even many people on the other side of the aisle know this too. But they are being asked to put party over economy to try and resuscitate the recession that we brought on by raising taxes the last time.

I would only caution President Clinton to start thinking what plan he is going to produce 2 years from now, when this one does not work any better than the last one.

TIME TO MOVE AHEAD ON THE BUDGET

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, my people sent me to Washington to balance the budget. I am proud that we are moving in a steady march on this vital goal. We have a \$500 billion deficit reduction package. The 1993 deficit is down to \$285 billion this year from the earlier anticipated \$322 billion. On the House floor, we have carved full savings to term of \$28 billion in the 11 appropriation bills that have now been passed.

Thankfully, I cut back my spending when my banker lowers my interest rate from 9 to 6 percent, because I strengthened my balance sheet.

The minority party would have us cut, then tax. What are we to do—bring home the aircraft carriers, chop them up for scrap in a cutting phase, then rebuild them from keel up in a minority party tax-raising regime?

We have an administration that will lead us to balance in strength, not destroy us to balance our budget. Let us move ahead to build America, to help our people.

THE GREAT DEBATE HAS BEEN TRIVIALIZED

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the purpose of this House and of the Congress is to carry on the great debates. It is to talk about where we are going in this country and the direction that we take.

I have been very disappointed in recent months that this great debate has been trivialized. The great debate has

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

been sectionalized to where Members of the Senate are now saying the Republicans are attack dogs because they dare to question what is being done in the budget.

I think these are the great debates that all of us in the country ought to be involved in. The questions are broad.

The question is, Do you want more Government or less? The question is, Do you want to pay more taxes or leave more money in the pockets of families in this country? Do you want more mandates from the Federal Government, more intrusion of your life, or do we want more individual initiative and individual responsibility? That is the great debate.

If you want more Government, there is going to be more taxes. If you pay more taxes, you are going to have more Government. If we want to move the other way, and that is the choice, then this budget deal does not work.

THE BURDEN OF UNFUNDED MANDATES ON THE STATES

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, as we anguish over the Omnibus Budget Reconciliation Act, we might lose sight of the fact that what really matters to most Americans is the quality of their neighborhoods, the quality of their schools, the dependability of their police and fire protection, of their public works people; but the States and the cities that provide these most needed services are struggling, struggling with overwhelming demands on their resources, and they do not have the option of financing them through deficit spending like we do at the Federal Government level; but we do have the opportunity to provide them some measure of relief, Mr. Speaker, because States and cities now spend more money on complying with unfunded Federal mandates than all the Federal assistance they receive from the Federal Government.

Mr. Speaker, I urge my colleagues to support the Fiscal Accountability and Intergovernmental Reform Act, which requires a full analysis of what those unfunded Federal mandates will mean to States and localities before they are legislated by this body.

THE PRESIDENT AND THE CEO'S

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, this week, President Clinton met with 60 CEO's from across the country. These leaders of corporate America lauded the President's plan as a real benefit to the economy.

Of course, it is easy for these kings of the hill to look down on the rest of America with mock concern. They've already made their money. And they have been bought off by a Clinton administration that will barely punish big business with a slight tax increase.

It is not the corporate giants that I am concerned about, Mr. Speaker. They will weather the Clinton storm. It is the small businesses that concern me.

It is the mom and pop stores that will struggle under the increased inflation caused by the Clinton gas tax. It is new entrepreneurs who will face more challenges placed by the Clinton capital gains tax. And it is the successful small businesses, those that employ the bulk of the new workers in this country, who will be forced to lay off workers because of higher income taxes.

Yes, Mr. Speaker, the President can meet with his corporate buddies, and maybe they will support his economic plan. But that doesn't tell me a thing about the small businesses of this country.

□ 1010

START OVER NOW OR APOLOGIZE LATER

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, as we begin to get glimpses of what the reconciliation conference will produce, there is a sense of great disappointment among conservative Democrats in this body. As the bill begins to emerge from the conference committee, Mr. Speaker, it looks remarkably like the 1990 package that President Bush signed and later apologized for, the same rate increases on personal income taxes, the same energy tax, the same kind of corporate tax increases, the same kind of program for 5 years that puts taxes first and spending cuts last. That is a disappointment to us.

Worst of all, Mr. Speaker, the plan emerges without any control on entitlements. We are now spending 120 percent of available income. Discretionary spending in this country is only 18 percent. If we do not begin to control the mandatory-entitlement side of this budget, the 82-percent side, I am afraid this President will have to do what George Bush did several years from now: apologize for a plan that could not and did not work.

Mr. Speaker, we are disappointed with the conference committee. Maybe Senator BOREN is right. Maybe we ought to start again from scratch and reach out to all parties in this House.

LET'S START OVER AGAIN

(Mr. DOOLITTLE asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, today's Washington Post contains a disturbing headline, "Economy's Quarterly Growth Rate Is Surprisingly Anemic."

Mr. Speaker, this growth rate is now down almost a full percentage point annualized below what the Clinton administration has projected. Of course that decline will have dramatic impact on the size of the deficit.

Unfortunately, this is exactly the type of thing one would anticipate when there is so much talk of tax increases. This becomes particularly true when we consider that small business creates the vast bulk of new jobs in this country, over three-quarters, and the President's plan is going to severely penalize our successful small businesses.

Also, Mr. Speaker, Paul Craig Roberts has written in today's Wall Street Journal in an article entitled "Interest Rate Bloopers," that the Clinton administration has actually revised downward its projections for economic growth.

It is not too late, Mr. Speaker, to have real job creation and real tax cuts for families. Let us begin now.

SMALL BUSINESS NEEDS THE ECONOMIC PLAN

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, the Wall Street Journal last week documented the lengths to which opponents of the Democratic economic plan have been willing to go to mislead the American people.

They have willfully distorted the plan's effects on small business, when in fact over 90 percent of our small businesses could end up paying less in taxes because of liberalized deductions for business expenses, the research and development tax credit, and other incentives—to say nothing of lower interest rates and other benefits of deficit reduction.

They have feigned great sympathy for the so-called "sub-S" small businesses as a smokescreen for their sheltering of the very wealthy. But they know that only 4 percent of those companies would see any tax increase, and that those included in this 4 percent make an average of \$560,000 per year.

They talk glibly about the Republican alternative, but they never acknowledge that it falls \$70 billion short in deficit reduction and eliminates most of the plan's probusiness incentives.

Mr. Speaker, it is time to pass the plan and to get small business and the American economy on the move again.

LET'S START OVER

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, before this bad budget bill is passed, it is time to follow the advice of millions of Americans, from Democrat Senator DAVID BOREN to my colleague a few minutes ago, the gentleman from Louisiana [Mr. TAUZIN], to Ross Perot: "Let's start over."

As the Lynchburg News and Advance, a newspaper in my district, put it so well this week, "It's time to kill the budget bill and start over. The legislation, a centerpiece of President Clinton's administration, has become nothing more than a hodge-podge of politics that will strangle the economy and the taxpayers."

The President broke the one promise that matters most to the American people; he did not cut spending first. In fact, he has more increases than cuts in domestic spending.

Congress should listen to the American people, who are saying with one voice, "cut spending first; don't raise our taxes; and clean up your own house before you demolish ours."

SUPPORT URGED FOR THE EARNED INCOME TAX CREDIT EXPANSION

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, I rise today in strong support of the earned income tax credit expansion in the House reconciliation bill.

Mr. Speaker, the House expanded the earned income tax credit because we felt that no family with a parent who works full time should have to raise their children in poverty. It was a modest, but critical commitment that we made to working families trying to make ends meet. In my own district, over 23,000 children are living in poverty. Those children and their parents need and deserve this support and encouragement.

I remind my House colleagues that our expansion of the earned income tax credit was intended in part to offset the effects of new taxes on working families. Make no mistake: We need the full expansion of the earned income tax credit to avoid taxing working families and childless workers even deeper into poverty.

I urge conferees on the bill to honor our commitment to families struggling to make ends meet. Protect working families with the full expansion of the earned income tax credit.

WE CANNOT AFFORD ILLEGAL IMMIGRANTS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, typical of the Federal Government, a group of foreign terrorists had to blow up a skyscraper, kill innocent victims, and create mayhem to get the Government's attention about the illegal-alien problems we have. We simply cannot afford to be overwhelmed by illegal aliens, terrorists or not, and we cannot afford to provide unlimited services to millions of illegal immigrants who come by land and by sea. We have a process for orderly and lawful immigration. It is not working. Our ability to maintain that order and enforce our laws is jeopardized by a lack of resources and lack of commitment to get serious. A new study projects that, business as usual will cost us \$187 billion for illegal immigrant services in the next decade. I ask my colleagues, Wouldn't it make more sense to invest those resources in protecting U.S. citizens and providing them better services?

GIVE TAX BREAKS TO THE WORKING POOR, NOT BILLIONAIRES AND BIG CORPORATIONS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, throughout the State of Vermont, and our entire Nation, millions of Americans were working 40, 50, 60 hours a week for minimum wage or 5 bucks an hour, and in many cases the harder they work, the deeper they fall into poverty and the harder it is to raise their families. Meanwhile, the wealthiest people in our country continue to clip their stock and bond coupons and grow richer.

Perhaps the most exciting aspect of the budget passed by the House of Representatives is the increase and expansion of the Earned Income Tax Credit Program. Essentially, what this proposal does is to say to a working family, especially those with children, "If you're a low-income worker, we're going to lower your taxes so that you can keep your family out of poverty." Finally, we're going to give a tax break to those people who need it most, the working poor, rather than just to the billionaires and the big corporations.

Mr. Speaker, this proposal would raise the maximum tax credit for the working poor to \$3,500 and would expand eligibility so that in my own State of Vermont, close to 26,000 families will be eligible for this tax break.

SYRIA SHOULD BE CONDEMNED, NOT COMMENDED

(Mr. LEVY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVY. Mr. Speaker, I rise today troubled over President Clinton's remark praising the Government of Syria for what he called its "commendable restraint" during the hostilities taking place between Israel and Hezbollah in southern Lebanon.

Mr. Speaker, Syria itself is responsible for many of the actions carried out by Hezbollah. In fact, there is little doubt that Syria has indirectly backed Hezbollah for quite some time. Just Tuesday, a State Department official, appearing before the Europe and Middle East Subcommittee, claimed that Syria indeed could have some "influence" on Hezbollah remaining in Lebanon.

Mr. Speaker, what was the President thinking about? This Nation—and our President—must recognize that Syria has become the middleman, the gun runner if you will, controlling the flow of arms from Iran to Hezbollah in southern Lebanon. Syria also operates bases within its borders which are used for Hezbollah training.

Mr. Speaker, under no circumstance should Syria be commended for its role in the recent outbreak of hostilities in southern Lebanon. Instead, Syria should be condemned and its actions denounced by the President and our Department of State.

□ 1020

DEFENSE CONVERSION HOLDS OUT PROMISE OF NEW JOBS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I have some very good news for those in this body who have worked very hard to find ways to create new jobs, jobs that will support the middle class, and that is that the results are in on our conversion for defense diversification projects that were out for the last few months in the country.

While many people said a lot of companies would not play, guess what? It is so oversubscribed we can probably only fund one-sixteenth of the proposals which will come in, and that will be a great tragedy.

Under this plan, what happened was that you were to take defense research and development and find a way to apply it to the private sector. You have to put up half the money, so every dollar the Federal Government puts up, you put up the same amount.

So here we are. We are going to put out all these terrific plans that have come in, they are way oversubscribed,

and there is not enough money to put them out. Let me tell the Members right now that there will be a foreign investor for every one we turn down, and we will wake up and find this research moved offshore again if we do not look at this.

THE SMALL BUSINESS ADMINISTRATION CELEBRATES ITS 40TH ANNIVERSARY

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I am pleased to be here this morning to salute the Small Business Administration which today celebrates its 40th anniversary. In 1953, the Honorable William Silas Hill, a Republican from Colorado and a native of Kelly, KS, who was chairman of the House Select Committee on Small Business introduced the Small Business Act of 1953 which established the SBA. President Dwight D. Eisenhower asked the Congress for expeditious consideration of the legislation and as a result the final bill was placed on his desk and signed by him on July 30, 1953.

The SBA's mission to aid, counsel, and assist small business has remained clear and steadfast throughout the years. Since its inception, it has provided more than 12,800,000 loans, contracts, counseling sessions, and other forms of assistance to small firms throughout the country.

President Eisenhower's vision—the Small Business Administration—serves as the catalyst for today's entrepreneurs. From job creation to research and innovation, small business is truly America. I salute the SBA on its 40th anniversary. I thank all its employees, both past and present, for their endeavors on behalf of the Nation and I wish the agency's new Administrator, Erskine Bowles, nothing but the best of luck during his tenure. I know all of my colleagues in both Houses of Congress share my sentiments.

NAFTA JOBS: PROCTOR SILEX

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I would like to tell the Members another story, one about Proctor Silex, which produces the small electric appliances we use in our homes, appliances like toasters, coffeemakers, and hand mixers.

Once upon a time Proctor Silex manufactured steam irons in Southern Pines, NC, where workers were mostly minority women. Employees with 20 years seniority earned up to \$7 per hour, enough to support their families,

educate their children, and have something left over for their retirement.

But when Proctor Silex moved manufacturing operations to Ciudad Juarez, Mexico, in July 1991, over 800 North Carolina workers lost their jobs. They were replaced by nearly 1,400 Mexican workers earning \$4 per day—a difference of \$7 an hour compared to \$4 a day.

Mr. Speaker, this sign appears at the front of the Proctor Silex plant in Mexico. Translated, it says: "Proctor Silex seeks production workers for both shifts, hiring immediately." And that is the real message of NAFTA—more of our people in unemployment lines and exploited Mexican citizens.

AMERICA THREATENED WITH PROSPECTS OF WAR

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, I am here this morning to ask my colleagues if they are concerned that America may well be getting involved in war this weekend. I hope everyone had a chance to see the headline this morning which said: "We Seek To Defend Sarajevo With Force, Britain And France Urged To Support the Bombing."

Once the bombs start dropping, I say to my friends, we are at war. The Clinton administration is seeking French and British agreement to use military force.

Has the administration been in this body to ask whether we agree that we should go to war or get involved in a civil war in Bosnia? I do not think anybody from the administration has been here to ask anyone here in this Chamber. Yet, according to the Constitution, only the Congress can declare war.

This is a very, very serious situation. The administration has been trying to get us involved in that war for a long time, and now this weekend they may well do it. We were supposed to be consulted this morning. The administration has canceled that consultation.

Mr. Speaker, I say to my friends this is serious business. I am asking the Members to focus on this and to give it their consideration.

THE EARNED INCOME TAX CREDIT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today the President will be discussing his proposal for increasing the earned income tax credit, which is contained in the budget reconciliation bill. The proposal substantially raises the level of the credit for working families with children—to lift working families out of poverty—and provides a modest credit to very poor workers without

children—to help ensure that the doors of opportunity are open to all Americans who want to work hard and get ahead. This proposal makes good on the commitment to a new direction the President announced in his State of the Union Address. He said:

The new direction I propose will make this solemn and simple commitment: by expanding the refundable earned income tax credit, we will make history; we will reward the work of millions of working poor Americans by realizing the principle that if you work 40 hours a week and you've got a child in the house, you will no longer live in poverty.

EITC contributes to overall economic growth: The Clinton economic plan reduces the deficit by \$500 billion but still finds room for this historic expansion to give incentives to working poor families across this country. The President is fundamentally committed to deficit reduction, investing in people, and rewarding work. To ensure our country's long-term economic growth, all Americans must be encouraged and integrated into our economy so that they can contribute to, rather than hinder, growth. As the President has said repeatedly, we do not have a person to waste.

Pro-work: The EITC is pro-work because, unlike other forms of assistance to the poor, only those who work and have earnings can receive benefits. And, unlike welfare benefits, EITC benefits increase substantially as earnings rise, thereby providing real incentives to work and strive for higher earnings. This strong pro-work incentive will also be a major component of the President's welfare reform policy in that it provides a major incentive to choose work over welfare.

Pro-family and pro-independence: The EITC is pro-family because it is available only to families that stay with their children and their is no discrimination against two-parent families. The EITC fosters independence, not dependence, because it is a refundable credit—even very poor working families whose incomes are too low to owe income tax have incentive to work because they can receive the credit. Rural working families are especially likely to benefit. A report by the Center for Budget Policy Priorities found the EITC to be as or more important to the rural working poor than any anti-poverty program.

A real tax cut affecting over 20 million households: The EITC is not just an anti-poverty program but a tax cut. Families who are both working poor and lower middle class but are having trouble making ends meet will get a break from their income taxes. The refundable credit will also more than compensate for the modest costs of the energy tax. This tax cut will reach 15 million families with children and 7 million very poor households without children. More than 75 percent of working families with children who currently receive the EITC will benefit

from its expansion and 8 million families and households could be added under the President's proposal.

HISTORY OF THE EITC

First enacted in 1975, the EITC was the brainchild of Senator Russell Long, a conservative southern populist and the former Chairman of the Senate Finance Committee. Long envisioned a modest credit to provide tax relief from the FICA payroll tax to low- and moderate-income working people with children and to encourage work. Initially, families could receive a maximum credit of \$400 and benefits averaged \$200 a year. Since then, Congress has increased the EITC a number of times. In 1991, nearly 14 million families received EITC benefits.

But poverty has risen substantially in the past two decades. The erosion of wage levels, especially for low-skilled jobs, has taken its toll on millions of hardworking people. The number of full-time workers who find that they cannot make enough to keep their families above poverty increased by 50 percent between 1979 and 1990. A family of four with full-time minimum wage earnings will be well below the poverty line in 1993, even with EITC benefits. If the same family receives food stamps, they are still as much as \$2,000 below the poverty line. America's children suffer the most from this trend. Today, one out of every four children under 6 lives in poverty, while studies suggest that poverty adversely affects intellectual development.

HIGHLIGHTS OF THE CLINTON EITC PROPOSAL

Lifting families out of poverty. The proposal would increase the EITC to a maximum credit of \$3,500. It will ensure that if a family of four or fewer people has a full-time minimum wage worker, the family would be lifted to the poverty line so long as it also received food stamps.

Substantial simplification and outreach. Families will find the credit easier to apply for so that both tax filers and the IRS can better manage the credit without making mistakes. The IRS will also begin an aggressive and comprehensive campaign of outreach to ensure that every American entitled to the EITC will be aware of a method of receiving it through their paychecks.

New, modest EITC for very poor workers without children. President Clinton's proposal to Congress also establishes a small credit of a few hundred dollars a year for very poor workers without children. The new credit, limited to workers with incomes below \$9,000, will offset the costs of the energy tax for these workers.

CORPORATE LEADERS CURRYING FAVOR WITH THE ADMINISTRATION

(Mr. WELDON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, some people will do anything to buy access, to have a seat at the table, to protect special tax treatment, to curry favor with the tax-bill writers and the Government contract-letting establishment. Sixty-seven fat-cat corporate leaders sold out the American economy for the largest tax increase in our history, for no real cuts in spending except for defense, and even that is debatable, and massive increases in new Federal spending.

Mr. Speaker, we will remember the corporate gang of 67 when they come back again and again in this session complaining about mandates, governmental intrusion, and the rest of the Clinton antibusiness agenda.

Mr. Speaker, the Clinton CO's have made it clear that they will sell out their principles in order to win brownie points with the White House, but with the soak-the-capitalist mentality of the Clinton administration, the amounts to paying the cannibals to eat you last.

ISRAEL'S DEFENSIVE MOVES DRAW UNFAIR CRITICISM

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, as we speak, Israel is responding to a series of attacks on its soldiers and civilians—and on peace itself—by Syrian-backed Hezbollah terrorists based in southern Lebanon.

Hezbollah, identified by our own CIA as the world's principal international terrorist organization, over the last month has indiscriminately fired hundreds of Katyusha rockets into small Israeli towns of the northern Galilee. Israel, as any nation would, is taking action to defend its borders. And yet, U.N. Secretary General Boutros Boutros-Ghali deplors Israel's actions—and, disappointingly, our own President praises Syria for its restraint.

Restraint? These attacks on Israel are the direct responsibility of Hafiz al-Assad of Syria.

It is undisputed that Syria controls the Bekaa valley and the terrorist bases that Hezbollah uses to launch its attacks on Israel.

It is undisputed that weapons for Hezbollah flow through Damascus on a regular basis.

And it's undisputed that 2 weeks ago, right before the Hezbollah attacks on Israel intensified, an Iranian 747 landed in Damascus and under Syrian supervision, weaponry was trucked directly to the terrorists in Lebanon.

Instead of praising Syria's restraint, our Government must condemn Syria's aggression. Syria cannot be showered

with United States good will for participating in the peace process at the same time it wages a proxy war against Israel.

Syria can't have it both ways. Secretary Christopher should make this very clear when he meets with the Syrian President next week.

It is time for Syria to prove that it wants peace with Israel, not just pieces of Israel.

□ 1030

REMEMBER THE PROMISES?

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, remember when Gov. Bill Clinton promised Arkansas voters that if they reelected him in 1990 he wouldn't run for President, but then did? Well, that was a hint of broken promises yet to come.

Remember last year when candidate Clinton promised he wouldn't hike the gas tax on the backs of middle America. Now he wants middle America to pay 4 to 6 cents a gallon more, which will also fuel inflation.

Remember when candidate Clinton promised seniors he wouldn't tamper with Social Security and said, "You can take that one to the bank." Now he wants retirees with incomes as low as \$40,000 to pay \$1,000 more in Social Security taxes.

Remember when candidate Clinton promised middle America a tax cut, not a tax hike? Remember when he promised to cut the deficit in half and now doesn't come close. The list goes on and on.

Given Mr. Clinton's record, the only surprise is that we are still surprised when he breaks his promises.

WHERE ARE THE REPUBLICANS?

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, at this very moment negotiators are striving to reach final agreement on a deficit reduction package. The public has a right to know why there are no Republicans in the room.

The reason is the minority chose to attack, not to participate. Now Republican attack dogs are barking at the American business community. The minority does not come here to defend their alternative, in part because they are \$100 billion short, and because they had \$100 billion worth of unspecified cuts.

The public wants deficit reduction. The majority must meet this responsibility, with or without the minority.

SENIOR CITIZEN CONSUMER
PROTECTION ACT OF 1993

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing the Senior Citizen Consumer Protection Act of 1993.

Our senior citizens are one of our Nation's greatest resources. But, increasingly these seniors receive mailings from unscrupulous organizations which prey upon the elderly. In order to raise contributions from seniors, these organizations lead seniors to believe this mail is coming directly from an official Government agency such as the Social Security Administration.

I am sorry to say these organizations are not working to help senior citizens, instead they are playing off of unfounded fears about Social Security.

The legislation I have introduced today will increase penalties on groups whose mailings suggest they are linked to Government agencies or use other fraudulent practices to garner support. It is my hope that this legislation will curb abuses so that our seniors won't be unjustifiably convinced to contribute their hard-earned dollars to organizations, which state they will be the voice of seniors in Washington, DC.

This legislation will penalize anyone who defrauds seniors while it will continue to allow those organizations which operate in an effective and ethical manner to continue their work.

I encourage my colleagues in Congress to join me in protecting our senior citizens by cosponsoring this legislation.

CONGRATULATIONS TO KIMBERLY
AIKEN, MISS SOUTH CAROLINA

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate Ms. Kimberly Aiken on recently being crowned Miss South Carolina. I am proud to state Ms. Aiken is one of my constituents and also the first African-American woman to receive this honor.

Ms. Aiken is a graduate of Columbia High School and a rising sophomore at the University of South Carolina. While serving as Miss Columbia over the past year, Ms. Aiken founded the Homeless Education and Resource Organization, a nonprofit group which provides food, clothing, and counseling for the homeless.

During her reign as Miss South Carolina, Ms. Aiken plans to continue her efforts on behalf of the homeless and raise public awareness about the plight of the homeless in South Carolina.

I am sure Ms. Aiken will represent the State of South Carolina during the coming year with grace and dignity

and I wish her much success in the upcoming Miss America pageant this fall.

WELCOME KELSEY LAZIO

(Mr. LEACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH. Mr. Speaker, I rise this morning with good news. This morning at 6:10 a.m. our colleague RICK LAZIO, his wife Pat and their daughter Molly welcomed a new daughter and sister Kelsey. Kelsey weighs 7 pounds and she and her mother are doing fine.

Who says in these days of gridlock that Congress cannot produce anything of value?

The SPEAKER pro tempore (Mr. BARLOW). The Chair joins in the celebration.

ON THE USE OF AIR STRIKES IN
THE FORMER YUGOSLAVIA

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, I am very concerned about recent news reports that the Clinton administration plans to launch air strikes against targets in Yugoslavia.

One day the mission is to protect U.N. peacekeepers. The next it's to protect Moslem civilians and relief convoys. Will the mission for our aviators expand over the weekend?

The lesson of Vietnam and Desert Storm is this: Do not send our troops into combat without fully explaining why we are there and how we will get out.

Mr. Speaker, because no one from the administration has consulted Congress on this issue, I fear that we may be boxed into supporting an ongoing air strike campaign in Yugoslavia.

How will we distinguish friend from foe? How can air strikes stop mines and small arms fire against relief convoys and innocent civilians?

In my view, air strikes will only bring us into further conflict in that troubled region. It's time to recognize that injecting United States force in the Balkans will only heighten tensions and jeopardize our troops.

Let us not put our brave uniformed men and women in harms way to defend a policy that has not been fully thought out.

PUBLIC DOES NOT SUPPORT
INCREASED TAXES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the supporters of the tax increase plan are

somewhat confused about the Republican position on this. I want to say to them that, first of all, no one is quietly going around the Republican Cloakroom saying we are going to vote "no" and look like heroes, but let us hope this passes because it is good medicine.

Mr. Speaker, no one really believes that. We do not think it is good medicine at all. It is going to add another \$1 trillion to the national debt.

It is still a deficit budget, and, contrary to the claims of the Democrats who support the plan, it is not good for small business. But do not take my word, nor should you take their word. Just call the National Federation of Independent Businesses, the U.S. Chamber, or go ask your neighborhood pet store, clothes store, or baker if they support the plan. They will tell you in a minute, "No, you are out of your mind." Small business has taken all it can take. They do not want higher taxes.

Mr. Speaker, I join the bipartisan coalition of Democrats and Republicans who are saying let us vote no this next week on the tax that comes out, and let us start again in a bipartisan fashion and address the deficit in a serious way.

PUBLIC WANTS SPENDING CUTS
FIRST

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I was kind of amused last night. I turned on the news, and there was President Clinton telling many of his Democrat supporters in the Congress that if they voted for his huge tax increase, he would be very popular with the American people.

Well, I want to say to my Democrat colleagues, do not be hoodwinked. Think about this before you vote for the largest tax increase in U.S. history. The American people do not want it.

Mr. Speaker, if you do not believe that, look at what happened in Texas. Twenty-six counties that never voted Republican voted for the Republican candidate, and she won a landslide. And let us look at the President's home State. Two days ago, for only the fourth time in 100 years, they voted for a Republican Lieutenant Governor.

The message is very clear, and it is coming across this country to Members of Congress and to all elected officials. They do not want higher taxes. They do not want more Government spending. They want you to cut spending first.

To those of you who sign on to the President's program, remember what I am telling you right now, because I care about you very much: You will not be back in 1995.

TRIBUTE TO GEN. MATTHEW B.
RIDGWAY

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, you may have noticed the flags in the Capitol are at half staff today, and the reason is because today at Arlington Cemetery a long-time resident of my district and a true American hero will be buried, Gen. Matthew B. Ridgway, whom Eliot Cohen called "perhaps the greatest American field commander of the century."

General Ridgway had served in the U.S. Army since 1917, a career marked not only by a first-rate soldier's willingness to take on the enemy and win, but also by the love and devotion of the men who fought alongside him.

During World War II, General Ridgway led troops in successful campaigns in Sicily, Normandy, and the Battle of the Bulge. But General Ridgway is perhaps best remembered for his leadership during the Korean war.

□ 1040

It is ironic that the general was taken from us one day short of the 40th anniversary of the truce which ended hostilities in the war he fought so hard to win.

General Ridgway was called upon to take command of the demoralized 350,000-man U.N. Forces in Korea on Christmas Day 1950. At the time, the U.N. forces in Korea were in full retreat following the Chinese counter-attack earlier that year. Through sheer force of will and personality, General Ridgway restored in his troops the energy and the will to win. He halted the retreat and proceeded to lead a dramatic and historic offensive and pushed the Chinese and North Korean troops back beyond the 38th parallel. Indeed, Gen. Omar Bradley described Ridgway's effort in Korea as "the greatest feat of personal leadership in the history of the Army."

Yet for all of his great leadership, General Ridgway wanted to be remembered as a simple soldier who served his country. In fact, he cherished his Combat Infantry Badge, an award given to thousands of other foot soldiers, more than any other decoration.

Today I would like us all to remember this great soldier and the men and women who had the honor to serve with him.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. BARLOW). The Chair will remind Members that we are gratified that our guests are with us in the gallery, but the Members are not to refer to the gallery members when they are present.

IN SUPPORT OF THE CLINTON
PLAN

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the Wall Street Journal headlined yesterday that support for the Clinton economic plan is growing. In fact, by a comfortable 54 to 32 percent margin, the people of this country say the Clinton plan is a step in the right direction.

And importantly enough, particularly after the barrage of 1-minutes we have had from the minority today, 63 percent say the Republicans are acting out of political motivation, not in sincere terms in their opposition to this plan.

I think the reason that the support is growing is, frankly, because the public is getting beyond the rhetorical barrage, getting to the facts.

For example, the first start in welfare reform is included in this package. For the first time, anyone who works full time and has a child at home will be lifted out of poverty by their work, not by some Government assistance.

It is also important to point out that we have verified that 96 percent of the small businesses in this country will not pay more taxes. In fact, they will be given additional expensing.

Members, this plan helps the American economy. It is our one alternative to gridlock.

NEA FUNDING

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, yesterday, the Christian Action Network brought to Capitol Hill an exhibition of pictures which have been exhibited at museums funded with taxpayer dollars through the National Endowment for the Arts. These pictures would, I believe, disgust most Americans. And while I believe the Constitution protects artists who want to create such so-called art, I don't understand why the taxpayers need to pay for it.

Mr. Speaker, those who support taxpayer funding of these pictures complain about the evils of censorship. Yet when the exhibit of these pictures came to the Hill, those who decry censorship would not allow those of us who must vote for the funding to see the pictures. The exhibit was moved from a room in the Capitol, to the House Annex Building and ultimately shut down after only 15 minutes, with Members of this House ushered out by Capitol Police.

Mr. Speaker, if we can't look at it, maybe we shouldn't have to pay for it.

CONGRATULATIONS TO MORIHIRO
HOSOKAWA

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, I want to be one of the first to congratulate the new Prime Minister of Japan, Morihiro Hosokawa. He is an outspoken advocate for opening the Japanese market to foreign trade.

This is exactly what President Clinton has called for. It was just a couple of weeks ago that President Clinton made tremendous progress in Tokyo on the G-7 talks. He laid the groundwork for the elimination of tariffs on pharmaceuticals, construction equipment, steel, medical equipment and hoping to provide for lower tariffs throughout the world.

This is what is needed at this point in history. This will help to bolster the international markets.

I wish my greatest congratulations to the new Prime Minister of Japan. It is my hope that President Clinton and he will be able to work together to open up those markets and to begin to level off the playing field in the international economy.

REGINALD MARTINEZ JACKSON

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, some people say we are too serious in this House of Representatives. I would remind them that the people's business is serious. Others say we do not seem to agree on anything, and that is simply not so.

On the first point, we occasionally pause in our serious deliberations to deal with matters on the lighter side of life. And on the second point, on occasion, more rare than frequent, we do just about all of us agree on something. I have one for my colleagues.

On Sunday, in Cooperstown, NY, Reginald Martinez Jackson, Reggie, Mr. October, the self-proclaimed "straw that stirred the drink" will be immortalized by his induction into the National Baseball Hall of Fame.

He is the 29th player in the history of baseball to be inducted in his first year of eligibility, and his voting percentage is the 10th highest in the history of that great game.

What a record: 2,584 hits, 702 runs batted in, 563 home runs. And he was the power hitter, a speedster. He stole 226 bases. He led his team to 11 divisional championships, 5 World Series.

My colleagues, join me in saluting Reginald Martinez Jackson, Mr. October.

RECONCILIATION

(Mrs. UNSOELD asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, next week we will be voting on a measure that sets the basic policy of this country for not only the next year but the next 5 years, reconciliation.

Mr. Speaker, in this basic policy change, there is one very important issue. There are a lot of them, but there is one that I would like to speak about today, EITC.

What in the world is EITC? I will tell my colleagues what it is. It is the earned income tax credit. What it would do is to make a basic change in this country's policy that every family that has children that works full time is going to be lifted out of poverty.

Mr. Speaker, do you think that the people on the other side of the aisle who cry for welfare reform, who say this country has lost its work ethic and is making people dependent on government, do you think, Mr. Speaker, they are going to vote for reconciliation next week?

DEMOCRATS KILLED THE PRESIDENT'S ECONOMIC PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, when we see the flags flying at half staff over the Capitol Building this morning, we know they are flying for that great American soldier, Matthew Ridgway.

But some Americans might assume that they are also flying for the President's original economic program, because the Democrats on Capitol Hill killed the President's original economic program last night.

They decided that unlike what the President wanted, there will be no Btu tax. Instead, there will be a gas tax aimed at the heart of the middle class. They decided that instead of the President's \$500 billion of deficit reduction that we will get less than that in the new package. Instead, what we will get is a number very similar to what the Republicans produced on the floor without raising one penny of taxes.

And so the President's original economic program is dead. And instead, Capitol Hill Democrats have substituted for it a plan remarkably like the 1990 budget deal. And what happened with the 1990 budget deal? It killed the economy.

This plan will kill the economy as well. American middle-class workers will lose their jobs because Capitol Hill Democrats and the President could not agree on the direction the country should move.

PROVIDING FOR CONSIDERATION OF H.R. 2150, COAST GUARD AUTHORIZATION ACT OF 1993

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules I call

up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2150) to authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Ms. KAPTUR). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Madam Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, House Resolution 206 provides an open rule for the consideration of H.R. 2150 the Coast Guard authorization bill for fiscal year 1994.

The resolution waives points of order against the committee substitute now printed in the bill as original text for failure to comply with clause 5(A) of rule XXI.

Under this rule any Member may offer a germane amendment to the bill which will be debated under the 5-minute rule.

Mr. Speaker, H.R. 2150 authorizes \$3.6 billion in funding for the U.S. Coast Guard for fiscal year 1994. The Coast Guard is an extremely valuable asset to our country as the safety regulator and enforcer of our country's coastline and waterways.

This bill authorizes funding for several important programs and projects carried out by the Coast Guard. Funds are authorized for the alteration and removal of bridges that pose a threat to navigation and for the continued updating of the buoy tender fleet.

Funding is also authorized for the cleanup of several Coast Guard stations around the country. This funding is essential to the continued effort to clean up these sites which have suffered damage from years of neglect.

Mr. Speaker, the men and women of the Coast Guard perform many important functions for our country. H.R. 2150 will allow them to continue their important work.

I urge adoption of this resolution and the bill and reserve the balance of my time and yield to the gentleman from Tennessee [Mr. QUILLEN] for the purposes of debate only.

Madam Speaker, I reserve the balance of my time.

Mr. QUILLEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the able gentleman from Tennessee [Mr. GORDON] has explained the provisions of the rule. I support it, because it is an open rule.

The committee has done an outstanding job on the Coast Guard. We know it is our second defense. They do a tremendously good job, not only where they serve, but also when they are called to serve with additional duties.

Madam Speaker, the U.S. Coast Guard is the oldest, the smallest of all military services, but its contributions to our country are significant and they are legend. The Coast Guard is responsible for passenger and vessel safety at sea, enforcement of our maritime laws, protection of the maritime environment, oil spill response, and the safety and security of ports and waterways in the United States.

Additionally, the Coast Guard plays a primary role in drug interdiction by stopping illegal drugs from reaching the shore. That duty is tremendous. They have been called on in recent years to help in this regard.

I think the Coast Guard is tremendously underfunded. We should bolster their service, because, really, it is the defense of this Nation, and compared with the maritime industry and our maritime fleet, we must not forget either.

I support the rule. I ask for its adoption.

I include for the RECORD documentation regarding open versus restrictive rules in the 103d Congress:

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted ¹	Open rules ²		Restrictive rules ³	
		Number	Percent	Number	Percent
93th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.—
Continued

Congress (years)	Total rules granted ¹	Open rules ²		Restrictive rules ³	
		Number	Percent	Number	Percent
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	85	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.—
Continued

Congress (years)	Total rules granted ¹	Open rules ²		Restrictive rules ³	
		Number	Percent	Number	Percent
103d (1993-94)	31	9	29	22	71

¹Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

²Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

³Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong. "Notices of Action Taken," Committee on Rules, 103d Cong., through July 30, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONG.

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 245-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1; R-18)	1 (D-0; R-1)	PQ: 248-170. A: 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2; R-5)	0 (D-0; R-0)	PQ: 243-172. A: 237-178. (Feb. 24, 1993).
H. Res. 105, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1; R-8)	3 (D-0; R-3)	PQ: 248-166. A: 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D-4; R-9)	8 (D-3; R-5)	PQ: 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency Supplemental Approp	37 (D-8; R-29)	1 (not submitted) (D-1; R-0)	A: 240-185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Cong. Res. 64: Budget resolution	14 (D-2; R-12)	4 (1-D not submitted) (D-2; R-2)	PQ: 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8; R-12)	9 (D-4; R-5)	PQ: 252-166. A: 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D-1; R-5)	0 (D-0; R-0)	PQ: 244-168. A: 242-170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	4 (D-1; R-7)	3 (D-1; R-2)	A: 212-208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	MC	H.R. 673: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308-0. (May 24, 1993).
H. Res. 173, May 18, 1993	O	S.J. Res. 45: U.S. Forces in Somalia	6 (D-1; R-5)	6 (D-1; R-5)	A: Voice Vote. (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental Appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19; R-32)	8 (D-7; R-1)	PQ: 252-178. A: 236-194. (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6; R-44)	6 (D-3; R-3)	PQ: 240-177. A: 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	MC	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker Replacement	2 (D-4; R-3)	2 (D-1; R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D-20; R-33)	27 (D-12; R-15)	A: 294-129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign Operations appropriations	33 (D-11; R-22)	5 (D-1; R-4)	A: 263-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 205, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 261-164. (July 21, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994-95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D-8; R-6)	2 (D-2; R-0)	PQ: 245-178. F: 205-215. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D-8; R-7)	2 (D-2; R-0)	A: 224-205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authorization Act fiscal year 1994	NA	NA	
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administrative authorization	NA	NA	A: Voice Vote. (July 29, 1993)

Note.—Code: C-closed; MC-modified closed; MO-modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLLEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 33, as follows:

[Roll No. 387]

YEAS—401

Abercrombie	Bachus (AL)	Bartlett
Ackerman	Baesler	Barton
Allard	Baker (CA)	Becerra
Andrews (ME)	Baker (LA)	Beilenson
Andrews (NJ)	Balenger	Bentley
Andrews (TX)	Barca	Bereuter
Applegate	Barcia	Bevill
Archer	Barlow	Billray
Armey	Barrett (NE)	Billirakis
Bacchus (FL)	Barrett (WI)	Bishop

Blackwell	Cunningham	Franks (NJ)
Bliley	Danner	Furse
Blute	Darden	Hughes
Boehert	de la Garza	Hunter
Boehner	Deal	Gekas
Bonilla	DeFazio	Gephardt
Bonior	DeLauro	Geren
Borski	DeLay	Gibbons
Boucher	Dellums	Gilchrest
Brewster	Derrick	Gillmor
Brooks	Deutsch	Gilman
Browder	Diaz-Balart	Gingrich
Brown (GA)	Dickey	Glickman
Brown (FL)	Dicks	Gonzalez
Brown (OH)	Dingell	Goodlatte
Bryant	Dixon	Goodling
Bunning	Dooley	Gordon
Burton	Dooleittle	Goss
Buyer	Dornan	Grams
Byrne	Dreier	Grandy
Callahan	Duncan	Green
Calvert	Dunn	Greenwood
Camp	Durbin	Gunderson
Canady	Edwards (CA)	Gutierrez
Cantwell	Edwards (TX)	Hall (OH)
Cardin	Emerson	Hall (TX)
Carr	Engel	Hamburg
Castle	English (AZ)	Hamilton
Clayton	English (OK)	Hancock
Clement	Eshoo	Harman
Clinger	Evans	Hastert
Clyburn	Everett	Hastings
Coble	Ewing	Hayes
Collins (GA)	Farr	Hefley
Collins (LA)	Fawell	Hefner
Collins (MI)	Fazio	Herger
Combest	Fields (LA)	Hilliard
Condit	Fields (TX)	Hinchev
Conyers	Filner	Hoagland
Cooper	Fingerhut	Hobson
Coppersmith	Fish	Hochbrueckner
Costello	Foglietta	Hoekstra
Cox	Ford (MI)	Hoke
Coyne	Ford (TN)	Holden
Cramer	Frank (MA)	Horn
Crane	Franks (CT)	Houghton

Hoyer	Lightfoot	Natcher
Huffington	Linder	Neal (MA)
Hughes	Livingston	Nussle
Hunter	Long	Oberstar
Hutchinson	Lowe	Obey
Hutto	Machtley	Oliver
Hyde	Maloney	Ortiz
Inglis	Mann	Orton
Inslee	Manton	Owens
Istook	Manzullo	Oxley
Jacobs	Markey	Pallone
Johnson (CT)	Martinez	Parker
Johnson (GA)	Mazzoli	Pastor
Johnson (SD)	McCandless	Paxon
Johnson, E. B.	McCloskey	Payne (NJ)
Johnson, Sam	McCollum	Payne (VA)
Johnston	McCreery	Pelosi
Kanjorski	McCurdy	Penny
Kaptur	McDermott	Peterson (FL)
Kasich	McHale	Peterson (MN)
Kennedy	McHugh	Petri
Kennelly	McKeon	Pickett
Kildee	McMillan	Pickle
Kim	McNulty	Pombo
King	Meehan	Pomeroy
Kingston	Meek	Porter
Kleczka	Menendez	Portman
Klein	Meyers	Poshard
Klink	Mfume	Price (NC)
Klug	Mica	Quillen
Knollenberg	Michel	Quinn
Kopetski	Miller (CA)	Rahall
Kreidler	Miller (FL)	Ramstad
Kyl	Mineta	Rangel
LaFalce	Mine	Ravenel
Lambert	Mink	Reed
Lantos	Molinari	Regula
LaRocco	Mollohan	Reynolds
Laughlin	Montgomery	Richardson
Leach	Moorhead	Roberts
Lehman	Moran	Roemer
Levin	Morella	Rogers
Levy	Murphy	Rohrabacher
Lewis (GA)	Murtha	Rose
Lewis (FL)	Myers	Rostenkowski
Lewis (GA)	Nadler	Roth

Roukema	Smith (MD)	Towns
Rowland	Smith (NJ)	Trafficant
Roybal-Allard	Smith (OR)	Tucker
Royce	Smith (TX)	Unsoeld
Rush	Snowe	Upton
Sabo	Spence	Valentine
Sanders	Spratt	Velazquez
Sangmeister	Stark	Vento
Santorum	Stearns	Visclosky
Sarpalius	Stenholm	Volkmer
Sawyer	Stokes	Vucanovich
Saxton	Strickland	Walker
Schaefer	Studds	Walsh
Schenk	Stump	Waters
Schiff	Stupak	Watt
Schroeder	Sundquist	Waxman
Schumer	Swett	Weldon
Scott	Swift	Wheat
Sensenbrenner	Synar	Whitten
Serrano	Talent	Williams
Sharp	Tanner	Wilson
Shaw	Tauzin	Wise
Shays	Taylor (MS)	Wolf
Shepherd	Taylor (NC)	Woolsey
Shuster	Tejeda	Wyden
Sisisky	Thomas (CA)	Wynn
Skaggs	Thomas (WY)	Yates
Skeen	Thompson	Young (AK)
Skelton	Thornton	Young (FL)
Slattery	Thurman	Zeliff
Slaughter	Torkildsen	Zimmer
Smith (IA)	Torres	

NOT VOTING—33

Bateman	Inhofe	McKinney
Berman	Jefferson	Moakley
Chapman	Kolbe	Neal (NC)
Clay	Lancaster	Packard
Coleman	Lazio	Pryce (OH)
Crapo	Lipinski	Ridge
Flake	Lloyd	Ros-Lehtinen
Fowler	Margolies-	Solomon
Frost	Mezvinsky	Torricelli
Gallely	Matsui	Washington
Hansen	McDade	
Henry	McInnis	

□ 1117

Messrs. BEREUTER, BILIRAKIS, and HERGER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAZIO. Mr. Speaker, I returned to my district to be present at the birth of my second child.

Had I been present, I would have voted "aye" on rollcall 387.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tonight to file a report on the bill, H.R. 2401, the National Defense Authorization Act for fiscal year 1994.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1120

PROCEDURES PERTAINING TO AMENDMENTS TO THE DOD AUTHORIZATION BILL

(Mr. GORDON asked and was given permission to address the House for 1 minute.)

Mr. GORDON. Madam Speaker, I rise to explain the Committee on Rules' plans for the DOD authorization bill. The committee will meet on Monday, August 2, at 1:30 p.m. All Members interested in offering amendments to the DOD bill should bring their amendments to the Rules Committee by Monday noon.

It is our intention to complete all testimony on the bill and amendments by close of business Monday. However, we do not plan to propose a rule, on that day, covering the entire amendment process.

On Monday, August 2, the committee plans to report a rule covering only general debate and all amendments relating to the issue of gays in the military. We will meet again to report another rule later.

Mr. Speaker, I make this statement only to keep my colleagues informed. In summary, all amendments to the DOD bill are due at the Rules Committee offices by noon on Monday, August 2. The committee will take all testimony on that day and report a rule covering only general debate and the issue of gays in the military. I appreciate my colleagues' help.

Mr. DICKS. Madam Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Washington.

Mr. DICKS. Madam Speaker, I appreciate the gentleman from the Committee on Rules yielding to me on this point.

We have to have all amendments in on all aspects of the defense authorization bill by noon on Monday, even though the rule, the initial rule, is only going to be regarding general debate and on the gays-in-the-military issue; is that correct?

Mr. GORDON. Madam Speaker, the gentleman is correct.

Mr. DICKS. And all of the testimony on all of the amendments will be taken on Monday afternoon for the entire bill or just on the general debate and gays in the military?

Mr. GORDON. On the entire bill. It is our expectation that there will probably be a number of amendments, that the testimony will run late, particularly that day, and so it would be our expectation, so that we can get started promptly, to go ahead and have a rule, bifurcated rule, the first part being on general debate and the issue of gays in the military, and then we will try to assimilate the other amendments, which are very many in this case, and have a second rule so we can complete the remaining part of this bill.

Mr. DICKS. Madam Speaker, I appreciate the gentleman for having yielded to me.

COAST GUARD AUTHORIZATION ACT OF 1993

The SPEAKER pro tempore (Ms. KAPTUR). Pursuant to House Resolution 206 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2150.

□ 1125

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2150) to authorize appropriations for fiscal year 1994 for the U.S. Coast Guard, and for other purposes, with Mr. DARDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know Members are anxious to know the likely length of time for this debate. Let me just say that with one possible exception we are not aware of any controversial amendments, and, therefore, if Members are able to resist the temptation to request votes on matters that are without controversy, there is no reason that we cannot proceed expeditiously to conclude this bill and to allow airplanes to be caught.

Mr. Chairman, I rise today in strong support of H.R. 2150, the Coast Guard Authorization Act of 1993. This legislation authorizes approximately \$3.6 billion for the Coast Guard in fiscal year 1994, a level consistent with the President's fiscal year 1994 request.

This is a very reasonable bill that, while lean, will provide the Coast Guard with adequate resources to do this job. The majority of the funds authorized are for day-to-day operating expenses—to keep boats running, planes flying, and people paid. To help keep pace with inflation, we have recommended a modest 2-percent increase over last year's appropriation.

The Coast Guard's budget reflects our changing times by shifting resources to strike a more balanced approach among its many missions. One of the areas that will receive more attention is law enforcement.

As a New Englander, I know all too well the importance of fisheries law enforcement, especially in the Northeast,

where traditional stocks have dwindled to unacceptably low levels. Enforcement of new fisheries management plans will be critical to their success. To carry out this task, the Coast Guard has decided to expand a very innovative training program initiated on Cape Cod. This program provides regionally targeted fisheries law enforcement training, and actively solicits the advice and expertise of the fishing industry.

The other major component of this bill is the acquisition, construction, and improvement [AC&I] account. These AC&I funds will allow the Coast Guard to replace its fleet of aging buoy tenders—many of which are over 50 years old—continue expansion of its vessel traffic service system, as well as build child day-care centers and improve living conditions for Coast Guard personnel by renovating antiquated housing.

In real terms, AC&I has steadily decreased over the years. If this downward trend continues, we could be faced with a very serious Coast Guard infrastructure problem by the end of the decade—with ships and aircraft literally unfit and unsafe to get underway. Further cuts to this account would be penny-wise and pound-foolish.

One need not look further than the daily headlines to see how relevant and important today's Coast Guard is. Whether helping the tragic victims of the floods in the Midwest, or rescuing unfortunate immigrants from miserable conditions on unsafe ships, the Coast Guard has never been busier—or more necessary.

Mr. Chairman, H.R. 2150 recognizes the invaluable role the Coast Guard plays in saving lives and preventing tragedies of all kinds at sea. I urge my colleagues' support of the bill.

Mr. Chairman, I reserve the balance of my time.

□ 1130

Mr. FIELDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill authorizes \$3.1 billion for the Coast Guard for fiscal year 1994, as requested by the administration, with an additional \$8.4 million for certain projects.

Every year, when we consider the Coast Guard authorization bill we hear Members sing high praises for the excellent work of this outstanding organization. Those of us on the Merchant Marine and Fisheries Committee, which has jurisdiction over most of the laws the Coast Guard enforces, especially appreciate the Coast Guard for its work in search and rescue, oilspill cleanup, and drug interdiction.

Most people don't know, however, that the multimissions of the Coast Guard take it far from the high seas to inland States such as Missouri, Arkansas, and Illinois. This week found the

Coast Guard rescuing flood victims along the Mississippi and Missouri Rivers, using reservists and 17-foot utility boats. For a "coastie," it was all in a day's work.

As a fiscal conservative, I believe we should make each Government dollar count, and the Coast Guard is one of those Federal agencies that does just that. The funding levels for the Coast Guard in this bill are reasonable and responsible. H.R. 2150 provides critical funding for Coast Guard operations to interdict drug smugglers and illegal alien smugglers, to prevent and clean up oilspills on our Nation's coastlines, and provide emergency search and rescue services on our waterways.

I am especially pleased that the bill continues acquisition of the vessel traffic service [VTS] system in Port Arthur, TX, and begins acquisition of a VTS system in Corpus Christi, TX. H.R. 2150 also authorizes funds to add Port Arthur, TX, to the 20 sites around the country scheduled to receive pre-positioned oilspill equipment to respond to oilspill emergencies.

This authorization process is an important step. However, I also look forward to working with my colleagues on the Appropriations Committee to ensure that the Coast Guard receives adequate funding for the next fiscal year.

I would just like to add that this bill is the product of a bipartisan effort by the members of the Merchant Marine and Fisheries Committee and that it is supported by our Members from both sides of the aisle.

I support H.R. 2150 and urge my colleagues to vote in favor of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I rise today as chairman of the Subcommittee on Coast Guard and Navigation in support of the Coast Guard and in support of H.R. 2150, the Coast Guard Authorization Act of 1993.

The Committee on Merchant Marine and Fisheries developed H.R. 2150 in a bipartisan manner that fully authorizes the administration's austere budget request to fund Coast Guard in fiscal year 1994. I would like to recognize the contributions of Chairman STUDDS, JACK FIELDS, our ranking full committee member, and HOWARD COBLE, our ranking subcommittee member.

Before talking about the bill, I would like to tell you about the Coast Guard's activities over the last year.

Last summer, Hurricanes Andrew and Iniki wrecked havoc across Louisiana, Florida, and Hawaii. Last winter, flood waters devastated southern California while the infamous storm of the century devastated the gulf and east coasts. In each case the Coast Guard was one of the first Federal agencies to

be on the scene, saving lives and protecting property at record levels.

In January we feared that up to 100,000 Haitians might risk their lives aboard unseaworthy boats attempting the 600-mile voyage to Florida. I am confident that the Coast Guard's humanitarian efforts during Operation Able Manner saved countless Haitian lives. Today, those cutters continue to patrol off Haiti. It is time to find solutions to the problems in Haiti; to end the human suffering; and to allow the Coast Guard to resume its routine operations.

This summer, the Coast Guard stepped up its efforts to maintain the security of our borders from illegal migration. The increase of smuggled migrants from China is a situation that the Coast Guard expects to persist for some time to come. We must ensure that the Coast Guard has the resources and guidance it needs to protect our Nation's maritime borders.

Today the Coast Guard continues to be the lead Federal agency providing direct assistance to those stranded by the relentless flood waters in the Midwest. The Coast Guard has recalled over 225 reservists and devoted every available resource to the flood relief effort.

For the past few years, Congress has called upon the Coast Guard to aggressively protect the marine environment. The Coast Guard is responding. Coast Guard marine safety inspectors are asserting their authority to prevent unsafe foreign vessels from plying U.S. waters. The Coast Guard has taken unilateral action to block unsafe, environmentally hazardous tankers from leaving U.S. ports. Unsafe vessels will not continue to engage in trade with the United States if they pose a threat to public safety and the marine environment.

I have described a few of the Coast Guard's special operations of the last year. But the Coast Guard serves us every day. In fact, on the average day the Coast Guard will:

- Save 12 lives and assist 315 people at sea;
- Save \$2 million in property;
- Conduct 144 search-and-rescue missions;
- Respond to 23 oil or hazardous chemical spills;
- Inspect 64 commercial vessels;
- Investigate 17 marine accidents;
- Service 150 buoys and lighthouses;
- Seize 318 pounds of marijuana and 253 pounds of cocaine and interdict 112 illegal migrants.

That is quite a day. We get all this and more from a service of less than 40,000 dedicated men and women who proudly wear the Coast Guard uniform. We have an obligation to provide them with the support they need to do the jobs that we all count on.

H.R. 2150 authorizes a budget request that will merely allow the Coast Guard

to maintain its current level of services. In fact, the Coast Guard has proposed to cut \$42 million in operating expenses and to cut \$9 million from the reserve training account. In many cases, these cutbacks will be painful.

H.R. 2150 authorizes a total of \$3.6 billion for the Coast Guard in fiscal year 1994—including \$2.6 billion for operating expenses, \$418 million for acquisition, construction, and improvement [A&I] of ships, planes, and shore facilities, \$23 million for environmental restoration of contaminated facilities, \$13 million for bridge alterations, and \$549 million for retired pay.

H.R. 2150 authorizes funds to continue an initiative authorized by the Oil Pollution Act of 1990 to safeguard our busiest and most dangerous ports with state-of-the-art vessel traffic services. It also authorizes the replacement of the Nation's fleet of 50-year-old buoy tenders used to mark the thousands of channels in our Nation's waterways. These new buoy tenders will double as oil skimmers and ensure that we are prepared to respond to oil spills in the future. Both of these initiatives were highlighted as national priorities in the administration's Vision of Change for America document.

H.R. 2150 is supported by the administration. It is the result of a truly bipartisan effort by the members of our committee. H.R. 2150 recognizes the incredible contributions that the Coast Guard makes to this country every day. Support the Coast Guard. Support H.R. 2150.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to our outstanding ranking minority member of the Subcommittee on Coast Guard and Navigation, the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, let me thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise in support of the Coast Guard Authorization Act of 1993 (H.R. 2150) which will authorize appropriations for the U.S. Coast Guard during fiscal year 1994.

I believe that the levels of funding for the Coast Guard's operating expenses and its acquisition, construction, and improvement account are appropriate during these times of tight budgets. With the ever expanding duties of the Coast Guard, I believe that the small funding increases in H.R. 2150 are completely justifiable. As always, the Coast Guard will have to stretch its resources. However, the authorization bill's funding levels should keep the Coast Guard from falling behind in its important missions of search and rescue, environmental protection, and drug interdiction.

I hope that my colleagues have taken time to read and see the recent press reports about the Coast Guard's tireless efforts to assist and rescue people who have been caught in the terrible

Midwest flood. I want to thank the men and women of the Coast Guard and the Coast Guard Reserve who have left their own families and property to provide lifesaving assistance to other Americans. The flood clearly illustrates that the Coast Guard helps to protect all parts of our country not just the coastal United States.

The Coast Guard probably more versatile than any of the five armed services that serve our country.

All the Coast Guard missions, whether directed toward rescuing distressed mariners, interdicting drug smugglers, opening frozen rivers and channels to commerce, conducting port security operations or environmental clean-up, contribute directly to the Nation's economic, social, environmental, and military security. I strongly believe that the Coast Guard provides our Nation with one of the best values in the Federal budget.

I urge my colleagues to vote in favor of H.R. 2150.

□ 1140

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I rise today in support of the Coast Guard Authorization Act of 1993. As a Member from a city that is home to three major Coast Guard installations, I have long recognized the essential work this service performs along our coasts and on the high seas.

Most recently, the Nation watched while Coast Guard units from my hometown of San Diego and elsewhere interdicted three vessels intent on smuggling illegal Chinese aliens into the United States through Mexico. Last July 3, a Falcon jet from Air Station San Diego sighted two vessels engaged in this trade in human life off the Mexican coast. The next day another ship was located. In all, 8 Coast Guard cutters and 3 San Diego-based patrol boats intercepted these vessels resulting in the interdiction of 695 illegal migrants, who were returned to China. In the end, the 3 vessels were seized and 37 smugglers are under arrest in Mexico. That dramatic incident held the Nation's attention; however, Mr. Chairman, what was less noticed was the humanitarian aid provided to these migrants by the Coast Guard. During this 13-day operation, the Coast Guard transported 126 people in need of medical care from these vessels. The service also provided these distressed vessels with emergency equipment, medical supplies, and food.

This operation is a wonderful example of the Coast Guard accomplishing its dual mission of protecting our coasts—and enforcing our laws—while also providing life-saving services to people in distress.

Mr. Chairman, H.R. 2150 authorizes \$3.6 billion for Coast Guard activities.

These funds will pay for the wide variety of essential services the Coast Guard provides our Nation, including search and rescue marine safety, aids to navigation, enforcement of laws and treaties, marine environmental protection, and many others. I doubt that any money our Government spends could be better spent. I support this legislation and urge my colleagues to support it.

I want to take a little time, Mr. Chairman, to talk about the commendable service provided by San Diego's Coast Guard commands. As I mentioned, San Diego has three major commands, the Group/Air Station San Diego, the Marine Safety Office San Diego, and the Pacific Area Tactical Law Enforcement team.

GROUP/AIR STATION SAN DIEGO

The Group/Air Station is located adjacent to Lindbergh Field on San Diego Bay. The command comprises 234 active duty members, 260 part-time or Reserve members, and approximately 300 volunteer civilian auxiliaries. During fiscal 1992, the Group/Air Station responded to 727 search and rescue cases. These resulted in 43 lives saved, 925 persons assisted, \$6.49 million in property saved and \$10.6 million in property assisted. This was done on an annual budget of \$1 million.

For example, during tropical storm Darby in July, 1992, the sailing vessel *Hosannah* was reported taking on water and in imminent danger of sinking 450 miles southwest of San Diego. Two HU-25A Falcon jets were launched in response. Despite extremely adverse weather, the aircraft successfully dropped three dewatering pumps, a portable radio, a liferaft, and two datum marker buoys to the vessel. The pumps enabled the ship to stay afloat until the arrival of a Coast Guard high endurance cutter. The 45-foot ketch and its crew of five were saved.

In another example, during January 1993, southern California received record rainfall resulting in severe flooding, loss of life, and extensive property damage. In response, Group/Air Station San Diego flew some 45 sorties, saving 16 lives, and assisting in the evacuation of over 200 people.

THE MARINE SAFETY OFFICE

The Marine Safety Office [MSO] is collocated with the Group/Air Station. Its detail consists of 24 active duty and 41 Reserve personnel. The MSO's primary missions are commercial vessel safety and port and environmental safety.

Commercial vessel safety responsibilities include inspecting and certifying U.S. flag merchant vessels, verifying foreign flag passenger vessel compliance with U.S. and international standards, and investigation of reports of marine accidents, misconduct, negligence, or incompetence by merchant mariners.

Port and environmental safety responsibilities include enforcement of

statutes, regulations, an international agreements regarding port safety, port security, and environmental protection.

San Diego's Marine Safety Office hosted the first national pollution response exercise program drill in December 1992. The exercise included over 450 participants and observers. Items tested in this exercise included the Coast Guard's new unified command system of government and industry responders, the United States/Mexico joint regional response team, and local response strategies.

THE PACIFIC AREA TACTICAL LAW ENFORCEMENT TEAM

Sixty-two Coast Guard personnel are assigned to the Pacific area tactical law enforcement team [Tactlet] stationed at the Marine Corps recruit depot in San Diego. Tactlet's mission includes providing 10 rapid deployment law enforcement detachments which operate around the world. The primary responsibility of Tactlet is counternarcotics operations conducted from Navy ships in Central American and Caribbean waters.

Currently Tactlet has two detachments deployed overseas. One is deployed to the Red Sea where it helps enforce U.N. sanctions against Iraq. Another is deployed in the Adriatic enforcing U.N. sanctions against the former Republic of Yugoslavia.

Mr. Chairman, I am proud of the San Diego Coast Guard station and the good and courageous work done by our service people there. The funds provided for in H.R. 2150 will go to continuing and improving that mission, and again, I urge my colleagues to support this legislation.

Mr. FIELDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the ranking member on the Committee on Education and Labor.

Mr. GOODLING. Mr. Chairman, last year the Coast Guard reauthorization bill included a provision requiring the Secretary of Transportation to submit a study to Congress 6 months after enactment, May 4, 1993, on the acquisition of buoy chain. In April I received a letter from Secretary Peña stating his intention to have the study delivered by that date. I understand the Department's desire to thoroughly examine the issue of the ability of U.S. buoy chain manufacturers to compete for Government contracts, however, I had hoped to have the results prior to the consideration of the legislation before us today.

Because the Coast Guard is not bound by the same procurement policies as the Department of Defense, U.S. manufacturers have been virtually shut out of the market due to predatory pricing by foreign competitors and very few U.S. manufacturers are able to regularly bid buoy chain solicitations. I believe it is very important to carefully

examine the effect current policies have on American manufacturers and am quite anxious to review the results of this study.

Mr. Chairman, I respectfully request the assistance of the Committee on Merchant Marine and Fisheries in expediting the release of this important information. I would like to thank Chairman STUDDS and Mr. FIELDS for their support in the past and very much look forward to working with them in the future.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in support of the Coast Guard authorization bill. As a member of the Coast Guard Subcommittee and a former chairman in the 100th Congress, I strongly support the many missions of the U.S. Coast Guard.

When we think of the U.S. Coast Guard what often comes to mind is emergency search and rescue operations. The Coast Guard would indeed be a worthy service if that were their only mission. But that is only the beginning of the list. In addition to search and rescue efforts, our U.S. Coast Guard also performs maritime and environmental protection law enforcement, refugee assistance, drug interdiction, administers boating safety standards, implements aids to navigation, and responds to oil spills and other disasters. These peacetime missions have greatly expanded as our Nation's needs have changed.

That is only part of the story. My service on the Armed Services Committee gives me a greater appreciation for the fine military mission of the U.S. Coast Guard. Although the Coast Guard operates under the Department of Transportation, it is an armed service and has participated in every U.S. armed conflict. The Department of Defense values the ready seagoing support of the Coast Guard, and the U.S. Navy is perhaps one of their biggest fans.

The bill before us today authorizes the appropriation of \$3.6 billion to operate our U.S. Coast Guard in fiscal year 1994. This figure represents an increase of 5 percent from the fiscal year 1993 appropriation. The majority of this increase provides a much needed cost-of-living increase for those serving in our U.S. Coast Guard and I hope the appropriations which are to come will fund the Coast Guard properly.

Mr. Chairman, I strongly support this authorization bill and urge my colleagues to join me and stand behind the U.S. Coast Guard.

Mr. STUPAK. Mr. Chairman, I rise in strong support of H.R. 2150, the Coast Guard authorization bill.

I want to highlight a provision in this legislation relating to the icebreaker *Mackinaw*, a vessel that is vital to commerce in the Great Lakes region. Regrettably, the Coast Guard has recommended that the *Mackinaw* be de-

commissioned, and this legislation would prevent this decommissioning until a number of important determinations are made regarding the future of our icebreaking capabilities in the Great Lakes. The legislation also authorizes \$1.6 million in essential operation and maintenance moneys for the *Mackinaw*.

The *Mackinaw* is a unique vessel with icebreaking capabilities that cannot be matched by other vessels. The *Mackinaw* is the only icebreaker on the lakes powerful enough to reliably clear channels clogged with 10- to 12-foot brash ice or 12-foot-high windrows. Experience has shown that bay-class tugs are ineffective when brash ice is deeper than 3 to 4 feet. Additionally, the *Mackinaw* is the only icebreaker on the lakes with enough power to clear ice jams that have clogged the St. Clair River twice in the last decade and have threatened severe flooding in other rivers in the Great Lakes region.

The *Mackinaw* is also essential to ensuring early and late season iron ore sailings. Millions of tons of iron ore and other cargoes need to move before April 1 and after December 15. At stake is the efficient operation of 70 percent of our Nation's steelmaking capacity. We need a vessel with the capabilities of the *Mackinaw* to preserve timely production schedules for Great Lakes steel producers. To strip the Great Lakes of its only proven icebreaker would be tantamount to surrendering the Nation's industrial might to overseas producers.

Mr. Chairman, I strongly support this legislation and commend Chairman TAUZIN and Chairman STUDDS for their efforts to ensure that the cutter *Mackinaw* remain an active part of our icebreaking fleet.

Mr. FIELDS of Texas. Mr. Chairman, I have no further requests for time, and yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The Clerk will designate section 1.

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2150

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 "Coast Guard Authorization Act of 1993".

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1994, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,612,552,200, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund, and of which \$35,000,000 shall be expended from the Boat Safety Account.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$417,996,500, to remain available until expended, of which \$23,030,000 shall be derived from the Oil Spill Liability Trust Fund.

(3) For research, development, test, and evaluation, in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, and defense readiness, \$25,000,000, to remain available until expended, of which \$4,457,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$548,774,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation associated with the Bridge Alteration Program, \$12,940,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, \$23,057,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) As of September 30, 1994, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,136. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) For fiscal year 1994, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,986 student years.

(2) For flight training, 114 student years.

(3) For professional training in military and civilian institutions, 338 student years.

(4) For officer acquisition, 955 student years.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. CEILING ON OFFICER CORPS.

Subsection (a) of section 42 of title 14, United States Code, is amended by striking "6,000" and inserting "6,200".

SEC. 202. VOLUNTEER SERVICES.

Section 93 of title 14, United States Code, is amended by—

(1) striking "and" at the end of paragraph (r);

(2) striking the period at the end of paragraph (s) and inserting "; and"; and

(3) adding at the end the following new subsection:

"(t) Notwithstanding any other law, enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, which cooperative agreements shall each provide for the parties to contribute

funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement."

SEC. 203. RESERVE RETENTION BOARDS.

Section 741 of title 14, United States Code, is amended—

(1) in subsection (a) in the first sentence by striking "and are not on active duty and not on an approved list of selectees for promotion to the next higher grade" and inserting the following:

"(1) are on extended active duty;

"(2) are on a list of selectees for promotion;

"(3) will complete 30 years total commissioned service by June 30th following the date that the retention board is convened; or

"(4) have reached age 59 by the date on which the retention board is convened";

(2) in subsection (a) by moving the second sentence so as to begin—

(A) immediately below paragraph (4) (as added by paragraph (1) of this section); and

(B) flush with the left margin of the material preceding paragraph (1);

(3) by designating the third sentence of subsection (a) as subsection (b) by—

(A) inserting "(b)" before "This board shall—"; and

(B) moving the third sentence so as to begin immediately below the second sentence of subsection (a); and

(4) by redesignating the last 2 subsections as subsections (c) and (d), respectively.

SEC. 204. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101-225, 103 Stat. 1914) is mandatory, and applies to any application pending before the Board or the Secretary of Transportation on June 12, 1990.

SEC. 205. CONTINUITY OF GRADE OF ADMIRALS AND VICE ADMIRALS.

(a) Section 46(a) of title 14, United States Code, is amended to read as follows:

"(a) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in subsection 51(d) of this title."

(b)(1) Section 47 of title 14, United States Code, is amended—

(A) in the heading by striking "; retirement";

(B) in subsection (a) by—

(i) striking "(a)" at the beginning thereof, and

(ii) striking the last sentence and inserting the following: "The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title."; and

(C) by striking subsections (b), (c), and (d).

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by striking the item relating to section 47 and inserting the following:

"47. Vice Commandant; assignment."

(c) Section 50(b) of title 14, United States Code, is amended by striking the last sentence and inserting "The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title."

(d) Section 51 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

"(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

"(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, Area Commander, or Chief of Staff and ending on the day before the officer's retirement, but not for more than 60 days."

SEC. 206. CHIEF OF STAFF.

(a) Section 41a(b) of title 14, United States Code, is amended by striking ", except that the rear admiral serving as Chief of Staff shall be the senior rear admiral for all purposes other than pay" at the end of the second sentence.

(b)(1) Title 14, United States Code, is amended by inserting after section 50 the following new section:

"§50a. Chief of Staff"

"(a) The President may appoint, by and with the advice and consent of the Senate, a Chief of Staff of the Coast Guard who shall rank next after the area commanders and who shall perform duties as prescribed by the Commandant. The Chief of Staff shall be appointed from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for the appointment.

"(b) The Chief of Staff shall have the grade of vice admiral with the pay and allowances of that grade. The appointment and grade of the Chief of Staff shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 51(d) of this title."

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by inserting after the item relating to section 50 the following:

"50a. Chief of Staff."

(c) Section 51 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "as Commander, Atlantic Area, or Commander, Pacific Area" and inserting "in the grade of vice admiral"; and

(2) in subsection (b) by striking "as Commander, Atlantic Area, or Commander, Pacific Area" and inserting "in the grade of vice admiral".

(d) Section 290 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "or in the position of Chief of Staff" in the second sentence;

(2) in subsection (f)(1) by striking "Chief of Staff or"; and

(3) in subsection (f)(2) by striking "Chief of Staff or".

TITLE III—MISCELLANEOUS SECTIONS
SEC. 301. NORTH ATLANTIC ROUTES.

Sections 3 and 5 of the Act of June 25, 1936 (49 Stat. 1922, 46 App. U.S.C. 738b and 738d), are repealed.

SEC. 302. COAST GUARD FAMILY HOUSING.

(a) *IN GENERAL.*—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

“§670. Procurement authority for family housing

“(a) The Secretary is authorized—
 “(1) to acquire, subject to the availability of appropriations sufficient to cover its full obligations, real property or interests therein by purchase, lease for a term not to exceed 5 years, or otherwise, for use as Coast Guard family housing units, including the acquisition of condominium units, which may include the obligation to pay maintenance, repair, and other condominium-related fees; and
 “(2) to dispose of by sale, lease, or otherwise, any real property or interest therein used for Coast Guard family housing units for adequate consideration.

“(b)(1) For the purposes of this section, a multiyear contract is a contract to lease Coast Guard family housing units for at least one, but not more than 5, fiscal years.
 “(2) The Secretary may enter into multiyear contracts under subsection (a) of this section whenever the Coast Guard finds that—
 “(A) the use of a contract will promote the efficiency of the Coast Guard family housing program and will result in reduced total costs under the contract; and
 “(B) there are realistic estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract.

“(3) A multiyear contract authorized under subsection (a) of this section shall contain cancellation and termination provisions to the extent necessary to protect the best interests of the United States, and may include consideration of both recurring and nonrecurring costs. The contract may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.”

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 17, United States Code, is amended by adding at the end the following:

“670. Procurement authority for family housing.”

SEC. 303. AIR STATION CAPE COD IMPROVEMENTS.
 (a) *IN GENERAL.*—Chapter 17 of title 14, United States Code, is amended by adding after section 670 (as added by section 302 of this Act) the following new section:

“§671. Air Station Cape Cod improvements

“The Secretary may expend funds for the repair, improvement, restoration, or replacement of those federally or nonfederally owned support buildings, including appurtenances, which are on leased or permitted real property constituting Coast Guard Air Station Cape Cod, located on Massachusetts Military Reservation, Cape Cod, Massachusetts.”

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 17, United States Code, is amended by adding after the item relating to section 670 (as added by section 302 of this Act) the following:

“671. Air Station Cape Cod improvements.”

SEC. 304. LONG-TERM LEASE AUTHORITY FOR AIDS TO NAVIGATION.
 (a) Chapter 17 of title 14, United States Code, is amended by adding after section 671 (as added by section 303 of this Act) the following new section:

“§672. Long-term lease authority for navigation and communications systems sites

“(a) The Secretary is authorized, subject to the availability of appropriations, to enter into lease agreements to acquire real property or interests therein for a term not to exceed 20 years, inclusive of any automatic renewal clauses, for aids to navigation (hereafter in this section referred to as ‘ATON’) sites, vessel traffic service (hereafter in this section referred to as ‘VTS’) sensor sites, or National Distress System (hereafter in this section referred to as ‘NDS’) high level antenna sites. These lease agreements shall include cancellation and termination provisions to the extent necessary to protect the best interests of the United States. Cancellation payment provisions may include consideration of both recurring and nonrecurring costs associated with the real property interests under the contract. These lease agreements may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.
 “(b) The Secretary may enter into multiyear lease agreements under subsection (a) of this section whenever the Secretary finds that—
 “(1) the use of such a lease agreement will promote the efficiency of the ATON, VTS, or NDS programs and will result in reduced total costs under the agreement;
 “(2) the minimum need for the real property or interest therein to be leased is expected to remain substantially unchanged during the contemplated lease period; and
 “(3) the estimates of both the cost of the lease and the anticipated cost avoidance through the use of a multiyear lease are realistic.”

(b) The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 671 (as added by section 303 of this Act) the following:

“672. Long-term lease authority for navigation and communications systems sites.”

SEC. 305. AUTHORITY FOR EDUCATIONAL RESEARCH GRANTS.

(a) *IN GENERAL.*—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

“§196. Participation in Federal, State, or other educational research grants

“Notwithstanding any other provision of law, the United States Coast Guard Academy may compete for and accept Federal, State, or other educational research grants, subject to the following limitations:
 “(1) No award may be accepted for the acquisition or construction of facilities.
 “(2) No award may be accepted for the routine functions of the Academy.”

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“196. Participation in Federal, State, or other educational research grants.”

SEC. 306. PREPOSITIONED OIL SPILL CLEANUP EQUIPMENT.
 The Secretary of Transportation is authorized to expend out of amounts appropriated for acquisition, construction, and improvement that are derived from the Oil Spill Liability Trust Fund for fiscal year 1994—

(1) \$890,000 to acquire and preposition oil spill response equipment at Port Arthur, Texas, and

(2) \$890,000 to acquire and preposition oil spill response equipment at Helena, Arkansas, subject to the Secretary determining that adequate storage and maintenance facilities are available.

SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST GUARD STATION LITTLE CREEK, VIRGINIA.

(a) The Secretary of Transportation, subject to the availability of appropriations, may at Coast Guard Station Little Creek, Virginia—

(1) construct a 2-story station building with operational, administrative, and living spaces;

(2) construct a 180-foot long pier for Coast Guard patrol boats;

(3) construct a boat ramp; and
 (4) strengthen a waterfront bulkhead.

(b) Funds necessary to carry out this section are authorized to be appropriated for fiscal years 1994, 1995, and 1996.

SEC. 308. OIL SPILL TRAINING SIMULATOR.
 The Secretary of Transportation is authorized to expend out of the amounts appropriated for fiscal year 1994 for acquisition, construction, and improvement that are derived from the Oil Spill Liability Trust Fund not more than \$1,250,000 to the New York Maritime College of the State of New York to purchase a marine oil spill management simulator.

SEC. 309. GULF OF MEXICO REGIONAL FISHERIES LAW ENFORCEMENT TRAINING CENTER.

The Coast Guard shall establish the Gulf of Mexico Regional Fisheries Law Enforcement Training Center in the Eighth Coast Guard District in Southeastern Louisiana. The purpose of the Gulf of Mexico Regional Fisheries Law Enforcement Training Center shall be to increase the skills and training of Coast Guard fisheries law enforcement personnel and to ensure that such training considers and meets the unique and complex needs and demands of the fisheries of the Gulf of Mexico.

SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECHNOLOGY TEST AND EVALUATION PROGRAM.

(a) Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to evaluate the technological feasibility and environmental benefits of having tank vessels carry oil spill prevention and response technology. To implement the program the Secretary shall—

(1) publish in the Federal Register an invitation for submission of proposals including plans and procedures for testing; and

(2) review and evaluate technology using, to the maximum extent possible, existing evaluation and performance standards.

(b) The Secretary shall, to the maximum extent possible, incorporate in the program established in subsection (a), the results of existing studies and evaluations of oil spill prevention and response technology carried on tank vessels.

(c) Not later than 2 years after the date of the enactment of this Act, the Secretary shall evaluate the results of the program established in subsection (a) and submit a report to Congress with recommendations on the feasibility and environmental benefits of, and appropriate equipment and utilization standards for, requiring tank vessels to carry oil spill prevention and response equipment.

(d) Not later than 6 months after the date of the enactment of this Act, the Secretary shall evaluate and report to the Congress on the feasibility of using segregated ballast tanks for emergency transfer of cargo and storage of recovered oil.

SEC. 311. UNMANNED SEAGOING BARGES.
 Section 3302 of title 46, United States Code, is amended by adding at the end the following:

“(m) A seagoing barge is not subject to inspection under section 3301(6) of this title if the vessel is unmanned and does not carry—
 “(1) a hazardous material as cargo; or
 “(2) a flammable or combustible liquid, including oil, in bulk.”

SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST GUARD STATION LITTLE CREEK, VIRGINIA.

(a) The Secretary of Transportation, subject to the availability of appropriations, may at Coast Guard Station Little Creek, Virginia—

(1) construct a 2-story station building with operational, administrative, and living spaces;

(2) construct a 180-foot long pier for Coast Guard patrol boats;

(3) construct a boat ramp; and
 (4) strengthen a waterfront bulkhead.

(b) Funds necessary to carry out this section are authorized to be appropriated for fiscal years 1994, 1995, and 1996.

SEC. 308. OIL SPILL TRAINING SIMULATOR.
 The Secretary of Transportation is authorized to expend out of the amounts appropriated for fiscal year 1994 for acquisition, construction, and improvement that are derived from the Oil Spill Liability Trust Fund not more than \$1,250,000 to the New York Maritime College of the State of New York to purchase a marine oil spill management simulator.

SEC. 309. GULF OF MEXICO REGIONAL FISHERIES LAW ENFORCEMENT TRAINING CENTER.

The Coast Guard shall establish the Gulf of Mexico Regional Fisheries Law Enforcement Training Center in the Eighth Coast Guard District in Southeastern Louisiana. The purpose of the Gulf of Mexico Regional Fisheries Law Enforcement Training Center shall be to increase the skills and training of Coast Guard fisheries law enforcement personnel and to ensure that such training considers and meets the unique and complex needs and demands of the fisheries of the Gulf of Mexico.

SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECHNOLOGY TEST AND EVALUATION PROGRAM.

(a) Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to evaluate the technological feasibility and environmental benefits of having tank vessels carry oil spill prevention and response technology. To implement the program the Secretary shall—

(1) publish in the Federal Register an invitation for submission of proposals including plans and procedures for testing; and

(2) review and evaluate technology using, to the maximum extent possible, existing evaluation and performance standards.

(b) The Secretary shall, to the maximum extent possible, incorporate in the program established in subsection (a), the results of existing studies and evaluations of oil spill prevention and response technology carried on tank vessels.

(c) Not later than 2 years after the date of the enactment of this Act, the Secretary shall evaluate the results of the program established in subsection (a) and submit a report to Congress with recommendations on the feasibility and environmental benefits of, and appropriate equipment and utilization standards for, requiring tank vessels to carry oil spill prevention and response equipment.

(d) Not later than 6 months after the date of the enactment of this Act, the Secretary shall evaluate and report to the Congress on the feasibility of using segregated ballast tanks for emergency transfer of cargo and storage of recovered oil.

SEC. 311. UNMANNED SEAGOING BARGES.
 Section 3302 of title 46, United States Code, is amended by adding at the end the following:

“(m) A seagoing barge is not subject to inspection under section 3301(6) of this title if the vessel is unmanned and does not carry—
 “(1) a hazardous material as cargo; or
 “(2) a flammable or combustible liquid, including oil, in bulk.”

SEC. 312. PROHIBITION ON DECOMMISSIONING ICEBREAKER MACKINAW.

(a) The Secretary of Transportation may not decommission the Coast Guard cutter MACKINAW until the later of—

(1) 1 year after transmitting to the Congress the report required under subsection (c); or
(2) October 1, 1994.

(b) There is authorized to be appropriated to the Secretary of Transportation \$1,600,000 for fiscal year 1994, to remain available until expended, for operations and maintenance of the Coast Guard cutter MACKINAW.

(c) Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study and submit a report to the Congress on the icebreaking needs of the Great Lakes and the appropriate size and type of vessel or vessels to meet those needs. In conducting this study, the Secretary shall—

(1) consult with—
(A) Great Lakes shippers, including the Lake Carriers Association;
(B) the Great Lakes Commission;
(C) the Governors of States bordering the Great Lakes;
(D) local governments in States bordering the Great Lakes; and
(E) interested private persons;
(2) determine the average and maximum ice conditions in the Great Lakes over the past 10 years;

(3) determine the size and type of vessel or vessels necessary to clear shipping channels in the average and maximum ice conditions determined under paragraph (2); and

(4) evaluate whether any Coast Guard vessel stationed on the Great Lakes, other than the MACKINAW, can safely conduct search and rescue missions in 25-foot seas.

SEC. 313. REQUIREMENT TO MAINTAIN COAST GUARD OFFICE AT SAINT IGNACE, MICHIGAN.

The Secretary of Transportation shall during fiscal year 1994—

(1) maintain at Saint Ignace, Michigan, the office known as the Marine Inspection Office, which shall perform the functions which were performed by that office on May 20, 1993; and

(2) maintain 4 billets at that office.

SEC. 314. CAPE COD LIGHTHOUSE PLANNING AND DESIGN STUDIES.

(a) **COMPLETION OF STUDIES.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Interior, shall complete the necessary planning and design studies identified in the Coast Guard's strategy document for the relocation of the Cape Cod Lighthouse (popularly known as the "Highland Light Station"), located in North Truro, Massachusetts.

(b) **USE OF AMOUNTS FOR STUDIES.**—Of the amounts appropriated under the authority of this Act for acquisition, construction, rebuilding, and improvement, the Secretary of Transportation may use up to \$600,000 for conducting the studies required under subsection (a).

SEC. 315. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1994 not more than \$421,700, for fiscal year 1995 not more than \$358,300, and for fiscal year 1996 not more than \$300,000 for the lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

SEC. 316. TRANSFER OF LIGHTHOUSES.

(a) **AUTHORITY TO TRANSFER.**—

(1) **IN GENERAL.**—The Secretary may convey by any appropriate means to the Washington

State Parks and Recreation Commission all right, title, and interest of the United States in and to property comprising 1 or more of the Cape Disappointment Lighthouse, North Head Lighthouse, and Point Wilson Lighthouse.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine property conveyed pursuant to this section.

(b) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—The conveyance of property pursuant to subsection (a) shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising Cape Disappointment Lighthouse, North Head Lighthouse, or Point Wilson Lighthouse pursuant to this section shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be used as a center for public benefit for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) **REQUIRED CONDITIONS.**—Any conveyance of property pursuant to this section shall be made subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Washington State Parks and Recreation Commission may not interfere or allow interference in any manner with such aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the aids to navigation in use on the property; and

(F) the property shall be rehabilitated and maintained by the owner in accordance with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(4) **MAINTENANCE OF CERTAIN EQUIPMENT NOT REQUIRED.**—The Washington State Parks and Recreation Commission shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) **DEFINITIONS.**—For purposes of this section, the term—

(1) "Cape Disappointment Lighthouse" means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard; and

(B) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of the maritime history;

(2) "North Head Lighthouse" means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history;

(3) "Point Wilson Lighthouse" means the Coast Guard lighthouse located at Fort Worden State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) 2 ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history; and

(4) "Secretary" means the Secretary of the department in which the Coast Guard is operating.

AMENDMENTS OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. TAUZIN:

On page 2, line 18, insert "to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990" after "Fund".

On page 21, strike line 14 and all that follows through page 22, line 2 and insert the following:

"(a) **COMPLETION OF STUDIES.**—

"(1) **PLANNING.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Interior shall complete the necessary planning studies, including selection of a relocation site, identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse (popularly known as the "Highland Light Station"), located in North Truro, Massachusetts.

"(2) **DESIGN.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete the design studies identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse.

"(b) **USE OF AMOUNTS FOR STUDIES.**—Of amounts appropriated under the authority of this Act for acquisition, construction, rebuilding, and improvement, the Secretary of Transportation may use up to \$600,000 for conducting the studies required under subsection (a)."

At the end of the bill add the following new sections:

"SEC. . CASS RIVER.

"Subtitle II of title 46, United States Code, relating only to Vessel inspection and manning, shall not apply to a vessel operating on the date of enactment of this Act on the Cass River above the dam at Frankenmuth, Michigan (locally known as the Hubinger Dam) which is inspected and licensed by the State of Michigan to carry passengers."

At the end of the bill add the following:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance

the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(d) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it is finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be determined to be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana.

There was no objection.

□ 1150

Mr. TAUZIN. Mr. Chairman, my amendment is noncontroversial and has been prepared by the Committee on Merchant Marine and Fisheries to address three issues that have arisen since H.R. 2150 was reported.

The first part of the amendment clarifies that the \$23,030,000 authorized to be appropriated from the oilspill liability trust fund in section 101(2) of the bill is intended to be used to carry out the purposes of the Oil Pollution Act of 1990.

The second part of the committee amendment makes modest changes to section 314 of the bill, concerning the relocation of Cape Cod Light, located in Truro, MA. Specifically, the amendment would grant the Coast Guard, working with the National Park Service, 18 months to complete planning and design studies for the relocation of the light. While the Park Service will be involved in this process, the work can be done with its current operating budget. This language is being introduced to address concerns the Coast Guard had with section 314.

The third part of the amendment will address an issue brought to the committee's attention by my colleague from the Fifth District of Michigan, Representative BARCIA. This section clarifies the shared responsibility of

the Coast Guard and the State of Michigan concerning the regulation of a vessel that operates on Cass River in Frankenmuth, MI. The committee developed this language with the cooperation of both the Coast Guard and the State of Michigan.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I just want to indicate my appreciation to the gentleman and my support for the amendments.

Mr. FIELDS of Texas. Mr. Chairman, if the gentleman will yield, the minority has had an opportunity to review the amendments. It was our understanding that the gentleman from Ohio [Mr. TRAFICANT] was going to offer his amendment himself, but we are prepared to accept his amendment and we have no objection.

The CHAIRMAN. The question is on the amendment en bloc offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: Page 27, after line 2, add the following:

SEC. . SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

Mr. GOSS. Mr. Chairman, my amendment simply seeks to set the record straight. It says it is the sense of this Congress that when we require the Coast Guard to take on additional or extraordinary duties, we will also consider how to pay for them.

The Coast Guard is the smallest of our armed services, yet its responsibilities are great. We ask the Coast Guard to be responsible for the navigation and safety of our waterways, for maritime law enforcement, for emergency search and rescue, for maritime inspection and licensing, for defense readiness, and much, much more.

On top of these vital functions, the Coast Guard is often called upon to perform extraordinary services—services in addition to its many normal duties. These extra responsibilities are most often unplanned and unfunded.

The most recent example of an extraordinary service is Operation Able Manner. Since January of this year, and several times in the recent past, a massive Coast Guard deployment has patrolled the windward passage between Haiti and the United States.

Operation Able Manner has involved an enormous commitment of manpower

and equipment: The full costs of the operation to date are estimated to be over \$88 million. Millions of dollars are being spent in this effort which were not budgeted for interdiction activities, meaning that the money must be taken from elsewhere in the budget.

Given the Coast Guard's already stretched resources, I find the fact that we are forcing it to scale back vital operations in order to meet the extraordinary needs of the Haitian crisis very disturbing. I am appalled that in general we continue to increase the responsibilities of the Coast Guard while cutting its operating expenses.

While my amendment cannot resolve past funding shortfalls, it does put the Members of this body on record: It says that Congress will back up its demands on the Coast Guard with funds necessary to carry them out.

Thank you, Mr. Chairman, I urge support for my amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I support this amendment.

Mr. Chairman, we cannot require the Coast Guard to dramatically increase Haitian interdiction activities without adequate funds. Additional costs for Haitian interdiction must come from somewhere, and I do not support a decrease in Coast Guard drug interdiction, search and rescue or environmental protection to cover those costs.

I think the gentleman makes an excellent point with his amendment, and I support it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I think the gentleman's amendment makes a great deal of sense. I only wish it also had dollars, but I am very happy to support it.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for raising this point. This is just one of many instances where the Coast Guard has been asked and required to extend its resources to carry out a function that we had not anticipated. In this rescue mission in the Caribbean to save these lives, the Coast Guard had to readjust, reallocate millions of dollars that otherwise would have been used in search and rescue and drug interdiction and maintenance and inspection, all the other things we are required to do.

Yet we appropriated none of this money for the Coast Guard. It pinches, it contains, it makes it more difficult for the Coast Guard to do its life saving and property saving activities, when we have to do these extra functions and nobody provides the money.

The gentleman highlights that with his amendment. While there is no money attached to it, we wish there was. We certainly support the gentleman in his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was agreed to.

Ms. FURSE. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I rise to express my strong support for the Coast Guard and the vital functions it performs.

In my district, we greatly appreciate the prominent presence of the Coast Guard in several locations in Astoria. We recognize and heavily rely on the marine safety assistance services it provides. This agency carries a heavy burden of responsibilities on its shoulders: search and rescue operations, boating and environmental safety, drug interdiction, and the enforcement of a multitude of laws and treaties governing the high seas, among others. Too often, we take for granted the role of this extremely valuable agency. In past years, this agency has consistently been underfunded.

I am pleased to add my voice to the support expressed by my colleagues for this fiscal year 1994 authorization for the Coast Guard.

□ 1200

AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas: At the end of the bill add the following:

SEC. . MERCHANT MARINER QUALIFIED SERVICE.

Part G of Subtitle II, title 46 United States Code is amended by adding the following new chapter:

"CHAPTER 112—MERCHANT MARINER QUALIFIED SERVICE

"Sec.

"11201. General.

"11202. Qualified service benefits.

"11203. Processing fees.

"11204. Definitions.

"§ 11201. General

"An individual who served as a member of the United States merchant marine between December 7, 1941, and December 31, 1946, was engaged in qualified service for purposes of this chapter if during that period the person was—

"(1) licensed or otherwise documented by an officer or employee of the United States authorized to do so; and

"(2) a crewmember of a vessel that at the time of such service was—

"(A) documented in the United States;

"(B) operated in waters other than inland waters of the United States;

"(C) under contract, charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces.

"§ 11202. Qualified service benefits

"(a) An individual who meets the requirements for qualified service under section 11201 may apply to the Secretary for benefits

provided to an individual under section 401(a)(1)(A) of the Act.

"(b) When the Secretary determines that an individual meets the requirements for qualified service under section 11201, the Secretary shall notify the Secretary of Defense.

"(c) Not later than one year after the individual has applied for benefits under subsection (a), the Secretary of Defense shall issue an honorable discharge to the individual described in subsection (b) whose qualified service warrants an honorable discharge under section 401(a)(1)(B) of the Act.

"(d) The Secretary of Transportation shall pay for any benefits that an individual receives under this chapter. The Secretary may not pay for benefits for any period prior to the date of enactment of this chapter.

"§ 11203. Processing fees

"(a) The Secretary shall establish, assess, and collect a fee for processing applications for benefits under section 11202.

"(b) A fee established under this section applies to an application that the Secretary receives after the enactment of this Act for a benefit, including an increase in a benefit, under section 11202.

"(c) The amount of a fee established under this section is \$30.

"§ 11204. Definitions

"In this chapter—

"(1) 'the Act' means the GI Bill Improvement Act of 1977."

"(2) 'United States merchant marine' includes the United States Army Transport Service."

Mr. FIELDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS of Texas. Mr. Chairman, this amendment will correct a 47-year-old injustice by providing recognition to several thousand merchant mariners who served this Nation during World War II.

Mr. Chairman, for the past 3 years, LANE EVANS and I have worked to ensure that the House had an opportunity to consider the Merchant Mariners Fairness Act.

This bill, which has been cosponsored by over 218 Members, has been unanimously reported three times by the Merchant Marine and Fisheries Committee.

The sole purpose of H.R. 44 is to provide veterans status to those merchant mariners who served this country between December 7, 1941, and December 31, 1946.

This measure is necessary in order to correct a January 19, 1988, decision by then Air Force Secretary Edward Aldridge who unilaterally decided that World War II ended on August 15, 1945, for those who served in the U.S. merchant marine.

Mr. Chairman, clearly, that was a most unfair and unsupportable decision. By establishing this date, the Secretary made a determination that has no basis in law. The August 15,

1945, date does not appear anywhere in the Federal Court decision mandating veterans status and, according to the Air Force, there is no documentation, no precedent, and no justification for choosing V-J Day.

It is essential we remember that it wasn't until December 31, 1946, that President Harry Truman declared in Proclamation 2714 that "although a state of war still exists, it is at this time possible to declare that hostilities have terminated."

Furthermore, all of our Federal laws that affect those who served during the World War II period use the dates December 7, 1941, to December 31, 1946.

Mr. Chairman, in an effort to move this legislation forward, I am now offering a modified version of H.R. 44 as an amendment to this legislation. This amendment will provide recognition to the 2,500 Americans adversely affected by Secretary Aldridge's decision.

Under my amendment, those Americans who were in the active merchant marine on or before December 31, 1946, will be given veterans status.

This amendment will modify Secretary Aldridge's unfair 1988 decision by eliminating the arbitrary date of August 15, 1945, and the foreign ocean-going voyage requirement.

Mr. Chairman, this amendment is a fair solution to this problem and it will treat all those who served during the World War II period in exactly the same equitable manner. For instance, under current law, if an individual was in boot camp or basic training on December 31, 1946, they are considered a World War II veteran.

While in theory about 2,500 Americans would be eligible for a variety of veterans benefits, in reality the only benefits they are likely to obtain from this amendment are recognition and the right to have a flag on their coffin.

After all, educational benefits have long since expired, people in their late 60's do not buy new homes, and all of these individuals are eligible for Medicare benefits. In short, it is highly unlikely that any of these individuals will ever seek care at a VA hospital. In fact, we know that 71,000 merchant mariners have been given veterans status because of the 1988 decision and, of that number, only a handful have received VA hospital benefits.

Furthermore, under the terms of this amendment, the Secretary of Transportation will reimburse the Department of Veterans Affairs for any and all benefits received under this proposal. In short, this amendment will not cost VA hospitals or any veterans program any money whatsoever. Let me repeat—this amendment will not cost the VA a single dime.

In terms of budget implications, the Congressional Budget Office has estimated that this amendment would result in outlays of only \$100,000 in fiscal year 1994. Furthermore, this amendment requires that an individual seeking veterans status pay the Coast

Guard a \$30 processing fee. This fee will cover all administrative costs.

Mr. Chairman, I have been contacted by those Americans affected by Secretary Aldridge's unfair decision. Each of these individuals shares the common characteristics of love of country and the commitment to service during one of the most difficult periods in our Nation's history.

Unlike their brothers in uniform, America's merchant seamen came home to no tickertape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers and to preserving the freedoms and liberties we Americans cherish.

As Gen. Douglas MacArthur stated, "The merchant seamen shared the heaviest enemy fire. They contributed tremendously to our success."

Today, by approving this amendment, we can finally complete the job of providing fairness to those distinguished Americans who served in our merchant marine during World War II.

While the hour is late, we must not forget these proud Americans who made such invaluable contributions to our country's successful war effort. These men have waited a long time to tell their grandchildren that they are World War II veterans.

Mr. Chairman, again I want to sincerely want to thank those Members, most notably LANE EVANS and GERRY STUDDS, who have joined with me in this noble effort. While this amendment affects only a handful of people, it is a just remedy and it will stop treating these Americans as second-class citizens.

I urge the adoption of the Fields amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I am glad to yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I want to commend the gentleman. I think this is a subject of great consequence. Our dealing with it is long overdue. I appreciate the gentleman's taking leadership at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

Ms. LAMBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first allow me to commend subcommittee chairman, the gentleman from Louisiana [Mr. TAUZIN], the ranking member, the gentleman from North Carolina [Mr. COBLE], and their respective staffs for putting together a responsible, fiscally sound budget authorization for the coming year. In addition, the committee budget authorization calls for necessary program and facility improvements while maintaining adequate force levels for the many responsibilities our Coast Guard must carry out.

I believe we have a good sound budget for the Coast Guard. Later this week we will have the opportunity to vote on the Transportation appropriations bill. Much of what is contained in this authorization is not contained in the appropriation. Facing this obstacle frustrates me. As a result, many programs for drug interdiction and oilspill responses will not be fully funded. But, I do thank Chairman CARR for understanding our concerns and in redrafting language to more adequately protect the Coast Guard.

The long-range plan of the Coast Guard must be matched with a long-term vision for the Coast Guard by Members of the U.S. Congress. It is my hope that the Congress will adequately develop the Guard in the years to come by providing the necessary resources.

Mr. Chairman, we have all witnessed the wonderful job the Coast Guard is performing along the Mississippi River. So the Guard can respond to such natural disasters and at times manmade accidents, we must keep the Coast Guard in a ready state. We must give them the tools for the job. This authorization does that.

In conclusion, I look forward to casting a vote in favor of this budget resolution. Our commitment to a strong Coast Guard must continue through whatever stormy seas remain ahead.

AMENDMENT OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARR of Michigan: On page 2, line 20, strike the first comma and insert in lieu thereof: "of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission".

Mr. CARR. Mr. Chairman, I want to take this opportunity to highlight the cooperative spirit between the Committee on Merchant Marine and Fisheries and, in particular, the chairman of the Subcommittee on the Coast Guard and Navigation, and the cooperative spirit that that committee has had with our committee. We appreciate the fact that we get good advice from the gentleman's committee and we work together. It is a real pleasure. We look forward to always hearing the gentleman's testimony before our committee as we assess the Coast Guard's needs for the coming year, and we listen to the advice that he gives us.

Mr. Chairman, during the last appropriation hearing on the Coast Guard we did address the issue of research and development under the Coast Guard accounts. The chairman, the gentleman from Louisiana [Mr. TAUZIN] was there, and we discussed the matter with him. We also discussed the matter with Admiral Kime. It turns out that through the many years of authorizations and reauthorizations, the hard definition of what the mission for research and de-

velopment for the Coast Guard might be has become a little bit fuzzy, and Admiral Kime admitted as much, and said they were working on trying to tighten up the definition of their research and development mission.

To help that process along, and in consultation with the leaders of the Coast Guard subcommittee on both sides, I authorized this amendment, or actually co-authorized with the committee, to try to give us a better yardstick on appropriations so that we will be able to better measure the requests, both from the Coast Guard and from Members, as they may be.

It is in that spirit that I offer this fairly technical but hopefully improving amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. CARR. I am glad to yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I want to thank the gentleman for his expression of understanding and appreciation of the spirit with which the two committees cooperate. That is fully appreciated, fully reciprocated, and we are happy to accept the gentleman's amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CARR. I am happy to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, the minority is prepared to accept the amendment this morning, also. We have had the discussions. If there is a need to change a word, a comma, we have discussed that the chairman would continue to work with us in that particular respect.

We agree with the thrust of what the gentleman is trying to accomplish with this amendment.

Mr. CARR. I absolutely concur with what the gentleman says. This is an effort to get some help on performing our appropriations functions. I think the committee understands the need for the help we seek. We leave it in your hands how best to do that. The gentleman may have to change some things in conference, and we fully understand that.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CARR. I am glad to yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I personally want to thank the distinguished gentleman from Michigan [Mr. CARR], the chairman of the Subcommittee on Transportation of the Committee on Appropriations, for his kind words, and to echo them. The cooperative spirit between our two committees is one, I am sure, that many other appropriating and authorizing committees would like to have.

I particularly want to thank the gentleman for the efforts he has made and will continue to make in the appropriation bill to see to it that vital Coast Guard needs are not underfunded.

In regard to this amendment, I join with the gentleman in working with the gentleman from Texas [Mr. FIELDS] and others to ensure that this language does indeed tie down the research money to its intended purpose.

This is just for the record, so we will know that the Coast Guard is doing really good research programs. Let me highlight a few, if I might.

They are developing a new computer now that will assist in search and rescue capability, narrowed down to very small areas, adjusting for wind currents, tides, wind speeds, and weather conditions, so we can go out directly to the scene of an accident, and people will not drown or be insured without recovery.

We are advancing research on the advanced global positioning system development. That will be the satellite system that will identify the location of vessels with pinpoint accuracy. That research is going forward.

We are researching engineering on the VTS-2000 program, the program which I mentioned earlier to make sure vessels do not collide in our ports and harbors.

We are doing fire safety research and engineering safety, smoke control on passenger vessels, fire endurance of aluminum materials on small passenger vessels, much good research. We want to make sure it is targeted to the right purposes.

I join the gentleman in that effort of ensuring we have the right language, and again, I thank the gentleman for the extraordinary level of cooperation between the two committees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CARR].

The amendment was agreed to.

Mr. BARCIA of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this opportunity to thank both the distinguished gentleman from Massachusetts [Mr. STUDDS], the chairman of the standing committee and authorizing committee, for the superb job that he has done preparing this Coast Guard authorization bill, as well as extend my appreciation to our outstanding subcommittee chairman, the gentleman from Louisiana [Mr. TAUZIN], and offer my gratitude on behalf of my constituents for an amendment which was just included in the amendments en bloc that were adopted, addressing an issue that we addressed in my district in Frankenmuth, MI, in which a section of the Cass River which is only about 2 or 2½ feet deep, but in the 1800's served as a transportation route for logging activities, and therefore has resulted in a declaration by the Coast Guard that in fact this is an interstate river which is engaged in interstate commerce.

Mr. Chairman, I would say to the subcommittee chairman, the chairman, and certainly ranking members of the

committee that I would like to express the appreciation of the people of my district for the flexibility which is given so that the Coast Guard will not have to directly regulate the *Riverboat Queen*, which traverses through Frankenmuth on the Cass River, and just point out to the Members that public safety will not be jeopardized, because our Michigan Department of Natural Resources has a very stringent set of regulations, and through discussions with the Michigan DNR and the staff of the gentleman's subcommittee, the gentleman from Louisiana [Mr. TAUZIN], we have come to a successful, I think, resolution to a problem that concerned my constituents.

I just want to offer my gratitude and say thanks for the great work that he has done on the preparation of this authorization bill.

The CHAIRMAN. Are there further amendments to the bill?

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the chairman, the gentleman from Massachusetts [Mr. STUDDS].

Mr. Chairman, I rise to convey my serious concerns, as shared by my good friend, the gentleman from Illinois [Mr. LIPINSKI] and the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR], regarding alleged Coast Guard interference in labor disputes on the Great Lakes. I would like to highlight the nature of these concerns, and highlight what appropriate Coast Guard behavior would entail.

In July 1992, I was contacted by Raymond Sierra, vice president of the International Longshoremen's Union [ILA] and an official of its Great Lakes District Council, who complained about U.S. Coast Guard interference in an ILA labor dispute with two grain stevedores at Burns International Harbor in Portage, IN. Mr. Sierra asked for a congressional inquiry of this incident. Alarmed by the serious nature of this charge, I joined the gentleman from Michigan [Mr. BONIOR] and former Congresswoman Mary Rose Oaker in requesting an inquiry by the Merchant Marine and Fisheries Subcommittee on Oversight and Investigations, which was chaired by Congressman LIPINSKI.

Last November, the Subcommittee on Oversight and Investigations convened a field hearing to investigate the Burns Harbor incident. ILA members involved in this incident delivered compelling testimony at the hearing, which reinforced my concerns that the Coast Guard overstepped its bounds in grounding two ILA picket boats engaged in a legal picket of the grain stevedores.

Coast Guard policy states: "Under no circumstances will the Coast Guard exercise its authority for the purpose of favoring any party to a maritime labor controversy."

The Coast Guard has maintained that it was acting only to ensure the enforcement of Federal laws designed to protect the safety of life and property on the water. However, based on the Coast Guard's testimony at last year's hearing, I am not convinced that was the sole purpose of their actions. Unfortunately, the Coast Guard's witness at the hearing was not personally involved in the incident. Further, he was unable to answer specific questions about the sequence of events that might have clarified the nature of the Coast Guard's actions at Burns Harbor.

Mr. Chairman, I have received further information from the longshoremen regarding this matter, which enumerates other points of contention between the union and the Coast Guard. It is my hope that we can have your cooperation in fully resolving this situation. It is my hope that with your help, and through our continuing efforts, we will get the answers we are looking for and put this matter to rest, once and for all.

Mr. STUDDS. Will the gentleman yield?

Mr. VISCLOSKEY. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for bringing this matter to my attention. The Coast Guard policy on involvement in labor disputes seems quite clear to me. If the safety of life and property are not at issue, the Coast Guard should not be involved—period. Some serious questions have been raised by the ILA, and our committee will be happy to work with you and the Coast Guard to get to the bottom of this.

Mr. VISCLOSKEY. I thank the gentleman.

□ 1210

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it had been my intention to offer an amendment to prohibit the Secretary of Transportation from repairing any Coast Guard vessel in a shipyard owned and operated by the United States if the Secretary has solicited proposals to conduct the work from private shipyards. It has recently come to my attention that a shipyard owned and operated by the U.S. Government was competing with private U.S. shipyards for a Coast Guard repair contract.

Since 1981, 60,000 shipyard jobs have been lost in this country, and more than 40 yards have closed. If that trend is to be reversed, this country must have a rational and comprehensive shipbuilding policy. To develop that policy, Chairman RON DELLUMS of the Committee on Armed Services and Members on both sides of the aisle and I have introduced the National Shipbuilding and Conversion Act of 1993 which will encourage Government agencies to work with the U.S. shipbuilding industry, not against them.

My amendment was consistent with the goal of that act, and would prevent the Coast Guard from unfairly disadvantaging private shipyards with subsidized Government contracts.

Mr. Chairman, I was informed this morning by the Coast Guard that they have revised their policy to act consistently with the intention of my amendment and that, therefore, the amendment is not necessary. But let me just say it is my intention, and I suspect that of the gentleman from Louisiana [Mr. TAUZIN] and others on both sides of the aisle to pursue this matter to make sure that, in fact, the policy has changed, and also to work with members of the Armed Services Committee in that regard.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to commend the gentleman for his attention to this issue and for securing from the Coast Guard this commitment to change its policy. The gentleman is absolutely right. If we are going to have any kind of a shipbuilding capability in America, we cannot have Government shipyards competing for jobs that private shipyards can and should be performing.

We are going to have oversight of the Coast Guard in this regard, and I assure the chairman of the full committee that we will have reports coming back to him in regard to the findings that we make on this change of policy.

Mr. STUDDS. I thank the distinguished gentleman.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the Committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MFUME) having assumed the chair, Mr. DARDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2150) to authorize appropriations for fiscal year 1994 for the U.S. Coast Guard, and for other purposes, pursuant to House Resolution 206, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2150, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. CRAPO. Mr. Speaker, due to district work on the Idaho wilderness issue, I was unable to vote on rollcall vote No. 387 on House Resolution 206, the rule providing for the consideration of H.R. 2150 Coast Guard authorization. Had I been present I would have voted "yes" on rollcall vote No. 387.

LEGISLATIVE PROGRAM

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, I would like to inquire if I may of the distinguished majority leader if we may have some information about the likely program before us, and I am happy to yield to the gentleman for that purpose.

□ 1220

Mr. GEPHARDT. I thank the gentleman for yielding to me.

Mr. Speaker, obviously there will be no more votes today. On Monday, August 2, we will meet at noon, and we will consider on suspension 19 bills, which I will not take your time to read. We do have them available in the Cloakrooms.

The votes will be held on all of these suspensions until the end of the last suspension. To give Members a sense, I think probably around four to six they should expect the votes to ensue.

On Tuesday, August 3, and the balance of the week, the House will meet at noon on Tuesday, August 3, and will meet at 10 a.m. on Wednesday, Thursday, and possibly Friday. We will be taking up H.R. 2530, Bureau of Land Management authorization, subject to a rule, H.R. 2750, Transportation appropriation for fiscal year 1994; H.R. 2330, the Intelligence Authorization Act for 1994, subject to a rule; H.R. 2401, Defense authorization for fiscal year 1994, subject to a rule; obviously, the Omnibus Budget Reconciliation Act of 1993, a conference report, subject to a rule; and H.R. 1340, Resolution Trust Corporation completion, subject to a rule.

We obviously also have conference report on H.R. 2267, the disaster assistance supplemental that we expect, the

conference report; and H.R. 2348, legislative branch appropriations is expected. Other conference reports may be brought up at any time.

At the close of the week's business, the House will recess until noon on Wednesday, September 8, for the August/Labor Day district work period.

Mr. GOSS. Reclaiming my time, I wonder if I might further inquire as to a couple of specific points of the distinguished majority leader; these have raised matters of interest on our side of the aisle.

Is there any information that we can report on H.R. 2750, the Transportation appropriations for fiscal year 1994, on that situation? I yield to the gentleman.

Mr. GEPHARDT. I thank the gentleman. We are still working with the various parties involved, trying to work out a rule or a process by which this matter could be brought up. We have not reached an agreement, and I cannot guarantee the gentleman that we will be able to bring up the bill next week, but we are trying very hard to do that.

Mr. GOSS. I thank the gentleman. Reclaiming my time, I have two other areas that come to mind which are matters of high concern, I think, to everybody.

First, is there any more certainty that the majority leader could give us about the Omnibus Budget Reconciliation Act, exactly how that is going to work into the end of the schedule next week? Should Members be advised not to make firm plans at this point? Or maintain flexibility, or any other guidance? I yield to the gentleman.

Mr. GEPHARDT. Our hope is that the conference report will be ready for filing on Monday and that we can get the bill up for a vote on Wednesday of next week. It may be later than that in the week, but we hope not. If that can be accomplished, then we should be able to get our work done here on Thursday or Friday at the latest.

Mr. GOSS. I again thank the distinguished majority leader. Reclaiming my time, I find there has been another area of concern that perhaps I think the gentleman could help us clarify. I think we understand, but we want to be sure.

Is consideration being given for extending time for Members to file amendments on the Defense authorization? The time on that is currently noon on Monday. That request was discussed yesterday. There has been conversation earlier today. But I yield to the majority leader if he has further information.

Mr. GEPHARDT. If the gentleman would yield, as I understand, the committee requested that the amendments be filed by noon on Monday. It is my understanding that has not changed.

Mr. GOSS. Reclaiming my time, I believe that is our understanding also. I

hope all parties who are interested will be apprised of that understanding.

One final question, if I may ask the distinguished majority leader: Is there any plan at this time to deal further with the Hatch Act, the conference on that? I yield.

Mr. GEPHARDT. If the gentleman will yield, there is no expectation that that will be coming up next week. It will probably be after the recess.

Mr. GOSS. I thank the distinguished majority leader, and at this time I yield back the balance of my time.

ADJOURNMENT TO MONDAY,
AUGUST 2, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Missouri? There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WAIVING PROVISIONS OF THE
LEGISLATIVE REORGANIZATION
ACT OF 1970 REQUIRING AD-
JOURNMENT OF CONGRESS BY
JULY 31

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate a concurrent resolution (S. Con. Res. 33) to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31, and ask for its immediate consideration in the House.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows;

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 193), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or

adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1225

THE PRESIDENT ON THE FRONT
LINE

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORNAN. Mr. Speaker, I say to the House and the 1½ million people who follow the proceedings of this House on C-SPAN, if the Members have any question why folks in the military on active duty and the Reserve and veterans groups cannot stand the sight of Mr. Clinton when he postures in front of military people, here is a classic example in this week's issue of Time magazine.

"Mack, You And George Go Left; Dave, You Cover Them. . ." It is David Gergen, "You Cover Them."

"Commander in Chief Clinton recently visited the Korean DMZ."

Imagine, I picked this up in the Cloakroom on the day that Matthew Ridgway, one of our great commanders, is being buried at Arlington.

Clinton: "I understand that I was in a more forward position than any President had been before," July 11, Seoul. "I walked out further than any American President ever had onto the Bridge of No Return, about 10 yards from the line separating North and South Korea * * *" July 11, Honolulu. "I was able to take the most forward position that any American President has ever enjoyed, standing on the Bridge of No Return about 10 yards from the dividing line * * *" July 11, Pearl Harbor. "I got within about 10 yards of the dividing line between North and South Korea * * *"

Half of this House has been there and stood on the North Korean side at Panmunjom. At the conclusion of my remarks I will insert a letter to Colonel Holmes, the infamous letter of December 3, 1969, where he says Korea was not an example, "in my opinion," where the draft was needed. I also include the letter from Colonel Holmes. Hypocrisy.

TEXT OF BILL CLINTON'S LETTER TO ROTC
COLONEL

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing

which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war. I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still

feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to reach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

SEPTEMBER 7, 1992.

Memorandum for Record:

69-059 O-97 Vol. 139 (Pt. 12) 43

Subject: Bill Clinton and the University of Arkansas ROTC Program:

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fulbright's office that Bill Clinton a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fulbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling in the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead

enrolled at Yale after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeited intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended * * *. When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

State of Arkansas,
County of Washington,
BARBARA J. POWERS,
Notary Public.

THE CLINTON BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, I take the floor today to voice the concern and outrage that I and other Americans feel over Clinton's-Democrat budget plan.

Mr. Speaker, the plan has been sold as a good balance of tax increases/

spending cuts which will reduce the deficit and benefit the economy.

But that is not what it is and that most unfortunately is not what it will do.

The Democrats' plan lacks sufficient spending cuts. It guarantees tax increases—several of which are retroactive—but it carries no guarantee of spending cuts.

This is no way to deal with the deficit, restore the economy, or create jobs.

The right approach—given Congress' history of institutional irresponsibility—is to cut spending deep and wide, guaranteeing that cuts are enacted quickly and that new taxes go to deficit reduction only.

During confirmation hearings, the administration seemed to be headed in right direction.

Officials like Panetta said we would see \$2 in cuts for every \$1 in tax increases.

However, the President, afraid of becoming another Jimmy Carter—an irrelevant outsider—I believe caved in and allowed himself to be rolled by big spenders in the Democratic party.

What the American people eventually got was far different than that promised.

In May, the House passed a reconciliation bill with \$2 in taxes for every \$1 in cuts, the exact opposite of promises and opposite of what should be done.

The public's response was solidly negative.

The man in the street, I believe, was ahead of the President on spending cuts; Clinton was out of touch in this regard.

The President would not have this problem if he had reached out to Republicans.

Republicans would have supported him on spending cuts where Democrats would not.

Clinton instead ignored the Republicans and consequently finds himself hoping that opposing Democratic factions will reach an agreement which can pass.

Deficit reduction is a national, not a partisan issue. That's how American people view it, but the President apparently does not.

The plan's fundamental flaw is a lack of spending cuts.

There are a large number of wasteful and unneeded programs we could cut before raising any taxes.

I suggest closing down the Rural Electrification Administration, terminating the space station and the SSC—which we cannot afford—stopping Government subsidies for grazing, among many, many others. Unfortunately, I believe the President caved in on several of these proposals or neglected to make them altogether.

The American people should know that the plan that will be before Congress next week does not terminate a

single program, not one, not even the honeybee subsidy program.

Mr. Speaker, moreover, 60 percent of cuts in the Clinton plan supposedly will come in the last 2 years of its 5-year life.

So these are vulnerable to future budget negotiations and probably will not happen.

We have seen it before.

The plan also relies on gimmicks such as refinancing of Government debt and projected interest savings for deficit reduction.

Perhaps the worst thing about the plan is the fact that many of its new taxes go for spending, not deficit reduction.

□ 1230

The taxes are for new spending, not deficit reduction. How do we know that?

For fiscal 1994, the budget resolution contains \$300 billion in new taxes and user fees over 5 years.

During that period, the deficit is supposed to fall from \$262 billion in 1994 to \$201 billion in 1998; but if all the new taxes and fees went to deficit reduction only, the deficit would in fact fall to \$100 billion in 1998.

In other words, if the plan had a dollar-for-dollar match between new taxes on the one hand and deficit reduction on the other, the deficit would be \$100 billion in 1998, versus \$200 billion projected under the plan.

So the new taxes will fund new spending, and lots of it. That is why this is truly a tax-and-spend plan, not a deficit reduction plan. The label is inaccurate and ought to be made accurate. This should be labeled a tax-and-spend plan.

Democrats had a chance to enshrine the concept of new taxes for deficit reduction only, but took a pass.

The President, seeing people sour on his program, offered an amazingly cynical proposal, Mr. Speaker, a deficit reduction trust fund to hold the plan's new taxes and spending cuts; but as long as new taxes are spent, a trust fund does not matter at all. It is just an accounting device with no impact whatsoever on the deficit.

I proposed, Mr. Speaker, a taxpayer protection amendment which would have required that new taxes go for deficit reduction only or else be instantly and automatically repealed.

The amendment was endorsed by the Americans for a Balanced Budget, by Citizens Against Government Waste, by the National Tax Limitation Committee, by Citizens for a Sound Economy, by the U.S. Business and Industrial Council, and by the Free Congress Foundation; however, the Rules Committee squelched it, as it did all serious debate on reconciliation.

My constituents understand the problem that the deficit represents. It is fiscal child abuse. We are mortgag-

ing our children's and grandchildren's futures.

The average American starting a career today will pay \$200,000 in extra taxes throughout his or her working lifetime just to cover his or her part of the interest on the debt.

If the Clinton plan is adopted 5 years from now, they will be paying \$250,000 in extra taxes.

My constituents would reluctantly support higher taxes, if they were guaranteed that all new taxes would go to deficit reduction; but the Democratic plan does not give them a chance to do so, since it asks higher taxes to support more spending.

In my judgment, the plan is unbalanced, cynical, unwise, and will undermine the economy, and that is why I oppose it.

The President was sent to Washington to lead and to solve the deficit problem. He can and should do better, much better. He should reach out to Republicans and forge a bipartisan deficit reduction plan that cuts spending. Then and only then should we contemplate higher taxes for deficit reduction, then and then only.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair will advise those members in the gallery that they are here as guests in the House of Representatives and would urge them to refrain from any displays of agreement or disagreement during the day's proceedings.

A TRIBUTE TO REGGIE LEWIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, I rise today to speak of a man, a great athlete and a great American, and a story with a happy beginning and a tragic ending.

A young man grew up on the streets of Baltimore, playing basketball for Dunbar High School. In his senior year, he was accepted to attend Northeastern University. Even after several major basketball schools tried to recruit him, he stuck by his word and went to play for the Huskies.

Then, in 1987, the Boston Celtics made him their first round draft choice, surprising many, except those who saw him play. He had reached for his dreams and had made them reality. He was going to play professional basketball for one of the most successful organizations in any sport.

This was a quiet player, who began his career behind great Boston names. But when Larry Bird retired, he stepped forward in his own way, taking

the lead of a team that many thought would go leaderless. He became an NBA All-Star in 1992, and this team captain was seen as the core of the New Celtic team, the future of the franchise.

And yet the people who knew him knew he was much more than a great athlete. He married his college sweetheart in 1987, and in 1992 became a father.

He was just beginning a wonderfully successful career and the best years of his life were ahead of him.

Then last year, during the playoffs, he collapsed during the first half, missed the rest of the series and had to watch from the sidelines as Boston was eliminated. But he was determined to come back. He wanted to play the game he had always loved, a game he played so well.

On Tuesday night, while shooting baskets with a friend, he collapsed once again. He was rushed to the hospital, but this time there would be no tomorrow. Reggie Lewis had died of heart failure.

It is a tragic loss that will remain with us for a long time. The world has lost a man of family, a man of faith, a good man. He was a real competitor, a real player, but more importantly a real person. Everyone who knew him or saw him will remember Reggie Lewis. There is no way we can forget.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANCASTER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. CRAPO (at the request of Mr. MICHEL), for today, on account of meeting with constituents on the Idaho wilderness bill.

Mr. MCINNIS (at the request of Mr. MICHEL), for today, on account of attending a funeral.

Mrs. FOWLER (at the request of Mr. MICHEL), for today, on account of official business in the district.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mrs. MEYERS of Kansas, for 60 minutes, on August 3.

Mr. ARMEY, for 60 minutes each day, on August 2, 3, 4, 5, and 6.

Mr. PAXON for 5 minutes, on August 3.

Mr. TORKILDSEN for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. COLLINS of Georgia.

Mr. MCKEON.

Mr. GOODLING.

Mr. FIELDS of Texas.

Mrs. JOHNSON of Connecticut.

Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. SWETT.

Mr. BONIOR.

Ms. SHEPHERD.

(The following Member (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mrs. SCHROEDER.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On July 27, 1993:

H.R. 847. An act to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

H.R. 843. An act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

ADJOURNMENT

Mr. TORKILDSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until Monday, August 2, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1874. Under clause 2 of rule XXIV, a letter from the Deputy Secretary of Defense, transmitting a report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; jointly to the Committee on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on Armed Services. H.R. 2401. A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with amendments (Rept. 103-200). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON BILLS INITIALLY REFERRED UNDER TIME LIMITATIONS

Under clause 5 of rule X, the following actions were taken by the Speaker: H.R. 1845. Referral to the Committees on Natural Resources and Science, Space, and Technology extended for a period ending not later than September 10, 1993.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Texas:

H.R. 2811. A bill to authorize certain atmospheric, weather, and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. FIELDS of Texas:

H.R. 2812. A bill to improve recreational boating safety; to the Committee on Merchant Marine and Fisheries.

By Mr. HOCHBRUECKNER:

H.R. 2813. A bill to amend the Public Health Service Act to establish programs for the prevention and control of Lyme disease; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 2814. A bill to permit the taking effect of certain proposed rules of civil procedure, with modifications; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. KENNELLY, Mr. GEJDENSON, Ms. DELAURO, Mr. SHAYS, and Mr. FRANKS of Connecticut):

H.R. 2815. A bill to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GOSS, Mr. BILIRAKIS, and Mr. SUNDRQUIST):

H.R. 2816. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of long-term care insurance policies, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 2817. A bill to amend the Public Health Service Act to provide for a national system to collect health-related data on fatalities caused by firearms; to the Committee on Energy and Commerce.

By Mr. SYNAR (for himself and Mr. DURBIN):

H.R. 2818. A bill to increase the fee for the enforcement of the Tea Importation Act; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself, Mr. BALLENGER, Mr. HASTERT, Mr. SMITH of New Jersey, Mr. HYDE, Mr. GINGRICH, Mr. HANCOCK, Mr. HOUGHTON, and Mr. CRANE):

H.R. 2819. A bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security programs and agencies; to the Committee on Ways and Means.

By Mr. SMITH of Oregon (for himself, Mr. PETE GEREN of Texas, Mr. POMBO, Mr. DEAL, Mr. DUNCAN, Mr. ANDREWS of New Jersey, Mr. BUNNING, Mr. BURTON of Indiana, Mr. COX, Mr. INHOFE, Mr. EWING, Mr. GALLEGLY, Mr. GOSS, Mr. HANCOCK, Mr. HANSEN, Mr. HAYES, Mr. KINGSTON, Mr. LINDER, Mr. LIVINGSTON, Mrs. LLOYD, Mr. MCINNIS, Mr. MONTGOMERY, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PARKER, Mr. PAXON, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROHRABACHER, Mr. ROWLAND, Mr. ROYCE, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STUMP, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. UPTON, Mr. WELDON, Mr. ZELIFF, Mr. CALVERT, and Mr. HERGER):

H.J. Res. 245. Joint resolution proposing an amendment to the Constitution of the United States to require three-fifths majorities for bills increasing taxes; to the Committee on the Judiciary.

By Mr. TRAFICANT:
H. Con. Res. 129. Concurrent resolution to commend Israel and the Israeli Supreme Court; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. JOHNSTON of Florida.
H.R. 26: Mr. CLAY, Mr. HASTINGS, Ms. MARGOLIES-MEZVINSKY, and Mr. SERRANO.
H.R. 62: Ms. KAPTUR and Mr. DE LUGO.
H.R. 159: Mr. PORTMAN.
H.R. 291: Mr. FRANKS of Connecticut, Mr. TRAFICANT, and Mr. OBERSTAR.
H.R. 324: Mr. GILCREST.
H.R. 535: Mrs. BENTLEY.
H.R. 702: Mr. FRANK of Massachusetts and Mr. YOUNG of Florida.
H.R. 787: Mr. GONZALEZ.
H.R. 794: Ms. DANNER and Mr. KNOLLENBERG.
H.R. 796: Ms. LOWEY.
H.R. 830: Mr. CONDIT.
H.R. 967: Mr. MACHTLEY and Mr. HANCOCK.
H.R. 1148: Mrs. JOHNSON of Connecticut and Mr. GONZALEZ.
H.R. 1152: Mr. NADLER.
H.R. 1277: Mr. DARDEN and Mr. HANCOCK.
H.R. 1354: Mr. ABERCROMBIE, Mr. DE LUGO, Mr. MCDERMOTT, Mr. DELLUMS, Ms. NORTON, Ms. VELAZQUEZ, Mr. JEFFERSON, Mr. GILMAN, and Mr. FROST.
H.R. 1566: Mr. GENE GREEN of Texas.
H.R. 1923: Ms. MCKINNEY.
H.R. 2336: Mr. BAKER of Louisiana, Mr. EMERSON, and Mr. GENE GREEN of Texas.
H.R. 2602: Mr. GLICKMAN.
H.R. 2840: Mr. PORTER.
H.J. Res. 30: Mr. PORTMAN.
H.J. Res. 157: Mr. ROBERTS, Mr. LIGHTFOOT, Mr. ROHRABACHER, Mr. HERGER, Mr. PETRI,

Mr. MCCREERY, Mr. DIAZ-BALART, Mr. BAKER of California, Mr. DE LA GARZA, Mr. SERRANO, Ms. MALONEY, and Ms. MCKINNEY.

H.J. Res. 184: Mr. COOPER, Mr. MCDERMOTT, Mr. MURTHA, Mr. TUCKER, Mr. SMITH of Oregon, Mr. TOWNS, and Mr. PASTOR.

H.J. Res. 185: Mr. ACKERMAN, Mrs. KENNELLY, Mr. KLECZKA, Mr. MINETA, Ms. MOLINARI, Mr. MONTGOMERY, Mrs. MORELLA, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. RAHALL, Mr. RAVENEL, Mr. SABO, Mr. SARPALIUS, Mr. SERRANO, Mr. SKEEN, Mr. SPENCE, Mr. TANNER, Mr. TAUZIN, Mr. TRAFICANT, Mrs. UNSOELD, and Mr. WAXMAN.

H.J. Res. 188: Mr. CHAPMAN, Mr. EVANS, Mr. FISH, Mr. HAMILTON, Mr. HAYES, Mr. HEFNER, Mrs. KENNELLY, Mr. LEHMAN, Mrs. MINK, Ms. MOLINARI, Mr. ORTIZ, Mr. SMITH of New Jersey, Mr. TAUZIN, Mr. BLUTE, Mr. SMITH of Oregon, Mr. RAHALL, Mr. MENENDEZ, Mr. LAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MATSUI, and Mr. MCHUGH.

H. Con. Res. 6: Mr. KIM.

H. Con. Res. 88: Mrs. MORELLA.

H. Con. Res. 120: Mr. KIM.

H. Res. 135: Miss COLLINS of Michigan.

H. Res. 165: Mr. BLUTE, Mr. CAMP, Mr. UPTON, Mr. HUTCHINSON, Ms. THURMAN, Mr. LEWIS of Florida, and Mr. HOAGLAND.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2150

By Mr. TRAFICANT:

—At the end of the bill add the following:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(d) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it is finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be deter-

mined to be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 2330

By Mr. MCCOLLUM:

—Page 30, after line 3, add the following:

SEC. 306. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—It is the sense of the Congress that the President should establish a National Task Force on Counterterrorism comprised of the following nine members: the Deputy Attorney General of the United States, the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the National Security Advisor for Special Operations Low Intensity Conflict, the Assistant Secretary of Treasury for Enforcement, the Director of the Federal Bureau of Investigation, the Vice Chairman of the Joint Chiefs of Staff, and an Assistant Secretary of Transportation appointed by the Secretary of Transportation. The Deputy Attorney General and the Deputy Director of Central Intelligence should serve as the Co-Chairs of the Task Force which will review all counterterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism should prepare a report to the Congress which should:

(1) define terrorism, both domestic and international;

(2) identify federal government activities, programs, and assets, which may be utilized to counter terrorism;

(3) assess the processing, analysis, and distribution of intelligence on terrorism and make recommendations for improvement;

(4) make recommendations on appropriate national policies, both preventive and reactive, to counter terrorism;

(5) assess the coordination among law enforcement, intelligence and defense agencies involved in counter terrorism activities and make recommendations concerning how coordination can be improved;

(6) assess whether there should be more centralized operational control over federal government activities, programs, and assets utilized to counter terrorism, and if so, make recommendations concerning how that should be achieved.

(c) SUPPORT.—Sufficient full time staff to support and fulfill duties outlined in paragraph (b) should be provided.

(d) REPORT.—The Task Force will report to Congress no later than six months after the date of enactment of this Act as to the review and recommendations outlined in paragraph (b) and how those recommendations might be implemented. Each 120 days thereafter for the remainder of the two year period beginning on the date of the initial Report, the Task Force will report to Congress on the progress of the implementation of any recommendations.

SENATE—Friday, July 30, 1993

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

So God created man in his own image, in the image of God created he him; male and female created he them.—Genesis 1:27. Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—Genesis 2:24.

Eternal God, help us to appreciate the reality of the image of God in humans—not in males, not in females—but in the male/female union, through which, by the power of reproduction, God's creative power is manifest. Help us comprehend the significance of male/female bonding in marriage, and to take seriously this relationship.

Gracious Father, this has been a very busy week, because of which family relationships may have suffered. Whatever else we do this weekend, may we give priority to our families and exercise our God-given responsibility to spouse and children. Where necessary, may this weekend be a time of healing and reconciliation—a time of family strength and love.

We pray in the name of Jesus Who was incarnate Love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is be reserved.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2403, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Simon Amendment No. 739, to provide that the Department of the Treasury establish and administer a program requiring the payment of an annual fee for the processing of applications (including renewals) for licenses to engage in the business of dealing in firearms.

AMENDMENT NO. 739

The ACTING PRESIDENT pro tempore. There will now be 2 hours of debate on the Simon amendment.

The Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, we have pending before us today the amendment by the Senator from Illinois [Mr. SIMON] that would increase the fees that are charged for Federal firearms licensing.

Mr. President, this is a matter which it is unfortunate we cannot agree on, because over the period of years that I have worked on this bill—and it has been many—we have, indeed, failed to address the costs to the Federal Government to license legitimate gun dealers. The Senator from Illinois today is offering, I think, a reasonable increase.

If you are paying \$10 today, which is the license fee for gun dealers, and tomorrow or when this bill becomes effective, if this amendment passes, it increases to \$375, you might say that is one hefty increase. But let it be noted, I believe—I am sure the Senator from Idaho can correct me—there has been no fee increase since 1968 when the \$10 fee was set.

Mr. CRAIG. Yes, that is right.

Mr. DECONCINI. And inflation alone—I have not calculated it—but I

am sure inflation alone would require a substantial increase if it were just pegged on the CPI.

It is unfortunate that we have to struggle for this. The National Rifle Association, which is a group which until recently I have had a very rewarding relationship with, and I still do respect many of their officers and certainly their members, including my friend from Idaho. The NRA has on many occasions indicated that there is room to increase the licensing fee. That is a burden that should be borne by the dealers who sell guns.

As a matter of fact, I believe in the past 12 months representatives of NRA testified that it supports an increase to the actual cost to the Bureau of Alcohol, Tobacco and Firearms, and my best estimate from the ATF is at least \$500 per license.

So the Senator from Illinois has taken a very bold step. His first proposal, I believe, was to increase the fee by over \$700, and there was an outcry that that was too much, that was more than, in fact, the cost of licensing would be and that raising money from this user fee ought not to be a revenue generator.

Of course, that is a debatable issue. We have many user fees that are revenue generators. The one that I have fought against and lost is one to impose substantial fees on filing of patents where it has gone up to \$2,000 where it used to be only a few hundred dollars.

In fact, the funds raised from those fees are not all used to finance the Patent Office but, in fact, go into the general fund of the Treasury. I think this is unfortunate because, first of all, there is a public interest that some public funds be spent to encourage creative ingenuity which results in new inventions.

But having said that, we are faced with the reality of having hundreds of thousands of gun dealers, and we are asking them to pay a slight increase. I say slight—\$10 to \$375 may not seem slight, but when you look at the cost of instituting and carrying out compliance activities by the Bureau of Alcohol, Tobacco and Firearms, and the proposal by the Senator from Illinois, I think it is slight. It does not even cover the full cost to ATF.

Some will say, as was said last night, that 75,000 small business people will be put out of business if this amendment is adopted. I doubt that, Mr. President, I rather doubt that. I do not know of any study that was conducted to indicate that that is the case.

I know many gun dealers, and I have gone to numerous gun shows where they spread their wares out. Sometimes it is business, sometimes it is a hobby, and sometimes it is to simply exchange anecdotes and historical facts about the weapons that are there. A lot of sociability is carried on there and it is a very productive and rewarding experience, even for an observer who goes there and talks to the different people, the customers as well as the gun sellers.

To think that raising this fee to \$375—and I do not care if it is \$375 or \$275 or \$210 or what have you—the point here is there is a legitimate, justified reason to increase this fee, and this is as good a time as any. It probably should have been universal on a consumer price index basis, since 1968; it would probably be \$1,200 or \$1,300 today if that were the case and nobody would be complaining and we would not be here today.

So this is not an attack on the second amendment right to bear or possess arms. Nobody is going to be prohibited from owning a gun under this amendment. If you are a gun dealer and do not have the \$375, then you are going to have to save it or borrow it. That is all. You are not going to have to give up your rights under the Constitution to bear and possess arms by the fact that the fee may be increased from \$10 to \$375.

So I think the proposal by the Senator from Illinois is right on target, to use a phrase, in dealing with the National Rifle Association. I think it is a proper proposal on this bill. It would be better, I might say, if it were offered on an authorization bill. But that is not the way this place works.

Last night, we had a huge debate on authorizing certain Federal buildings and there will be other authorization questions brought up and points of order on appropriations bill as we go through this process.

So it is my hope that the Senate will adopt the amendment of the Senator from Illinois to increase the fee. It is a reasonable fee.

I thank him for bringing it here. I thank him for his usual expert way and the congeniality with which he presents his case.

Senator SIMON is not one who says never. He is not one that says I have to have the whole pie my way; or I have to have the whole loaf of bread; it has to be totally the Simon way or it will not go.

He has literally compromised 50 percent already. He raises a valid issue, one that is justified and infringes on no one's constitutional rights whatsoever.

I truly hope the Senate will adopt the amendment of the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DECONCINI. Mr. President, who controls the time?

The ACTING PRESIDENT pro tempore. Senator SIMON and Senator CRAIG.

Mr. DECONCINI. Let me thank the Senator from Illinois for yielding me the time without even asking.

Mr. SIMON. I thank my colleague from Arizona, who uses such common sense here in this body and in the committee on which I serve with him. I have come to have great respect and admiration for my colleague from Arizona. He is an extremely constructive Member of this body.

I yield myself such time as I may consume.

Mr. President, first of all, yesterday one of my colleagues portrayed this as taking rights away from John Q. Citizen by this kind of an increase.

First, again by way of background, the ATF said to me the cost for doing a proper job will be \$375 to \$500. I took the more conservative of those two numbers.

Let us take a look at some of the people who now get licenses.

Federal firearms licensee David Taylor, a Bronx man with a long record of misdemeanors and an indictment for murder at age 16, ordered more than 500 guns from Ohio, which he sold to New York City drug dealers.

Here is another.

More than a dozen federally licensed dealers in Detroit have been charged with providing more than 2,000 firearms to criminals in the city.

From February to June 1990, Detroit kitchen table dealer McClinton Thomas ordered hundreds of handguns and sold them off the books, including 90 guns to a big-time dope dealer.

Here is another.

During a 6-month period in 1990, Gustavo Salazar, a federally licensed gun dealer in Los Angeles, purchased more than 1,500 guns which he sold to gang members and other individuals. An ATF check on 1,165 of these handguns showed that only four had been registered under California law.

And you can go on with these illustrations.

My colleague from Idaho may be absolutely correct when he says 99 percent of those who have gun licenses are responsible people.

Let us just assume that is correct. That means 1 percent, 2,300, are abusing their privileges and are out there virtually not getting checked.

No one checks the records because they just do not have the resources to do it. It costs \$10 a year to get a license. It cost \$15 a year to join the National Rifle Association. We have simply made it too easy and we are not checking up.

That is why the police organizations have endorsed this particular step.

We have a choice of going with the gun dealers who are the gun dealers you see in the local stores. They have endorsed this legislation, because they

are tired—as one of them told me on the phone: “I am tired of turning down someone who should not have a gun and then we see the police arrest him and he buys a gun from somebody who sells guns out of the trunk of his car.”

It is endorsed by the police association. I think this really makes sense. It does not take one gun away from any citizen in this country. It simply says the ATF ought to have the ability to check up on what is going on.

Right now, they do not have the resources even to do the fundamental thing of checking police records once they are on a computer—and a lot of police records are not on the computer—and to go to a place that wants to get a license and say: Where did you buy these guns? Where do you sell them?

Once out of 20 years you will be inspected now on the average. We are just asking for trouble. And of course, we are getting trouble.

Very interesting, a hearing was held, contrary to what the Senator from Texas said yesterday on the floor, a hearing was held. Senator DAVID PRYOR held the hearing. At the end of the hearing, after hearing the pros and cons, he came on as a cosponsor of the legislation. It is very, very clear that we need this.

My colleague from Idaho said that this is going to encourage the black marketing of guns. One of the charges is: Well, people do not buy from legal dealers now anyway.

Almost all the guns that criminals buy are now purchased legally. That is one of the little facts that is not widely understood.

I think it is time that we recognize that we have a problem. And one of the problems is those who sell guns who are never inspected.

Here is a chance to do something that does not take one gun away from any person who now owns a gun.

I might add, even the National Rifle Association, when they testified at the hearing, said they recognize some changes had to take place. This is a rational thing.

Finally, Mr. President, the figures in red that you see here are the number of licensees. Down in blue, which you can barely see, those are the inspections. You know, we are just asking for trouble.

Here is another illustration. These are the residential sales, kitchen table sales, trunk sales out of your car, people who go to hotel rooms.

These are the retail commercial locations, 18 percent—those stores in Montana, in Colorado, in Illinois, in Idaho, and in Arizona.

And these are some other type of nonretail commercial locations, might be a real estate office or something like that.

Now there are a great many people who sell from their homes, who do it

responsibly. We do not stop that. But we say the taxpayer ought to stop subsidizing this.

I see my friend from Montana on the floor. He is opposed to subsidies in general. Right now, the taxpayers subsidize the licensing of dealers. We ought to put it on a cost-free basis, as far as the Federal Government is concerned.

ATF says doing a proper job will cost \$375 to \$500 a year. I have taken the lower of these figures.

I think this amendment makes sense, Mr. President. I hope my colleagues will agree it is time that we take reasonable steps on this problem of weapons in our society.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Idaho [Mr. CRAIG] is recognized.

Mr. CRAIG. Mr. President, as this issue and the amendment of my colleague from Illinois is debated this morning, it is a debate resulting from the Gun Control Act of 1968 in which it became the concern of the U.S. Congress and the citizens of this country at that time that there was a need to create a licensure process, not to control guns or to control access to guns, but to establish an effective paper trail by which, if a gun were used illegally, it might be possible to track the source of that gun and to draw conclusions from that. That was the intent. That is why we have that law.

That law has been amended by McClure-Volkmer since that time, but it is very important, I think, we understand that as we debate that this morning. Are we or are we not changing the intent of the 1968 Gun Control Act? I hope that is not the case. It should not be an effort to restrict anything. It clearly should be an effort to be able to detect, to be able to screen, to be able to determine the wise and responsible use of a Federal firearms license.

BATF in testimony this year before Congress said that they inspect approximately 10 percent a year. And less than 1 percent are found to be in violation. And those licenses are revoked. If they inspected 20 or 30 or 40 percent a year, would that less than 1 percent go up? The odds are it would probably not. No, my colleague from Illinois is right and those were my figures I quoted last night, some 2,300 by that percentage.

Is that an anomaly? No. That is called normal action. My guess is more than 1 percent of those who have drivers' licenses violate traffic laws at some time, and if they could be caught, they would probably have their driver's license revoked. But the vast majority of the weapons that are on the streets of America today that are being used in the commission of crimes are not sold by licensed dealers. Those trunk sales, those motel room sales, those back alley sales my colleague from Illi-

nois refers to are not handled—let me repeat—are not handled by Federal firearm licensed individuals. They are handled by black marketeers for one motive only—profit. The reason they are allowed to do it is because they are not caught today. That is human nature. That is called law enforcement. That is not called building up another 300 people inside BATF for the purpose of screening those who make application.

At this time let me yield 10 minutes to my colleague from Montana for the purposes of debate.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. I thank the Chair and I thank my friend from Idaho. I also thank my friend from Illinois who studies these issues very thoroughly and establishes a very good argument and really believes in what he is doing. I have to say at this point he might be a little bit misled.

Let us think about the theory of why a license. Livestock dealers in most States have to have a license to do business. I think in Montana it costs \$25 a year. That in no way covers the expense of an audit of a livestock dealer, and they are audited every year. The purpose of the license is the society of that State says we should have access to the activities of an individual or company that has an opportunity to do harm to the society in question. So society says yes, you must have a license so we know who you are and we can take a look at what you are doing, through that license, and is it in concert with what we have in mind in our own communities.

The license was just a pretext—you had to have it to do business. Let us take a bond, a livestock dealer's bond. I think because the Chair is from Colorado, and because of the ranching interests of my good friend from Idaho, they understand, to have a \$50,000 bond to deal in cattle when you can buy a million dollars worth in one day—what is a \$50,000 bond? It is nothing. It does not protect anybody. But it gives the regulators access to our records. Are we doing the right thing? That was the purpose of licensing.

When society decides that we have to have access to your records, that is for the good of society, and society has decided to expend money so it can do whatever it needs to with that access.

I would say this is, under another guise, a way to tax without calling it a tax. It is a way we say we have innovative and imaginative ways to tax but we have no imagination, no innovative ways to cut our costs.

In the case of the ATF, I would have to hold up the experiment at Waco, TX, and say I am not real sure they need more money, the way they handled that. But from \$10 a year to \$375 a year, for my people who go to gun shows and handle antique firearms?

We must remember, if I am a dealer and the Senator from Illinois wants to buy an antique firearm from me at one of those shows, the paperwork is the same as if he bought a hunting firearm in a gun store. He has to register the weapon the same way and the cost is the same to both the buyer and the seller.

So when society says you must have a license, that gives the authorities a way to know where you are, who you are, how you conduct your activities. And society also has made the decision that whatever that costs, we will pay for that access. We have to pay for that access.

So I want to be very cautious here unless there is another motive, why we raise this license fee. Because the majority of people—when the Senator held up his chart, it makes my case—the majority of people are people who go to gun shows, and we have quite a few of them in the West. They are not only done as a hobby, but the man who lives and works on a ranch, he has quite a collection, he wants to maybe subsidize his income on a weekend show, but he pays for a place to show his wares. He also foots that financial responsibility.

But let us not get away from the real reasons of licensing. It is for the purpose of access to one's records. I can attest to that. I have been audited every year. The auditors come down, they say, "You are a livestock dealer. You are an auctioneer. Have you been doing business the way we think you should?" It is for the protection of the producer or the consigner in the case of a livestock license. It is so we will not get in such a financial condition we will not only buy their cattle but we will run off with the cattle and the money.

So we have to have access to you on an audit. That is all that \$25 license does. It buys access for the protection of the rest of society. And society has made the determination that, yes, that is worth it to us for our own protection. Unless we have changed the purpose, why are we going from a \$10 fee to a \$375 fee? And we should call that exactly what it is. It is an area in which we tax—another innovative way we do it.

So I urge my colleagues to take a real look at this and why we are opposed to this fee. I think the NRA, and the gun dealers, the ones I have talked to last night on the telephone after I went home—yes, they say, there should be some reform. Yes, they would pay a higher fee. But from \$10 a year to \$375 is a pretty fair jump. Maybe we ought to have a hearing on this. I think we can gain some more funds for ATF, and the Treasury, to administer this. They are willing to do that. But not a draconian measure, a jump like we have here, and give America the wrong impression of what we are trying to do.

Mr. SIMON. Will my colleague yield?

Mr. BURNS. I will.

Mr. SIMON. I have heard some great speeches from my colleague from Montana on the problems of welfare. ATF says that it costs \$375 to \$500 to do an adequate inspection. Unless we change the costs of doing an inspection, we end up with welfare for gun dealers. That is what we have right now.

Is my colleague from Montana supporting welfare for gun dealers?

Mr. BURNS. I will advise my good friend from Illinois that, no, I am not, but that was a decision made from society that we should license these folks for the protection of the society. Society made that decision. The gun dealers did not make that decision; society made it for them.

Mr. SIMON. But if my colleague will yield again, do you not think we ought to cover the cost of doing this; that the taxpayers should not have to foot the bill for the inspections for gun dealers? That is all we are trying to do.

Mr. BURNS. Then I advise the Senator from Illinois, the taxpayer made the decision to license and to audit. He has to expect it does not come for nothing. That is what I am saying. The taxpayer made that decision, and he has to expect that there are certain costs incurred in doing those audits and those inspections because it is for the good of all society, not for maybe some other reasons. That is what I am saying.

I am saying here society has decided or the taxpayer has decided that they want this done. So there are costs to the taxpayers, and that is what I am saying, on the majority of issues that come before this body.

If we would be truthful and go to the taxpayers and say, "We can provide you this program, but it is going to cost you X amount of dollars. Now, do you still want the program?" We have not done that very much. We have not been up front with our taxpayers very much.

I know we reregulated the cable industry last year. They said, "Isn't that wonderful? We are going to get lower cable rates." "We are going to regulate you because we are going to get better service and lower rates," and neither one is going to be true, but we appropriated \$11 million of taxpayers' money to rewrite the rules of regulation and now all the taxpayers of America are going to pay that increased rate in cable rates.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BURNS. That is where we go on this. I thank the Senator from Illinois for his very good questions. We will have a cup of coffee and talk some more about this on what taxpayers demand, what society demands, and what taxpayers have to pay for it.

I thank my friend from Idaho. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. SIMON. Mr. President, I yield 10 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I thank the Senator from Illinois for yielding me time, and I thank him for his very excellent work on this commonsense amendment which I am very pleased to cosponsor.

As we know, this amendment will raise the annual licensing fee for firearms dealers to \$375. The funds raised from that fee would give the ATF the tools it needs to finance more thorough examinations of firearms dealers.

I say to my friend from Montana, if you ask the taxpayers if they think it is important to have these inspections, I believe they would say yes, and I further believe they would say that that procedure should not be subsidized by the taxpayers but paid for by the people who are making a profit from selling guns. That is all this Senator is suggesting: that this is a pay-as-you-go amendment.

The current fee of \$10 a year is a joke. It was set in 1968. I think this fee is due to be raised.

Senator SIMON has not pulled the number of \$375 out of the hat. He has asked the ATF what it costs them for these inspections, and the number he has put forward makes a good deal of sense.

By way of comparison, Mr. President, it is more expensive to get two tickets to a movie than it is to get a Federal license to sell a gun, and the junior Senator from Illinois said yesterday it costs more money to get a license to be a hairdresser than it does to get a license to sell a gun. I know sometimes it does get a little dangerous in the hair salon, but basically you come out of it just fine.

There are 287,000 firearms dealers in America, an increase of 113,000 since 1980—an increase of 113,000 firearms dealers since 1980. This means that there is one firearms dealer for every 1,000 Americans, and that means there are more gun dealers in America than there are gas stations.

Obviously, it is very difficult for the ATF to inspect 287,000 gun dealers. Yet, can we do what the Senator from Montana suggests? Can we simply say, Well, let us just walk away, close our eyes, and hope everybody is good and honest?

Unfortunately, Mr. President, that would be closing our eyes to the truth. We know that this kind of a fee would reduce the number of arms dealers maybe to 70,000. It would be a giant step toward safety because it would be easier to audit and inspect a smaller number of gun dealers.

I think we need to look at the number of guns we have in America today: 200 million guns; in California, 559,000

guns. And we have to look at what the ATF has been able to do when they get to work and do their job.

A federally licensed dealer in Orange County, CA, supplied guns to the Fourth Reich Skinheads who were plotting to kill Rodney King and blow up the First African Methodist Episcopal Church in Los Angeles. That was a federally licensed gun dealer, Mr. President, who sold those weapons to the skinheads. It was not some back-alley dealer.

During a 6-month period in 1990, a federally licensed gun dealer in Los Angeles purchased more than 1,500 guns which he sold to gang members and other individuals. An ATF check on 1,016 of these handguns showed that only 4 had been registered properly.

So, Mr. President, that was not a back-alley, underground dealer. It was a federally licensed dealer who, in a period of 6 months, purchased more than 1,500 guns which he sold to gang members.

Then there is a 22-year-old gun dealer, a convicted drug dealer and felon who sold guns, including at least 10 high-powered semiautomatic pistols to teenage gang members in Boston.

Then there are more than a dozen federally licensed dealers in Detroit who have been charged with providing more than 2,000 firearms to criminals in that city. There is a federally licensed dealer in Baltimore who sold more than 300 handguns, fewer than half of which were properly recorded and at least 14 of which has turned up at Baltimore crime scenes. That federally licensed dealer took out classified ads in the Baltimore Sun advertising to semiautomatic dealers. Not a back-alley, underground, unlicensed dealer, but a federally licensed dealer that the ATF was able to crack down on.

A firearms dealer in Texas falsified his records to conceal the diversion of over 2,000 firearms to Mexican nationals, people who were major firearms traffickers.

A firearms dealer in North Carolina provided between 6,000 and 10,000 handguns to the black market after altering the serial numbers of the handguns.

So, Mr. President, we are talking about federally licensed gun dealers who are doing these things. Are all of them doing these things? Of course not. But some are, and the result is violence and death in America.

The ATF is telling us, "We can do our job, but we cannot do it when we have 287,000 dealers and we cannot do it if we do not have enough funds."

So the Senator from Illinois is looking at a problem. He is seeing it squarely, as he always does, and he is putting forward a solution that makes a lot of sense.

Mr. President, the current system encourages people to file applications because it is so cheap to do so even if they have no intention of actually

going into the firearms business. Many of these persons use the license to acquire guns at wholesale prices for their personal use, or to circumvent local or State restrictions regarding waiting periods or frequency of purchase. So, these dealers—for \$10—are able to circumvent the law in a way that makes it virtually impossible for the ATF to do its job.

If we believe in the laws of the United States of America, and we have to give law enforcement the tools they need. Otherwise, we will have a situation similar to our illegal immigration problem in that we do not enforce our laws. So if we are going to decide that we want to keep laws on the books, then we need to enforce those laws.

Mr. President, this amendment will not stop Johnny from getting a shotgun. Now, I listened to this debate last night, and the Senator from Texas, [Mr. GRAMM], talked a lot about Johnny being able to have a shotgun. There is nothing in this amendment that will stop Johnny from having that shotgun, or from being taught to use it properly by his dad or his mom or his aunt or his uncle or his grandma or his grandpa. We all agree, I know, on all sides of this issue, that if and when Johnny gets a shotgun, he should be taught to respect it and use it properly.

This amendment is not about Johnny getting a shotgun, but it is about some other people named John. It is about John Hinckley, who was able to go and purchase a gun easily and shoot a President and put James Brady into a wheelchair.

In October 1980 John Hinckley was arrested for carrying three guns aboard an airplane in Nashville, TN, yet 2 days later he walked into a pawnshop in Dallas and bought a revolver. So it is about that John. It is about Gian Ferri at 101 California Street, who burst into a law office and killed another John, John Scully, a friend of my family, and a host of other people. And there is a connection between this fine amendment and what happened at 101 California. It is not about Johnny carrying a shotgun. It is about John Hinckley and Gian Ferri and others.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. I ask for 30 seconds, if I might, from the Senator.

Mr. SIMON. I yield an additional minute to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Like John Hinckley, Gian Ferri used a fake address to buy a weapon of his choice, a Tech DC-9. So we are talking about licensed gun dealers, a legitimate business that we feel we need to police.

I will say to my friends on the other side of this issue, sometimes I really wonder why they oppose these commonsense approaches to this problem. I

wish to say from the bottom of my heart, with friendship and with a collegial attitude to them, there have to be some times that we can get together and join hands here, and I say this is one of those times.

I yield back my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from California has just made a very important and, I am sure, sincere, emotional appeal that this particular amendment will take guns out of the hands of people who are perpetrating crime across America by raising a license fee, the streets of America will become safer, that the Johnnys in the board rooms will not be shot. How possibly can that be? How possibly can a \$375 fee begin to change the human mind, begin to change human nature, begin—

Mrs. BOXER. Will the Senator yield? He asked a question.

Mr. CRAIG. To change the very emotional thing that produces a killer. You could take all of the guns off the streets of America, and you would find that humans would still be attempting to kill humans. They would not be using guns because they would not be available. They might be using sticks. More important, they would probably be using stones.

One percent of those who hold Federal firearm licenses are determined to be misusing those licenses. Now, that is one percent or about 2,300, and yet there are thousands and thousands of black-market dealers that are putting guns into the hands of criminals for the purpose of using them in the commission of a crime.

In the State of the Senator from California, they have some of the toughest gun laws. They have a major waiting period in which background checks are supposed to be accomplished, and yet in that State there are crimes committed by guns, those guns in the hands of criminals who, believe it or not, went through those background checks, slipped through the State laws.

I guess what I am suggesting to the Senator from California is it is not a perfect world and this amendment will not make it more perfect. I do not blame her for her concern about the crimes of America that are being committed with the use of a gun. I wish to see thorough inspections. We must do adequate background checks. That is an important part of what we are doing here. That was why we created the Gun Control Act in 1968, and that is why we have reviewed it on occasion and made adjustments in it.

I am concerned when it is proposed that to the some 300-plus inspectors we now have at BATF we want to add an-

other 300 and send a squad of 600 men and women out across America to begin what I hope is a legitimate process.

Now, after 1968, it was not a legitimate process. We found that BATF was bursting, uninvited or without inspection warrants, into the homes of private citizens who had gun collections and confiscating guns.

We went through all of that in America. We went through some direct violations of constitutional rights because we had incorporated an army of BATF inspectors, and as a result of that we had to change the laws because Americans said, no, there is a right and a responsibility here, but there is not a responsibility to take away a right. That is the kind of thing that was happening.

In the streets of Los Angeles, law-abiding citizens fled to the gun stores to get guns to protect themselves when local law enforcement agencies broke down in their ability to maintain civil justice. And right now in America, tragically enough, not because guns are available but because criminals will not be restricted, more guns are being sold to young women than ever in our history. Why? So that they can learn to use them legitimately to protect themselves. It is a tragic day in a nation of laws in which young women have to go out and secure a firearm for the purpose of self-protection because those laws no longer work. That is really what the debate ought to be about today, criminal justice reform, in a way that truly does deal with those who violate the laws of this country.

I would suggest that the enemies of our culture are refusing to recognize that there are such things as individual responsibilities. They prefer to shift the blame, and the blame is always shifted to some inanimate object instead of to the mind of man. To suggest that it is the mind of man who on occasion becomes evil, it is that evil that perpetrates crime. Guns do not jump up off the street and shoot people without people being attached to them. You may say that I use an old argument. It is a darned valid old argument.

I agree with my colleague from Illinois that a 10 percent inspection rate of those who hold a Federal firearms license is inadequate on an annualized basis. It ought to be 25 or 30 or 40. Should it be 100 percent annually? Should it be 100 percent or the vast majority who buy or sell 10 guns on an annual basis and it is a hobby of theirs?

It is not by accident that the largest amount of licensed people live in the States of Arizona, Florida, and Texas. They are collectors. They are not criminals. In fact, in the States where you have some of the highest crime rates, you have some of the lowest number of licensed dealers.

You cannot correlate crime and licensed dealers. It does not work. Statistics will not allow it. What I am suggesting to the Senator from Illinois is that he and I ought to work together to produce a refined process that gets to the heart of this issue, that gets to a responsible and valid protection, does not send a new army of people across America.

We tried that in the late sixties and it got us into trouble constitutionally. It got our citizens upset, as they should have been.

Responsible inspection ought to be done. I would agree that 10 percent is inadequate, even though less than 1 percent of those that are inspected are found to be in violation. Let us make sure that if it is 2,300 out of 240,000 that we are able to find them on a regular basis and get the licenses out of their hands and try to stop that kind of illegal trafficking.

I am not arguing that it will not help. What I am arguing is that a \$375 increase produces some annualized inspection for everyone that is probably not very realistic; that if we had handled this properly in committee, we would have those figures, we would know what we are talking about and we could come before the U.S. Senate with a reasonable approach that might pass, that would make a lot of sense toward strengthening BATF.

Let me also say, why did this administration cut back on their budget? Why did this administration, which talks about crime control, which says they want some form of gun control, cut back on the very agency that has the responsibility for inspection? I do not know the answer to that. They ought not have done that.

I retain the remainder of my time.

Mr. SIMON. Mr. President, I yield 2 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I thank the Senator for yielding me time to address some of the questions that were raised by my friend and colleague from Idaho.

He asked how this amendment is going to help get guns out of the hands of violent criminals?

I think the answer is clear. I think that question has been answered over and over again. I would point out that in my previous presentation I identified 10 cases from all over the country in which ATF was able to do its work and get to the bottom of some illegal gunrunning operations; and if they have the resources, they can do more of this.

I think the people in America will be much more confident of their safety if the ATF can do its job.

The Senator from Idaho raised the issue of violence. I can tell you as the

author of the Violence Against Women Act in the House, revived here in the Senate now—I am a proud cosponsor, believe me—I do not need to be lectured about violence, because women in America today, unfortunately, are the victims most often. I have to say to the Senator, with all due respect, that if some violent person is coming after me late at night with a stone, I might have just a little bit of a better chance than if that violent criminal could only get a stone and not a gun.

I do not want to take guns away from decent, law-abiding citizens. But I sure do want to take them away from the bad folks. The Senator says, well, it is just the way people are, that boys will be boys. Let me tell you the statistics, Mr. President: In 1990, handguns killed 22 people in Great Britain; 13 in Sweden; 91 in Switzerland; 87 in Japan; 10 in Australia; 68 in Canada; and 10,567 in America, the greatest country in the world.

I would say that the people here are not more violent than the people in other countries. I would say that those countries have laws that are better enforced.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SIMON. Mr. President, if I may respond to my friend from Idaho and my friend from Montana. First of all, this does not cover collectors. The law is very clear in this. The law says that this covers a person who devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. But such terms shall not include a person who makes occasional sales, exchanges, or purchases of firearms for an enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.

So the collector is not covered.

My colleague from Idaho says we have to deal with crime. There is no question about it. And there are all kinds of reasons for violence. I am going to be speaking at a meeting Monday in Los Angeles where, for the first time the television and film industry will be gathered together to talk about violence on television. That is one piece of the mosaic. But one piece of the mosaic is also people who sell guns, who do not get inspected. It is not 10 percent, if I may correct my colleague from Idaho on this. It is not 10 percent who are inspected. We have 284,000 people who have licenses as of 1992. In 1992, 16,000 were inspected. So 6 percent were inspected.

He mentions the State of Texas particularly. It is very interesting. The State of Texas is a gun-running State; it sells to Central America, it sells to California. The distinguished Senator from California just spoke. A lot of the

guns that show up with criminals in the State of California are purchased in Texas. Twenty-eight percent of the guns that are taken in criminal procedures in New York come from licensed gun dealers in the State of Virginia.

We have a major problem here. We have to recognize that.

The other point I would make, because we do not have adequate inspections, what happens right now—let us just say that someone from Colorado decides that he or she wants to become a gun dealer, and has a criminal record. It is very easy to get around it. You simply use a different name, or you send in the wrong Social Security number. And even if in your State all police departments are on computers—and in most States they are not all on computers yet, but even if in Colorado they are all on computers—if you use the wrong Social Security number or the wrong name, you are going to get that license. The media, incidentally, got the license to sell guns for two dogs; easiest thing in the world. You just fill out those forms and you send it in.

Clearly we have to do better.

For the reference to gun shows, 3 percent of those who are dealers participate in gun shows and most of them, frankly, can afford a \$375-a-year license.

I find in the State of Illinois that a liquor license will vary from community to community. But generally, my recollection is, it runs between \$500 and \$2,000 a year for a liquor license.

We are talking about something that is much more lethal than liquor. We are talking about selling something where you can murder people. We are, as the Senator from California said, we are murdering people at an astounding rate. I mentioned last night, the city of Chicago, 927 deaths by firearms last year. Toronto, Canada, same population, 17. The city of Chicago, more firearms deaths by 4½ times, more firearms deaths than the entire country of Canada.

Does Canada have a lot of guns? Yes, they do. But they are more careful. They have a 28-day waiting period for getting a gun. They are more careful who sells guns and who can carry guns. I think we have to move in that direction.

I certainly hope we can work something out. If this amendment should be defeated—and I hope it will not be, because I think it is a reasonable amendment—my colleague from Idaho says we ought to make a change. I am willing to work with him or others for change.

Clearly, we have to do a better job. Everyone who gets a gun license, a license to sell guns, ought to be inspected, as my colleague from Illinois said last night so eloquently. That is all we are asking. The people who sell the guns should pay for it. Right now, we have a welfare program for gun

dealers. It costs \$375 to do an adequate inspection. We are inspecting only 6 percent of those who get those licenses, and we do not even pay for that 6 percent right now.

So what we are asking for is just common sense.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who yields time?

Mr. CRAIG. Madam President, when we look at the impact of this kind of fee increase in the application and issuance of the Federal firearm license, it is largely projected by the ATF that the greatest number who will go out will be the small gun dealer; and by volume, if we wish to talk about volume, the small gun dealer appears, by all estimation, to be the more law-abiding. Certainly, the kinds that we are concerned about. The Chair spoke on the floor last evening about her concern on this issue. My colleague from California has spoken to this issue.

Those who are moving the guns into the streets of America that end up in criminal activity are doing so in high volumes, making big money, all from those who they sell them to. And a very minor part, a very small portion of them, clearly less than 1 percent, pack a Federal license.

It is so amazing to me that in dealing with the criminal element we like to put up these artificial barriers, assuming that a criminal will respond. Create a law, and a criminal will abide. Somehow we fail to understand the criminal mind or the definition of what is a criminal, who is a criminal, who becomes a criminal. That is someone who does not abide by the law, plain and simple.

So all of the gun dealers who want to stay in business, who want to be responsible, as they are today, by 99 percent, they will still be there, and they will pay whatever fee it is, except a good many will leave simply because it is such a minor part of their overall lifestyle that they will quit trading or whatever.

In other words, what we will have used is a tax to put people out of business because, you see, we are changing human activity at that point. Somebody is going to have what they believed was their right to go to a gun show on the weekend and buy and sell a few guns taken away, in essence, by the increase in fees. The crime in the streets of Chicago is not going to change until you take the criminal off the street—not the gun, but the criminal, because the criminal is still going to get that gun, unless we decide to ban all guns in this country, and I do not think we are ready to do that. I do not think society wants the second amendment to our Constitution wiped away.

My colleague from California said America is not a violent nation, or at

least no more violent than any other nation in the world. Therefore, the crime rates in foreign countries are different because there are no guns, or access to guns is very limited. She fails to recognize that study after study does in fact suggest that the basic culture, the social and economic differences change different attitudes.

If you look at Switzerland where there are as many guns as there are people, there is a very low crime rate. Tough laws? You bet there are tough laws. But there is also a fundamentally different social attitude in that country. They go after their criminals, not their gunowners. Let me tell you, if you commit a crime in Switzerland and use a gun in the commission of that crime, you are put away. You are not pampered or plea bargained back to the street. You are put away.

Mr. SIMON. If my colleague will yield, I do not happen to know what the laws are in Switzerland for gun dealers, but I am willing to gamble—you mention Switzerland—I am willing to say let us find out what the laws are in Switzerland and adopt those here in the United States on gun dealers. Is my colleague from Idaho willing to take a look at that?

Mr. CRAIG. I would certainly be willing—reclaiming my time—to take a look at it. I think my colleague from Illinois knows I am sincere when I say let us resolve this problem, because we have a problem; nobody disputes that.

What I do not want to do, and what will be done by this amendment, is put an awful lot of fine law-abiding citizens out of business. We want the criminal. Those 2,500 deaths caused by handguns, quoted by my colleague from California, we would like to stop that. There is no question about it. So we change the law and we put the law-abiding citizen out of business, and the criminal has the gun and the statistics will not change because in Switzerland the crime laws are different. In the whole of Europe, the crime laws are different, and that is a reflective attitude of culture.

Mr. SIMON. If my colleague will yield, I frankly do not know what the law is on selling guns in Switzerland. But just to the north of us in Canada, where they also have a very high percentage of guns relative to the population, there you have to fill out a very different form than we fill out with much more detail. It includes fingerprints; it includes a photograph; it includes the kind of material that makes it easier to verify; you have to pay a higher fee, and you have to do the kinds of things that we ought to at least approach doing here in the United States.

I thank my colleague for yielding. Mr. CRAIG. The point that my colleague makes of the environment in Canada is absolutely true. The point that is missed is that all Canadians can

own guns. Yet, crime rates are different up there. Why? Well, there is a substantial difference in law enforcement, and there is a substantial difference in socioeconomic attitudes. There is a heck of a lot of difference between the inner city of Chicago and the inner city of Montreal, as it relates to drug dealing and trafficking and a criminal justice system that puts people back on the street.

In this city in which this debate is going on, four and five and six times a person is put back on the street after violation of the law. They are put right back on the streets and, ultimately, they commit a major crime; they take a life. That is a fact. This amendment will not change that fact.

Mr. SIMON. If my colleague will yield, Canada, for example, has a 28-day waiting period in order to buy a gun.

Mr. CRAIG. I understand that. Mr. SIMON. I am sure my colleague from Idaho would support such legislation here.

Mr. CRAIG. As my colleague from Illinois knows, I would not support that. But my colleague from Illinois would have to admit that every Canadian citizen who, as I understand, is not a convicted felon, can own a gun if they choose, even if they go through the tightrope. My point is that the crime rates are different. There are as many guns as a law-abiding Canadian wants to own. Criminals in Canada have guns, but Canada treats criminals differently.

Mr. SIMON. If my colleague will yield, you may be surprised to learn that the crime rate in Canada is not that much different than the crime rate here in the United States. What is different is the lethality of crime, that the crimes in the United States are much more likely to involve murder, much more likely to involve very serious violence. And I think it is because Canada does a much better job of screening who owns a gun and does a much better job of who sells guns.

If we adopt my amendment today, it does not go nearly as far as Canada, but it moves a little in the right direction. I applaud my colleague from Idaho for using Canada as an example.

Mr. CRAIG. Madam President, then let us talk more about Canada because, you see, after Canada passed a gun law in 1977, a tough gun law, the murder rate did not go down, it edged up. And that is a fact. Robbery, burglary—all crime rates went up in Canada.

What I do suggest is that, as a per capita basis, overall crime is down in Canada. There is a difference in the cultures. There is a heck of lot of difference between the inner cities of Canada and inner cities of the major cities of this country.

We treat criminals differently. Of course, we all know that it is the criminal element that has caused the

greater problem and perpetuates those and brings other individuals into that problem. Anytime criminal justice in this country returns a criminal to the street or a violator of law to the street—time and time again, until they kill, robbery after robbery, drug dealing after drug dealing, we plea bargain them back to the street until they kill, then 10 years or less in prison, and they are back on the street—something is wrong. Take the guns away and the world will be a safer place. Not true. Not true.

We are talking about an attitude. Crime is behavior and is controlled by moral and individual values.

I agree with my colleague from Illinois. We have talked about violent crime on television perpetuating an attitude in the minds of Americans, and we are going to do something about it. He has taken a leadership role in that area. In other words, we are finally beginning to recognize that it is the mind and not the tool that the mind chooses to use that causes the problems we are here debating today. We will throw up all of these barriers or attempt to, and we will not change until we recognize that a nation that is buried in laws that it will not enforce will create a criminal element that will threaten our very culture and our very societal attitudes that we hold dear. That is the bottom line.

We know in the development of this Nation that until we gained control of the streets, until we gained control of our society, we had organizations that were anti in nature. Why? Because humans demand justice. They demand safety. They want security. And they are going to try to get it. That is what we established a criminal justice system for.

For some reason, we cannot get a good many of our colleagues here in the U.S. Senate and the House to believe that it is the law that deals with the criminal that makes the difference here, not the law that deals with the gun or the knife or the bow and arrow, for that matter. But we want to go home and say to our citizens who are frightened in their homes and frightened on their streets, look what we did for you. We passed a law that says we are going to charge \$375 more to a federally licensed firearm dealer, and the streets of Chicago are going to be safer.

If you go home and say that, you are not telling the truth because it will not happen. If you go home and say that there are mandatory sentences and those criminals will be taken off the streets and the word sweeps across Chicago that if you use a gun in the commission of a crime, you are going to be put away for a long time, maybe that begins to make a difference because maybe that begins to change the criminal mind.

Let us deal with reality. Let us not deal with myth and let us not deal with

illusion because I believe the amendment today has a problem in the sense that it argues something that it cannot accomplish.

I retain the remainder of my time.
The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.
Mr. SIMON. Madam President, if no one is seeking time, I will question the presence of a quorum and ask the time to be equally divided.

Mr. GRAMM. I want to speak.
Mr. SIMON. I withdraw my request.
The PRESIDING OFFICER. Who yields time?

Mr. SIMON. I note the presence of the Senator from Texas who is over here, I know, to support my amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield to the Senator from Texas 10 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Madam President, I had an opportunity last night to debate this subject at some length. I am hopeful that when we vote on this issue later this morning we will dispose of it. As I told my colleagues last night, if we do not dispose of this amendment at that time, I will respond to the concerns of our Democratic colleagues by offering an amendment that requires 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony, 20 years for discharging that firearm with intent to do bodily harm, mandatory life imprisonment for killing someone, and the death penalty in aggravated cases.

I believe that that is the way to get at gun violence and gun crimes—put the people who are abusing gun ownership in prison where they belong, and let them have a long and hopefully fruitful stay where they learn to respect the rights of law abiding citizens.

Mr. DOLE. Madam President, I rise in opposition to the Simon amendment in large part because I am not certain what it seeks to accomplish. Much has been said about use of firearms in crime, some have suggested the cost does not equal the cost of processing Federal firearms licenses, we've even heard this will remove all Uzis from the streets.

My colleague, the senior Senator from Texas, described the situation accurately—most active so-called FFL's are small business men and women who engage in the business of trading firearms to supplement their income. FFL's stem from the 1968 Gun Control Act which, for the first time, prohibited the interstate sale of firearms by our citizens.

As an example, if someone from Riverton, KS, wanted to purchase a shotgun from a virtual neighbor in Joplin,

MO, that Kansan would need a Federal firearm license. We created the need for FFL's, we have not changed the underlying need, so we must, in the first case, admit that there is a need for some of our citizens to possess FFL's.

I certainly agree that the price of the licenses should be increased. What concerns me is the over 3,000-percent increase being suggested in this amendment. The Bureau of Alcohol, Tobacco and Firearms has indicated the actual cost of processing is around \$100 per license—I am not sure why that isn't a more appropriate number. The sponsor of the amendment suggests the extra \$275 would be used to supplement the ATF budget—in part to offset the reduction in the budget sought by the Clinton administration. If this is true, we certainly have another new tax on the middle class to pay for the money that was transferred out of Federal law enforcement to pay for some new program—something we were supposed to be against.

Let me now address the matter of the number of licenses, the theory that criminals are those who hold FFL's. The Senator from Illinois indicated that in 1992, 187 FFL's were prosecuted. Well, that amounts to six-tenths of 1 percent of all FFL's—a percentage that is probably below the number of Members of Congress who were alleged to have violated some law that year. So maybe we ought to pay some large fee to pay for the ATF to investigate us.

Finally, let me say that we aren't going to remove Uzis or assault rifles or any other type of firearm from the streets by raising the fee. Guns sold in the streets of this country are usually not transactions involving FFL's. I am aware of no instance where someone who wished to profit from arming criminals first applied for a Federal firearm license so as not to violate one provision of the 1968 Gun Control Act while violating another. That just makes no sense.

I will state to the sponsor of this amendment, I believe reform of the FFL program is overdue and I pledge my cooperation in assisting that effort. However, I suggest this falls short, it simply establishes a huge new tax on law abiding, low- and middle-income Americans in the name of results that will not be accomplished.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON addressed the Chair.
The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I rise as an original cosponsor of the amendment of the distinguished Senator from Illinois.

I think that this is a proposal that is long overdue. This country has experienced an explosion of guns in the last

decade. Experts estimate that there are altogether about 200 million guns in this country—200 million guns—68 million handguns in this country. This has implications for many, many aspects of our society.

Obviously, it has implications for crime control, for violence in the streets. It has implications for the capacity of our health support systems, since hospitals are burdened by more and more injuries as a result of guns.

The rise in the number of guns has been caused in part, I believe, by the cost of the gun dealers' licenses, which are abysmally low.

Last December, in the Washington Post, a staff writer named Pierre Thomas penned a series of articles called *Under the Gun*, which detailed how easy it is to secure a gun dealer license in this country.

Remember, this is guns, the right to sell guns. The story that was vividly told by the series goes something like this: If you want to sell guns, you fill out an application, you pay about \$30, and in about 45 days you get a 3-year license from the Federal Government to sell guns. Considering the tremendous damage that irresponsible gun use causes every year in terms of lives lost or altered or destroyed, that is a very sad story; \$30, set up your shingle, sell guns.

Out of 34,000 applications for new gun dealer licenses filed in 1991—out of 34,000, only 37 were denied. These are supposed to be screened so we make sure that people who are disreputable or unbalanced do not sell guns in America—out of 34,000 applications, only 37 were denied. Only a fraction of the 34,000 were screened. Instead of suggesting that gun dealers have disproportionately more virtuous backgrounds than most Americans, these figures suggest that our current system of tracking applicants for dealers' licenses is woefully inadequate.

One gun dealer, who was quoted in the Thomas series, called the current system, in his words, "a joke." He goes on to say: "The politicians are screaming about gun control, but the Government is handing out licenses to every Tom, Dick, and Harry that comes along."

Is that any way for us to act, handing out gun licenses to every Tom, Dick, and Harry that comes along? The total number of federally licensed gun dealers is about 280,000 in this country—280,000 individuals who put shingles outside their stores saying, "We sell guns." It has been an explosion in the last decades. Since 1980 the number of gun dealers have increased 60 percent—in one decade. Is it any wonder that kids going to high schools are carrying guns, that people are loading up on guns so much so that in one State a Governor is hailed as a major gun control advocate because he limits the purchase to one gun per person per

month? It is because gun dealers in this country have proliferated the landscape—up 60 percent since 1980, 280,000 gun dealers.

One of the reasons for this explosion is the bargain basement price of a gun dealer's license. A gun dealer's license costs this year about \$10, up to \$30—\$10 to \$30, a fee that basically has not changed in 25 years.

Madam President, I ask unanimous consent for 3 more minutes.

Mr. SIMON. Madam President, I yield 3 additional minutes to the Senator from New Jersey.

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

Mr. BRADLEY. It has not changed in 25 years. If you wanted to sell guns in America 25 years ago, you paid the same thing as you pay today. The actual cost of processing the license application is much higher than the license itself. The point has been made dramatically by the distinguished Senator from Illinois. This means the American taxpayers subsidize gun dealers at an alarming rate. This amendment would reduce that subsidy and help curb the explosion of gun dealers so Federal authorities would be better able to monitor them, so we are better able to be sure we do not have unbalanced individuals out there selling Uzis to people in America.

Unlike other crime and gun issues, this is not an issue that can be dealt with solely at the State level. I notice a lot of the opponents of this measure come from States with relatively permissive gun laws. I, on the other hand, represent a State with some of the toughest gun control laws in the country. We have had registration for guns since 1967. Yet in my State where there is substantial support for restricting guns, local officials can do very little about the growing number of gun dealers because of the role played in the process by the Federal Government. This is why I believe we have to take this step at this Federal level to discourage the growth of the gun industry.

Madam President, a lot more will have to be done, I believe, before gun sales decline in this country. We have to educate people about the high rate of accidental deaths caused by guns. We have to make it more difficult to purchase guns. We have to, frankly, acknowledge that fear covers the streets like a sheet of ice, and we have to work toward removing that fear from society. In short, we have to begin to look at the proliferation of guns and gun violence in America for what it is, an epidemic. And we have to begin to think of it in epidemiological terms. But that is another story.

This amendment, it should be noted—and I do—is a step in the right direction because it seeks to bring the cost of obtaining a gun license more in line with the real cost of the license to

our society. I urge my colleagues to support this important beginning in terms of getting control of gun dealers in this country and the proliferation of guns and violence that frightens millions of Americans to a degree unthought of just a few years ago.

I yield the floor.

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

Mr. CRAIG. Madam President, the 1968 Gun Control Act that put in law and into process the licensure issue that is before us today in the amendment, within its definition is replete with words about, "not restricting"—"not foreclosing"—"the purpose of this act is not to deny."

The purpose of the 1968 Gun Control Act was to be able to establish, if you will, a paper trail. It was not to stop law-abiding citizens from getting or gaining a license to deal in, buy or sell firearms in this country. We have a lot of law-abiding citizens today who deal very slightly in firearms, but they do not want to be in violation of the law. They do not want it to ever be questioned that they are. So they acquire a license and they deal in, buy or sell, collect and hold, 8 or 10 guns a year. It is their hobby. It is part of Americana, right or wrong. And that is the vast majority.

Yet, we heard our colleague who just spoke talk about control. If he wants to change the intent of law—you can control through excessive taxation. We have known that throughout history. You can cause a shift in economics, you can change a way business is done, the way human behavior operates by excessive taxation.

But my guess is you will not control access, nor will you control the criminal mind in his or her desire to own and use a gun in the commission of a crime. The \$375 talked about at this moment is in the backdrop of it costing \$56 to issue a license. Let me repeat that. The cost of issuance is \$56. The investigation around the issuance is \$44.

The field investigation, where the BATF investigators go out to the field and check the records of the dealers, is about \$235 annualized, and the travel is around \$40, average. That is where my colleague from Illinois gets the \$375 figure.

That is to assume that we would inspect every license on an annual basis. We do not inspect every food license of every restaurant in every city on an annual basis. I suggest that a reasonable check would be at least during the tenure of the license. We are not doing that now. We have all agreed to that, and we have all agreed that is probably not right to do.

But what we have not agreed to is this form of excessive taxation, to suggest that through licensure we are going to fund other activities, other responsibilities of BATF besides this, because the amendment says, well, we

will take out \$19,700,000, and not more than that, and the rest will be deposited into the Treasury as miscellaneous receipts.

It sounds to me like because this President decided to cut the budget of BATF, the Senator is proposing we are going to raise the general budget of BATF through this mechanism.

So what are we doing here? Are we, in fact, creating an environment by which we can license in a responsible fashion, inspect in a responsible fashion? Do we really want to hire 300 additional people at BATF? Those are the issues at hand. That is what this Senate ought to examine in absence of the kind of hearings that bring about the type of legislation that we can probably both agree on that would result in reasonable and responsible inspection on some regular basis to assure safety, to assure that that less than 1 percent element are not misusing their license or hiding behind their license for the purpose of illegal trafficking in the sales of guns.

Those are the bottom-line issues that this Senate has to consider when they look at this amendment. My guess is it is a broader way to fund BATF and its broad activities at Treasury. Yet, we only said in the 1968 law that we wanted to create a paper trail; we would not inhibit, nor would we prohibit, because that would be a violation of the Constitution. But we did want to be able to check about illegal activities and to substantiate the responsibility and the responsiveness of the dealer.

That is what ought to be at issue here, but I suggest it is not. I retain the remainder of my time.

Mr. SIMON. Madam President, I yield 7 minutes to the senior Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I have been privileged to be on the floor while this discussion has been taking place and listening to my distinguished colleague from the opposition and also to Senator SIMON. I think that the issue has gotten really confused. I would like to return it to the basic point of what Senator SIMON and his cosponsors, yourself included, Madam President, are trying to do with this legislation.

Essentially, what we have today is an ATF gun-registration program which registers about 290,000 registrants a year, about 286,000. The whole program costs around \$29 million, including fixed administrative costs. The license fees presently only bring in \$2.9 million. Consequently, the taxpayers subsidize the gun registration and compliance program for the remainder, the remainder of which is about \$26 million of subsidy.

What the ATF is saying, what Senator SIMON is saying, what we, Madam President, are trying to say is, replace

the taxpayer subsidy with a fee that is related to the cost of compliance and enforcement of the law. That fee, according to ATF, is \$375 a year, which is the cost of complying with the program.

Presently, even with a taxpayer subsidy, ATF cannot go out into the field, cannot inspect a permittee to see if that permittee is what that permittee says he or she is.

Let me read into the RECORD, if I may, two recent editorials from newspapers: One from the west coast and one from the east coast.

Being a Westerner, let me point out an editorial which ran on the 27th of this month—3 days ago—in the Los Angeles Times. It is entitled: "Need a Gun Dealer's License? No Problem." Then it begins by citing a case that I mentioned last night on the floor of the Senate, the case of Josh Daniel Lee. And I quote:

For Josh Daniel Lee, obtaining a Federal permit to deal guns was easier than getting a license to drive. In 1991, at age 21, with no criminal record and \$30 to spend, Lee simply filled out a form, sent in the fee and waited—no more than 45 days—to secure a Federal firearms license from the Bureau of Alcohol, Tobacco and Firearms. That's when the trouble began.

Two weeks ago, Lee was arrested and charged, by the same Government that issued him that license, with supplying illegal weapons out of his home to members of the Fourth Reich Skinheads, the hate group that allegedly planned to inflame racial tensions in Los Angeles by attacking African-Americans and Jews.

The arrest, part of a heads-up operation by Federal and local law enforcement * * * that broke up the purported plot, is commendable. But the ease with which Lee was able to get a dealer's license—allowing him to ship and receive large quantities of firearms and ammunition at wholesale prices—again raises disturbing questions about the regulation of America's quarter-million federally licensed firearms dealers.

This is the main part, Madam President; this is the main part:

The ATF estimates that only 20 percent of those now licensed operate a traditional store front business.

Only 20 percent.

The rest, so-called kitchen-table dealers, sell firearms out of homes, hotel rooms or private offices, too often in violation of Federal, State and local laws.

The point was raised last night, and I admit that part of the American dream is the right to protect oneself, that there are arms swaps where people in country areas will go to a meeting and purchase arms; and that people earn part-time income from selling these arms. I say then, let them register. I say then, let them pay the \$375. I say then, let a Federal arms compliance officer visit them once a year to determine that they are legitimate people, that they are hardworking people and that they are selling their arms to the sane, not to the deranged, not to the criminal, not to those who would ter-

rorize, attack and maim. That is the point in this.

Let me tell you, Madam President, we heard about the countryside—the countryside of Texas, the countryside of Idaho. Let us talk for a moment about Los Angeles, and let me give you a chilling factor, again, from these articles.

* * * of the 1,100 gun dealers in the City of Los Angeles in 1992, only 130 complied with local ordinance requiring them to be registered and fingerprinted and to pay \$300 for a permit from the Police Commission. In fact, local law enforcement authorities have no idea who is dealing guns in their jurisdictions. And that is because prospective licensees are not required by Federal law to prove that they are in compliance with State and local business licensing statutes.

This is a direct quote from an editorial of the Los Angeles Times.

It goes on to say:

The problem is exacerbated by Federal laws that in effect require the ATF to issue many more licenses than it can possibly keep track of.

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

Mr. SIMON. I yield 2 additional minutes to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator very much.

There are only 1 dozen Federal compliance inspectors to monitor 4,000 gun dealers in Los Angeles, Ventura, and Santa Barbara Counties.

Listen to that. There are only a dozen compliance inspectors to monitor 4,000 gun dealers in three huge counties in America. What this would allow us to do is bring compliance to the point where it means something, where there is at least an annual visit by a Federal ATF inspector to a gun dealer to see what that gun dealer is doing.

We took an oath of office to uphold the laws of our country, to protect our people. We now have a simple measure that can enable us to do that, and we will not vote for it. I cannot believe it. I cannot believe it.

Who would vote against saying that people who want to deal in guns should fill out an application that pays the cost to see they are doing what they say they are doing, selling these guns legitimately, not in hotel rooms to skinheads, not in back lots to people who would terrorize, not in motel rooms to a potential assassin, but to legitimate people who want to use that weapon for legitimate sporting purposes, as a collector or for self-protection.

That is all this legislation talks about. To me, it is basic, sane legislation that is aimed at protecting the welfare of our citizens, to see that this Government does what it says it is going to do, provide for the general welfare, promote the common defense, ensure the domestic tranquility. That is all this legislation does. I cannot understand how anybody going to a gun

swap meet would feel that the person selling those guns should not be reputable, should not be honest, and should not pay a fee for just the amount that it takes to see that he or she is just that.

That is what this legislation does.

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

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes remaining; the Senator from Idaho has 8 minutes remaining.

Mr. SIMON. I yield to the Senator from California for a unanimous-consent request.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

I ask unanimous consent a Los Angeles Times editorial dated July 27, 1993, and a Washington Post editorial dated December 2, 1992, be printed in the RECORD.

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

[From the Los Angeles Times, July 27, 1993]

NEED A GUN DEALER'S LICENSE? NO PROBLEM

For Josh Daniel Lee, obtaining a federal permit to deal guns was easier than getting a license to drive. In 1991, at age 21, with no criminal record and \$30 to spend, Lee simply filled out a form, sent in the fee and waited—no more than 45 days—to secure a federal firearms license from the Bureau of Alcohol, Tobacco and Firearms. That's when the trouble began.

Two weeks ago, Lee was arrested and charged, by the same government that issued him that license, with supplying illegal weapons out of his home to members of the Fourth Reich Skinheads, the hate group that allegedly planned to inflame racial tensions in Los Angeles by attacking African-Americans and Jews.

The arrest, part of a heads-up operation by federal and local law enforcement authorities that broke up the purported plot, is commendable. But the ease with which Lee was able to get a dealer's license—allowing him to ship and receive large quantities of firearms and ammunition at wholesale prices—again raises disturbing questions about the regulation of America's quarter-million federally licensed firearms dealers.

KITCHEN TABLE: The ATF estimates that only 20% of those now licensed operate a traditional storefront business. The rest, so-called "kitchen-table dealers," sell firearms out of homes, hotel rooms or private offices, too often in violation of federal, state and local laws.

As Times staff writer David Freed reported in a five-part series on guns last year, of the 1,100 gun dealers in the city of Los Angeles in 1992, only 130 complied with a local ordinance requiring them to be registered and fingerprinted and to pay \$300 for a permit from the Police Commission. In fact, local law enforcement authorities often have no idea who is dealing guns in their jurisdic-

tions. That's because prospective licensees are not required by federal law to prove that they are in compliance with state and local business and licensing statutes.

The problem is exacerbated by federal laws that, in effect, require the ATF to issue many more licenses than it can possibly keep track of. There are only about a dozen federal compliance inspectors to monitor 4,000 gun dealers in L.A., Ventura and Santa Barbara counties.

By contrast, dealers luxuriate under the Firearms Owners Protection Act. Passed by Congress in 1986, it limits the ATF to only one unannounced inspection per dealer each year and prohibits the agency from centralizing dealer records or establishing any system of firearms registration. This act is an outrage and must be changed.

MURDER RATE: Such legal loopholes, combined with lax enforcement, may not be much of a problem in rural areas, but for cities like Los Angeles the consequences and costs are enormous. The steady flow of guns contributes to a climate of escalating fear and violence. Last year, more than 8,000 people were treated for gunshot wounds in county hospitals and 1,919 were murdered with firearms. Against those horrific numbers, the government should move to run illegitimate dealers out of business as fast as it can.

Toward that end, Sen. Paul Simon (D-Ill.) has introduced a bill to raise the licensing fee to \$750. Besides helping pay for the growing cost of regulating dealers, that higher financial threshold would undoubtedly weed out some of the undesirables.

Congress should also approve measures by Sen. Daniel Patrick Moynihan (D-N.Y.) to require that applicants prove they are in compliance with state and local laws and zoning, business licensing and dealer requirements. In addition, Congress should drop the requirement that the government issue licenses after only 45 days even if its review process is not complete. Without these simple changes, people like Lee will continue to provide guns to society's most undesirable elements.

[From the Washington Post, Dec. 2, 1992]

LICENSE TO KILL

In an eye-opening series this week titled "Under the Gun," staff writer Pierre Thomas reported that getting a federal license to sell firearms is a snap. Fill out a short form, pay \$30, and in about 45 days you've got a license. No fuss and probably no bother—most records aren't audited for decades. No wonder business is jumping—with more than 270 licenses a day issued in 1991. Of 34,000 applications for new licenses last year, only 37 were denied. There were 57,327 licenses renewed and only 15 renewal applications denied. The total number of license-holders, most of them considered law-abiding, is ridiculously high—276,000, up 59 percent since 1980, while the number of federal inspectors assigned primarily to gun dealers is down 13 percent. And oh, yes: Guns have killed 60,000 people in this country in five years.

So what's the matter with the U.S. Bureau of Alcohol, Tobacco and Firearms, the agency that dishes out all these licenses and then can't begin to monitor them? This agency is only as effective as the law allows it to be, and in this case the law is just the way—weak—the NRA likes. The gun lobby prefers an agency with minimum computerized capacity to check records or use a central database. In 1986, when members of Congress were even more cowed by the gun lobby than they are today, the NRA and its semiauto-

matic water-carrier in the Senate at the time—Republican James A. McClure of Idaho, now retired—succeeded in weakening what law was on the books. His legislation reduced certain recordkeeping violations by dealers from felonies to misdemeanors and forbade ATF to inspect any gun dealer more than once a year.

ATF needs its teeth back. The agency is good at what it is allowed to do, including the tracking of guns, even though it may have to sift through slips of paper because it hasn't been able to computerize its records quickly enough. Good legislation has been proposed before and should be enacted now. It's obvious that tougher federal controls are needed, along with a force that can inspect all license-holders regularly. One other proposal that could take effect quickly would require any applicant for a federal license to supply certification of compliance with all state and local ordinances. This, with an accelerated automation and inspection plan, could begin to make a difference right away. So could some tighter rules on applications for renewals.

The gun manufacturers for whom the NRA fronts will insist that the killers will always get firearms without paying attention to tougher controls. Why not test their argument? As it stands, the federal system is a disgrace.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, my colleague from California has made a very compelling argument as it relates this morning to the amendment, but it is compelling if we do not worry about facts.

For example, let me remind my colleague from California that it is not an American dream to own a gun. It is a constitutional right. So somebody does not just dream about owning a gun in this country. They have the right to own a gun.

Now, it is not a dream or a right to own a Federal firearms license. It is something you apply for under the law, and it is something granted if you qualify. Of course, the director of BATF, when they finally decided to increase their effort at looking at applicants and doing what the 1968 law requires them to do, found out that a variety of individuals abandoned or withdrew their applications when they did what they were supposed to do under the law. That was a quote made on June 17.

We know that that will happen if they do what they are supposed to do. But we have an administration which has even cut back on their funding, and I am not sure why that is the case. In that same statement, of course, we know the director said that most licensees, a vast majority of licensees, do not contribute to crime in our country.

I am not quite sure why—and I am always very frustrated by it—there are those who will not allow this Congress to produce good criminal law that will deal with the criminal, but we want to deal with some inanimate object and

go home and say the streets of San Francisco are safer. Not on your life. The streets of San Francisco and Los Angeles will not be safer until we deal with the criminal element and not the guns.

When the streets of Los Angeles erupted, citizens of Los Angeles went out and bought guns for their protection because local and State law enforcement agencies failed. That is the bottom line. There were more guns sold in Los Angeles during that period of time than had been sold in any other period of time in its history—by law-abiding citizens who finally realized that local law enforcement agencies could no longer keep them safe, not just against guns but against criminal elements charging through the fronts of their houses, and ransacking them, and setting them afire along with their businesses. Now, that is a breakdown in law. That is a breakdown in State government doing what it ought to be doing.

I suggest to all of you that \$375 does not a safer Los Angeles make. But we know what will make it safer—changing the laws and dealing with the problems of that inner-city area in a responsible and comprehensive fashion, not taking law-abiding citizens' rights away from them, or not destroying the small businessperson, or not sending across the land a fleet of Federal agents to run roughshod over the rights of American citizens.

That is the issue that is at hand in this amendment. Let us sit down and work it out. Let us do it in a responsible fashion. Let us make BATF do what by law they are charged and responsible for doing. This amendment cannot, and will not, accomplish that. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Illinois.

Mr. SIMON. Mr. President, first let me just say that person earlier described by the Senator from Idaho, a person who owns 8 or 10 guns and occasionally sells a gun or buys a gun, is not covered by the Federal licensing requirement. The law is very clear on that.

Second, who supports this? Well, among others, the National Alliance of Stocking Gun Dealers. Now, who are they? They are the people who actually have gun stores. They favor this legislation.

I ask unanimous consent to insert into the RECORD the letter from B.R. Bridgewater, the executive director of that association.

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

NATIONAL ALLIANCE OF
STOCKING GUN DEALERS
Havelock, NC, July 13, 1993.

Senator PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATOR SIMON: A careful reading of the Gun Control Act of 1968, which governs

the issuance of Federal Firearms Dealers Licenses (FFL), leaves absolutely no doubt that the intention of the statute is to regulate the "business" of selling firearms.

The Form 7 application for a license contains 15 references to the need for "businesses" to be licensed. In contradiction to the Form, ATF's previous liberal interpretation of the licensing provisions of the GCA has led to the issuance of 296,000 licenses to engage in the "business" of selling firearms. By ATF's own admission, an estimated 80% of all firearms licensees are not bona fide or legitimate businesses.

Those who obtain a dealers license are under no Federal obligation to comply with state or local laws. Many simply choose to ignore them. Do not delude yourself that those who fail to comply with state and local law are not dealing in firearms, they are! They simply operate illegally.

Many federally licensed dealers ignore local licensing or sales tax requirements in order to hide their activities. Only recently has ATF used its limited resources to keep the illegal dealers (i.e. those who do not comply with state and local laws) from getting a federal license. This marks a reversal of a 10-15 year trend.

While we applaud ATF's efforts, more oversight is needed and stronger legislation is needed in order to have any real impact on compliance by dealers. We will discuss this issue in more detail a little later.

A 1984 amendment to the GCA permitting dealers to conduct sales at gunshows within their home state has spurred the ever-increasing desire for firearms dealers licenses, and it has led to the establishment of a well oiled and very efficient national firearms black market.

Because of limited ATF resources and the overwhelming number of gunshows held in this country each year, sales at gunshows go virtually unchecked by any level of regulatory or law enforcement oversight.

These gun shows are frequented by all segments of society—firearms and outdoor sports enthusiasts as well as felons, gang members, and multi-state gun runners. The ease with which a firearm can be purchased at a gunshow is well known within the criminal community.

Profit is also a strong motivator for those who choose to participate in the underground firearms trade occurring on the streets of our cities every day. Small, semi-automatic pistols purchased by black marketeers for \$50 sell "off paper", on the streets, for \$250-\$400 while the bona fide, compliant dealer sells the same pistol for \$60.

The time has come to stem the illegal flow of firearms in this country through legislative initiatives that give ATF the tools necessary to put an end to both the illegal access to firearms and firearms licenses. Toward this end, we respectfully request your consideration of the following:

1. Require all applicants for a Federal Firearms License to submit two photos, one side and one front, and a full fingerprint card taken and certified by the local police department or sheriff's office.
2. Require a photo of the intended business location both inside and outside, accompanied by a statement from the cognizant zoning inspector that a firearms business may be operated at that location.
3. Require copies of all state and local permits and licenses to be submitted with the Form 7 application.
4. Upon receipt of the application, conduct a thorough background check (preferably by

the FBI) to determine whether the applicant is a felon, or a clean citizen.

5. Charge a license fee sufficient to defray the cost of processing the application, doing a comprehensive background check, and accomplishing the other administrative tasks. I believe that this can be accomplished properly for a fee in the range of \$350-\$500.

6. Do a compliance audit six to eight months after the licensee opens for business to ensure that the new licensee starts out properly.

7. If notified by a responsible state or local agency that the licensee is not in compliance with state or local law, give the licensee notice that he has 30 days to comply with local law or lose his license. If he fails to comply, revoke his license.

8. Note that there is no Federal Firearms License for "personal use". Nor is there a "hobbyist license", so prohibit the issuance of a business license for these purposes.

Sincerely,

B.R. BRIDGEWATER,
Executive Director.

Mr. SIMON. They make it very clear. It says:

While we applaud ATF's efforts, more oversight is needed and stronger legislation is needed in order to have any real impact on compliance by dealers. We will discuss this issue in more detail a little later.

Mr. CRAIG. Will the Senator yield?

Mr. SIMON. Just for 20 seconds because I am running out of time.

Mr. CRAIG. I will share this on my own time then, because what is very important here is the definition in engaging in business. The Senator is right, those who engage in the business of selling firearms must have a license, but because of the 1983 circuit court decision by Judge Scalia as it related to the definition of "conducting business," the Court rejected the argument that means a commercial enterprise and said it is far less than that. And what happened after that was the collector who deals in 8 or 10 firearms a year, fearful that he might be defined as violating the law by this action, went out and got a license. So I am correct in my argument, and we have an awful lot of people who seek a license who may not need it, simply because they do not want to risk being in violation of the law.

Mr. SIMON. It may be that some collectors do that if they are selling a lot. But the law is very clear. This does not apply to collectors.

So the people who actually have gun stores favor this. Who else favors it? The police organizations. We have a choice of siding with the police organizations, our law enforcement people who risk their lives for us, or these people who are selling guns over the kitchen table or out of the trunks of their cars.

And we are not trying to stop them in this amendment. What we are saying is we do not need welfare for gun dealers. They ought to pay the cost. That is all this amendment does.

We need inspections. We are now inspecting 6 percent of those who hold these licenses to sell guns.

And if you want right now to get a license to sell guns, it is the easiest thing in the world. You can just send in the wrong Social Security number, you can send your dog's name in, you can send the wrong name in. It is absolutely ridiculous.

This amendment does not take a gun away from a single person who owns a gun today. What this amendment does, it says let us have inspection of those who sell guns, who traffic in weapons, sometimes trafficking with people illegally.

Senator FEINSTEIN mentioned that famous phrase "ensure domestic tranquility." We are not doing a good job of ensuring domestic tranquility.

This is not, overnight, going to do anything in Los Angeles, Chicago, but it is a small step in the right direction, and we have to take some small steps in the right direction. I hope my colleagues will support the amendment.

Mr. CRAIG. Mr. President, I ask my colleagues to oppose this amendment and take a giant step for taking criminals off the street, and to stop the killing that is going on in the streets of America today, by major reform in criminal law.

Senators ought not be going home and saying, look, we just passed a \$375 licensing fee and the world is going to be a lot better, because we know that will not be the case. Less than 1 percent of all of those who currently hold a license are found to be in misuse of that license. Without question, the vast majority of the illegal weapons on the streets of America today are dealt out of the back trunks of cars and are dealt by illegal dealers, not by licensed Federal firearm dealers.

Sure, there can always be one or two examples, but we all know the facts. If we are going to adhere to the law of the land and to the constitutional right, then we are not going to put these kinds of restrictions in place. We are going to have a system that works, though.

My colleague from Illinois and I agree that the current system is not working very well because it cannot handle the volume. And the responsible committee deserves to have the hearings, should have the hearings, should craft a law that is reasonable, should not run small business people out of business, should not create a task that is confiscatory, that takes away rights and opportunity.

I am very fearful based on the facts we have heard today that that is the intent, and, of course, that is the reality of what will happen. If 80 to 90 people walk away from their license then something is wrong out there because we know that less than 1 percent are illegal in their activities. That is the fundamental issue at hand. Let us deal with it in a fair and responsible way that solves that problem, and let me also suggest that we do not finance

the whole of BATF operations on the backs of legitimate firearms dealers.

That appears, by this amendment, to be exactly what is going to happen. They need approximately \$100. They do not need \$375. I would think that a 30 to 40 percent inspection annually, maybe as high as 50 percent—that means every other year the books are looked at—becomes a responsible approach. But that is not what is being dealt with here. They are suggesting 300 more Federal employees, out looking at everyone's books on an annualized basis. That will not a safer world make, but it certainly begins to threaten the rights and the constitutional privileges of the individual.

I retain the remainder of my time.

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

The Senator from Illinois has 1 minute and 5 seconds.

Mr. SIMON. I yield 1 minute and 5 seconds to the Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank my friend.

Mr. President, we ought to adopt this amendment. It is reasonable. The cost here—I beg to differ with my friend from Idaho—is more than \$100. We know that. It is at least \$375. In 1992, the Bureau of Alcohol, Tobacco, and Firearms licensing center accepted 2,900 applications each month. Between January and April 1993, the numbers jumped to 6,000 per month. These increases are simply a direct result of such an easy way to get it, and it costs nothing—nothing.

There are now more gun dealers in this country than there are gas stations. As a gas station owner, and having dealt with that business over the years, they have to pay greater licenses than it does for a gun dealer.

This is a reasonable approach. It is not an infringement. It is not going to cure our crime problem. And the argument is, well, let us get tough on crime and increase penalties. We had a crime bill here, time and time again, and we could not get the votes to impose closure to get over it. I do not know where the Senator from Idaho was on it. But that is where we ought to be fighting crime. We ought to raise these fees. It is reasonable. It goes to support the legitimate concern of ATF.

Mr. KOHL. Mr. President, I rise in strong support of Senator SIMON's amendment. Simply put, we need to increase gun dealer fees to allow for a more comprehensive system of background checks and dealer inspections. In turn, these more stringent controls will ensure a heightened level of responsibility in the sale and use of firearms.

It is unconscionable that today it is easier to obtain a license to sell firearms than a license to drive a car. For a driver's license, you have to take a test, have your picture taken, and have the ID issued. In contrast, to obtain a

Federal license to sell firearms, it takes much less: merely a two-page form, a \$10 fee, and a cursory background check by the understaffed Bureau of Alcohol, Tobacco and Firearms [BATF]. In 1990, of the 34,336 Americans who applied for a license, only 75 had their applications denied.

Many of these gun dealers use their licenses to buy guns for themselves or sell guns out of their homes. Dealers can order guns wholesale through the mail in unlimited quantities and are often exempt from retail sales laws such as waiting periods and background checks. While the vast majority of firearm dealers are law-abiding citizens, the transgressions of a few have led to deathly results for far too many. In fact, all you need to do is open up your newspaper and you can read for yourself: The stories of criminals purchasing guns hours before committing murders are littered throughout their pages. The Director of the BATF told the House Judiciary Committee that, " * * * virtually all guns ending up in the hands of criminals flow through licensed dealers." So we must ensure that laws concerning sale of firearms are being enforced, and we must have enough staff members to force compliance with the law.

And do not just take my word that licensing fees need to be raised: ask the NRA. In a hearing before the Governmental Affairs Committee this March, the NRA acknowledged that increased fees make sense. We only disagree on the amount.

Mr. President, the proliferation of firearm dealers is accompanied by a disturbing phenomenon of juvenile ownership of guns. In a landmark report released last week by the Joyce Foundation, students were surveyed about their experiences, perceptions, and apprehensions about guns. The report revealed an astounding portrait of the prevalence of gun culture: 59 percent of the respondents say they could get a handgun, "if I wanted one," 15 percent say they have carried a handgun on their person in the past 30 days, and one in 25 say they have taken a handgun to school this past year. Additionally, the cover stories in both Newsweek and Time this week are both about kids and guns.

Mr. President, we must act now to preserve the safety of our children and curb the rapid increase in violence that is afflicting our society. We need to provide a series of new legislative measures to fight against violence, and this amendment is an important first step. My Youth Handgun Safety Act also moves toward curbing juvenile access to guns. So does the Brady bill. For the sake of our children, I hope that they will all become law by the time this Congress adjourns.

Mr. CHAFEE. Mr. President, it seems to me that the amendment put forth by the Senator from Illinois simply makes common sense.

It seems clear that all should agree that \$10 is a ridiculously, ludicrously low fee for a Federal firearms license. There are very, very few—if any—other licenses that cost so low. And when one considers that we are talking about a license for dealing in guns—by any definition, deadly weapons—the low fee seems not only ridiculous, but downright foolhardy.

The amendment proposed would raise that fee from \$10 to \$375. I do not consider that \$375 is an exorbitant amount, especially considering that a dealer with any profit margin at all could cover that fee without much difficulty.

And quite frankly, when you consider that we are talking about a lethal product—guns, weapons that are wreaking havoc on our society—I find the sum of \$375 actually quite outrageously small for a virtually unlimited right to buy as many guns as you like and distribute them freely.

This amendment does not merit a lengthy discussion of the so-called second amendment right to bear arms—which is an utter canard, by the way. It has nothing to do with whether citizens can go trap or skeet shooting. It has to do with commonsense rules about how easily one should be able to purchase the ability to buy unlimited quantities of guns.

All this amendment is, is a small step toward sanity. It will not stop all handgun violence—but it will help slow down and close off yet another of our unbelievably easy routes of access to deadly guns.

Now, as my colleagues know, I believe we should close off access to handguns entirely, simply turn off the spigot that pours more than 2 million handguns into circulation each year by banning handguns altogether. In my view, that is the real way—the only way—to tackle the problem of handgun violence. I would like to see the Senate debate my public Health and Safety Act of 1993; a bill to ban the sale, manufacture, and possession of handguns. I would welcome that.

But that is not what this debate today is about. What the Senator from Illinois is asking for, in fact, hardly merits debate. It should be approved unanimously. What is the fuss about?

In sum, I believe the Senator from Illinois has an amendment that makes eminent sense. I congratulate him on this proposal and am pleased to be a cosponsor of his amendment.

Mr. BYRD. Mr. President, I rise in support of the amendment offered by the Senator from Illinois that would increase the fee required by the Bureau of Alcohol, Tobacco and Firearms [ATF] for a Federal Firearm License [FFL] from \$10 to \$375.

The number of firearm dealers in this country has increased from 174,000 in 1980 to 287,000 today, an increase of over 60 percent. ATF reports that there is one firearm dealer for every 1,000

Americans, and one dealer for approximately every 290 firearm owners. According to the Violence Policy Center, that means that there are more gun dealers in our country than there are gas stations.

In West Virginia the numbers are rising as well. In October of 1992, there were 3,490 dealers; in March 1993, there were 3,661; and currently there are approximately 3,800. That is an almost 10-percent increase in only 9 months. To put these numbers in perspective, 3,800 dealers means that, on average, there are 69 dealers in each of West Virginia's 55 counties.

ATF has testified that initial applications are increasing so rapidly that they simply cannot keep up. The current license fee is only \$10—the same as was established in 1968 and never increased—and that the cost of the current inspection and investigation process is over \$100. That means that the American taxpayer is currently subsidizing each gun dealer by \$90. And the current investigation process is clearly inadequate. Apparently, fewer than 10 percent of dealer applicants undergo an actual inspection in the form of a personal interview or an on-site visit. With the rest, ATF must rely on computer searches to inspect applicants' records, using a computer system the database of which does not contain critically needed information from many States, such as arrests and dispositions records. I am advised that, once licensed, a typical dealer is audited by Federal inspectors only once every 20 years.

ATF has indicated that increasing the fee to \$375 would ultimately enable them to improve their initial application screening process to include personal interviews or onsite visits in most cases, and would also provide for more followup inspections.

ATF also believes that the proposed fee increase and improved investigative process will discourage individuals from obtaining a dealer's license for illegal purposes.

ATF Director Steven Higgins testified before a congressional committee on June 17, 1993, that:

Whether criminals buy guns directly or through straw purchases or from traffickers who buy the guns for resale, virtually all guns ending up in the hands of criminals flow through licensed dealers.

Mr. Higgins testified further that 73 percent of licensed dealers buy or sell less than 10 guns a year. These are dealers who sell guns at their kitchen table, from the trunk of their car, and in hotel rooms. Mr. Higgins said:

Although most licensees do not contribute to our crime problem, the sheer volume of dealers is obstructive in determining the focus of our compliance program.

Not a day goes by that we are not reminded of the rampant increase in crime in our country, especially crimes committed with firearms and related

to drugs. Unfortunately, there is every indication, as recent news articles have reported, that this scourge is now spreading to areas of West Virginia.

It certainly seems reasonable to me to provide the ATF with resources it needs to improve its firearms licensing and renewal process to help weed out those dealers who may engage in illegal activities.

It also seems reasonable to me that, in times of budget constraint, the costs of this licensing process should not be borne by the American taxpayers, but rather by those who benefit by receiving their Federal firearms licenses, the dealers themselves.

This measure will not prevent any American or West Virginian from exercising his or her constitutional right to purchase a firearm. This measure will not prevent an aspiring businessman from acquiring a license or put an existing, legitimate gun dealer out of business. What is will do is to help make sure that those who are federally licensed to sell guns should be.

Mr. DURENBERGER. Mr. President, I rise today to briefly explain why I will reluctantly be opposing the amendment by my friend and colleague from Illinois, Senator SIMON.

This amendment would raise the user fee for applying for a Federal firearm license from the current level of \$10 per year to \$375 per year. The Bureau of Alcohol, Tobacco and Firearms has estimated it would cost between \$375 to \$500 per application to conduct the kind of thorough background checks it should on potential gun dealers. BATF currently spends about \$100 processing a license, and only about 10 percent of applicants are inspected.

Let me say that I agree with several of the goals of this amendment. We should look into raising the license fee so the users will be paying for the cost of processing their licenses. I also believe we should conduct thorough background checks on potential gun sellers.

If we enact the Brady bill compromise, we should be only a few short years away from a computerized instant check system that will provide background checks in a matter of seconds. I assume that this technology will be available to BATF to check potential sellers, just as it will be used to check whether potential buyers are dangerous individuals.

But the thing that concerns me most about this amendment is BATF's own estimate that about 80 percent of current license holders will be driven out of business by the fee increase. When we are considering legislation that will have such a dramatic impact on that business, I don't believe the appropriations process is the best climate for thoughtful consideration of reform.

I hope that the Senate will continue to consider this issue, but I cannot support this amendment at this time on this appropriations bill.

Mr. BURNS. Mr. President, I rise in opposition to the amendment offered by Senator SIMON. This amendment would place an unrealistic increase in the fee for licensing guns. While there may be merit in reviewing the possibility of increasing the fees, this increase is not realistic—\$10 to \$350 is a hefty increase which is actually an attempt to impose restrictions on guns. This amendment would directly affect the residents of my home State of Montana, and is an attack on our constitutional rights.

This just doesn't make sense. It negatively affects people who sell guns. Have gunowners committed a crime? I don't think so. Instead of imposing tough laws on criminals, the proponents of this amendment are venting their frustrations on lawful sellers.

My overall concern of gun-control-type measures is the erosion of our constitutional rights. Far too often we have to fight for these rights—like the right to bear arms and the right of private property.

When looking at the whole gun control issue, I feel compelled to first step back, survey the bigger picture of civil liberties, and take a good, hard look at the Constitution—the Bill of Rights, article II:

"* * * the right of the people to keep and bear Arms, shall not be infringed."

There are no ifs, ands nor buts about it. It is my opinion that the Government can no more infringe on the right to keep and bear arms than it can tamper with the right of establishment of religion or the freedom of speech.

The forefathers gathered and instituted the Bill of Rights for a very good reason—to protect the rights of the individual citizen from an overbearing Government. The Bill of Rights has served our spirit of self-reliance and individual responsibility for over 200 years. I am afraid that an encroachment such as this amendment only leads to further erosion of those rights that define our freedoms, the very freedoms that make us Americans.

Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, I raise a point of order that this is legislating on an appropriations bill. I ask the Chair to rule.

The PRESIDING OFFICER. The Chair under Senate—

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, it is clearly germane, and I raise the question of germaneness.

The PRESIDING OFFICER. The Chair, under Senate rule XVI, now submits to the Senate the question raised by the Senator from Illinois [Mr. SIMON], namely, Is the amendment germane or relevant to any legislative language already in a House-passed bill?

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question before the Senate is, Is the amendment of the Senator from Illinois [Mr. SIMON] germane to any legislative language already in the House-passed bill?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 30, nays 68, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—30

Akaka	Feinstein	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Graham	Mitchell
Boxer	Harkin	Moseley-Braun
Bradley	Hollings	Moynihan
Byrd	Inouye	Murray
Chafee	Kennedy	Pell
Danforth	Kerry	Rockefeller
DeConcini	Kohl	Sarbanes
Dodd	Lautenberg	Simon

NAYS—68

Baucus	Feingold	McCain
Bennett	Ford	McConnell
Bond	Gorton	Murkowski
Boren	Gramm	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bryan	Hatch	Pressler
Bumpers	Hatfield	Reid
Burns	Heflin	Riegle
Campbell	Helms	Robb
Coats	Hutchison	Roth
Cochran	Jeffords	Sasser
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kerrey	Specter
Daschle	Leahy	Stevens
Dole	Levin	Thurmond
Domenici	Lieberman	Wallop
Dorgan	Lott	Warner
Durenberger	Lugar	Wellstone
Exon	Mack	Wofford
Faircloth	Mathews	

NOT VOTING—2

Cohen Pryor

The PRESIDING OFFICER. On this vote, the yeas are 30, the nays are 68. The judgment of the Senate is that the amendment is not germane. Therefore, the amendment falls as not germane.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 31, LINE 14

The PRESIDING OFFICER. The pending question is the committee amendment on page 31, line 14.

The Senator from Arizona.

Mr. DECONCINI. Mr. President, the Senator from Arizona would like to know what the order for business is. Is the committee amendment the pending amendment?

The PRESIDING OFFICER. The pending amendment is the committee amendment on page 31, line 14.

Mr. DECONCINI. Mr. President, I am advised that the Senator from New Jersey [Mr. LAUTENBERG] is prepared to enter into a time agreement perhaps with the Senator from Kentucky and offer an amendment.

I know it is the wish of the majority leader that we might proceed on this bill, and I wonder if the Senator from Kentucky has a comment regarding that.

We would like to move ahead on this bill. We have several outstanding amendments that we need to get to, and that is one of them.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I answer my colleague this way, that I am perfectly willing to enter into a time agreement with the distinguished Senator from New Jersey. We have talked, and I think we have an agreement. He is here. If I could have 15 or 20 minutes before we start, that is probably not what he wants to do.

Mr. DECONCINI. That is all right.

Mr. FORD. When this amendment comes, I am more than happy to enter into an hour equally divided and have a voice vote at the end of that without having a rollcall vote.

Mr. LAUTENBERG. I say to the manager, that would be my understanding as well, and at a time of convenience to the manager. My preference is about a half an hour from now. I have another committee meeting.

Mr. DECONCINI. Mr. President, I have not fully consulted here. If the Senator would stay here, maybe we could get an agreement to take this up by 12 o'clock.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. 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. SIMPSON. Mr. President, I ask unanimous consent that I may be allowed to proceed for 5 minutes as if in morning business.

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

ADMINISTRATION IMMIGRATION PROPOSALS

Mr. SIMPSON. Mr. President, on Tuesday morning, our President—and

he is our President, regardless of party—announced legislative proposals on expedited exclusion of illegal aliens and increased penalties for criminal alien smuggling.

I have carefully reviewed those proposals, and I believe they constitute a very good start. Many of the provisions are similar, even identical, to those in two bills I introduced earlier in the Congress to address alien smuggling and asylum abuse.

Many provisions are similar to the work product of Senator FEINSTEIN, who has taken a serious and vivid interest in this, which is very pleasing to me because I intend to work closely with her on these issues.

There are, perhaps, some partisan aspects to immigration reform, refugee matters, asylum. But, by and large, all of us know that the first duty of a sovereign nation is to control its borders. To do that we have to do certain things. I think many of us are ready to do that in a way which does not smack of nativism, or racism, or xenophobia, or all the stuff that is usually out there when you try to do something realistic. But I support very much making entry with fraudulent documents, or no documents—make it a grounds for exclusion with an expedited hearing and then exclusion of those who cannot establish a “credible fear”—those are the words, “credible fear of persecution in the home country.”

I support increased penalties for alien smugglers. I support using our racketeering—our RICO laws—to prosecute organized smuggling gangs. I support those provisions in the administration's proposals but I see some problems with other aspects of the President's bill. They are not unsolvable problems. But a primary purpose of asylum reform is to eliminate some of the many layers of appeal presently available to an alien claiming asylum. This overemphasis on process—it is almost an obsession with process—has created a backlog of hundreds of thousands of these cases. These cases can drag on for many years. Sometimes these people—often—get more due process than does an American citizen under similar, or different, circumstances.

The President's proposal—this is the disturbing one to me—would create a new corps of superasylum review officers, outside of the Immigration Service. I think the Attorney General would like to see—I would—bringing that group back within the Department of Justice. But they would review all cases where the alien is found not to have a credible fear of persecution, if he or she were to return “home.” Remember, none of them really wants to go home because if you are really an asylee, the minute you reach the country of freedom you are “home”—in quotation marks. At least you are away from the country that is perse-

cuting you. But no, they come to the second country, third country, fourth country—then here. We must stop that.

I support a supervisory review of a screened out case. If it is said of a person, “You do not have a credible fear of persecution,” I think there should be indeed a supervisory review. But I am troubled by the administration proposal to create a new group which might be outside the Immigration Service to review every single denied case. I think that is getting right back into the ponderousness of the process.

The purpose of my bill and the administration's proposal is to create a fast, firm, and fair system of dealing with asylum claims by persons who enter this country illegally. I think we can assure fairness with a supervisory review without the cost of delay in review by a member of some superasylum review officer corps.

Another concern with this proposal is adequate resources. We too often have enacted good immigration reform legislation but have failed to provide adequate funding. As a result, we have had legislation which has proven ineffective. A good example is the employer sanctions provisions of the Immigration Reform and Control Act of 1986, legislation that has never been fully and effectively enforced by the Immigration Service due principally to the lack of adequate resources and, of course, the other reason is because the documents presented have all been fraudulent and gimmicked beyond belief. Until we have some form of universal identifier, some form of counterfeit-resistant document, we will not have reform. That can be done in a nonintrusive way.

Because, unless we handle the problems of illegal immigration and gimmickry, we will lose our compassion for legal immigration and bringing in what is now a very generous number, 900,000 people a year—1 million if you want to count it a little differently. Nevertheless we passed that law. We did not provide the funding for the investigators needed to properly enforce it. If we do not provide adequate funding for the doubling of our asylum corps and proper funding for sufficient detention space to hold these aliens who have entered illegally until their claims can be heard, the bill will not be effective. Asylum backlogs will continue to grow and the new procedures will have no deterrent effect. The administration and the Congress must be committed to finding the resources to properly fund asylum and anti-smuggling legislation, and we cannot simply take the money from other immigration activities. That agency is already underfunded.

So I do appreciate the efforts of the administration to address this growing problem. I suggest several changes in the President's proposal but there is much in the proposal I can support and

will. Much of it is essentially in accord with my own activities with immigration reform bills.

It is a good first step, and there is much, much more to do. I thank the chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that I might proceed in morning business for a period not to exceed 15 minutes.

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

THE NOMINATION OF RUTH BADER GINSBURG

Mr. SPECTER. Mr. President, I am going to use this lull in the proceedings to make my statement on the nomination of Judge Ginsburg, which is scheduled for debate on Monday. But I want to use the time now.

An affirmative vote for Judge Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States is not as easy for me as it is for most, if not all, of my Senate colleagues. While I have no doubt about her being eminently well qualified for the position, I am greatly concerned over the course of the confirmation process that not enough questions have been answered at the confirmation hearings. At her hearings before the Judiciary Committee, Judge Ginsburg declined to answer most of the substantive questions which the members addressed to her.

I believe, and I think many of the other Senators believe, that she should have answered more questions. I am concerned that her confirmation, on the heels of previous confirmations, only leads the Senate further down the road of unwelcome precedent for future nominations.

Until 1925, no nominee had ever appeared before the Senate or any of its committees to testify. Testimony by a nominee did not become routine until Justice Felix Frankfurter was nominated in 1939, and even into the 1940's a nominee to the Supreme Court refused to appear before the committee to testify and was confirmed.

For years, nominees took a consistent position that they would discuss only their records and their background, but they declined to discuss legal philosophy either in the particular or in the abstract. Despite the fact that the Supreme Court became more and more active in decisions which affected all Americans through the 1950's and 1960's, still, nominees to the Court declined to answer questions about judicial philosophy.

My service on the Judiciary Committee began in 1981, and I have been through eight Supreme Court confirmation hearings. As we have proceeded, more and more we began questioning nominees about judicial philosophy. The nominees have had to tread

a fine line as we developed our inquiries to delve more deeply into a nominee's judicial philosophy.

Given the fact that no one wants to appear before a judge who has predetermined the case, it is understandable that nominees have not and should not discuss their views on particular cases which may come before the Court. At the same time, nominees generally have discussed their opinions on certain well-settled issues or on fundamental principles.

A major turning point came during the hearings on Judge Robert Bork. Members of the Judiciary Committee engaged in detailed examination of Judge Bork's judicial philosophy on many issues such as free speech, judicial review, and the proper means of interpreting the Constitution. Judge Bork did not discuss his position in specific cases that might come before the Court, but he gave the committee and the Senate a detailed look at his judicial philosophy.

Among other nominees in the 1980's, there was a wide degree of difference on how far they would go in answering questions. For example, Justice O'Connor expressly endorsed the death penalty as an appropriate sanction. She had previously voted for it as an Arizona legislator. Justice Kennedy refused to give his view on the death penalty.

Judge Souter endorsed the death penalty as constitutional, even though he, like Justice Kennedy, had not expressed a view before the hearings.

Against this background of evolving standards, Judge Ginsburg answered few questions. For example, I asked her about her concurring opinion in a suit by Members of Congress under the War Powers Act. From this point, I took the inquiry to the next level and inquired about Congress' authority to declare war.

When I asked Judge Ginsburg whether the Korean military engagement was a war as contemplated by the constitutional provision giving Congress sole authority to declare war, she responded that she could not answer the question without briefing and oral argument.

Obviously, no case is going to come before the Supreme Court involving the Korean war, and it seemed to me that this question required only a common-sense response regarding a matter which had arisen during her young adulthood. It was an appropriate question for Judge Ginsburg to give us some insight into her approach to an important historical event. She could have answered without prejudging a case which would actually come before the Court.

Judge Ginsburg also refused to answer questions regarding her approach to the propriety of Supreme Court decisions overturning longstanding statutory interpretations that Congress had

implicitly accepted. I asked her about her view of the Supreme Court acting as a superlegislature and Supreme Court activism as a revisionist court in changing the law and making new law in two major cases in the late 1980's. One was *Wards Cove*, a 5-4 decision handed down in 1989 which overruled a unanimous Supreme Court decision in the *Griggs* case in 1971 interpreting the 1964 Civil Rights Act. Despite the fact that Congress had let the *Griggs* decision stand for 18 years, the Supreme Court proceeded to change the law in *Wards Cove*. When I inquired about her view of the propriety of that kind of judicial activism, she declined to answer.

Similarly, she declined to respond to my inquiry involving the decision of the Supreme Court in *Rust versus Sullivan* which upheld the Department of Health and Human Services' 1988 regulation imposing the gag rule. That rule prohibited counselors from telling clients about the opportunities for abortion where Federal funds were involved under title X of the Family Planning Act of 1970.

For some 18 years, that kind of counseling was permitted, but in the face of 18 years of congressional acceptance of the regulation, the executive changed the regulation and the Supreme Court upheld this change by a 5-4 vote.

My inquiries regarding these two cases related to judicial philosophy on a nominee's deference to Congress when longstanding interpretations of a statute, one by the Supreme Court and the other by the executive branch, which had received longstanding congressional approval, were overturned by the Supreme Court of the United States.

I was not asking Judge Ginsburg about how she would vote in any particular case, but more broadly about her approach to judicial respect for congressional intent in such cases where Congress, in effect, acts intentionally by not acting at all. She declined to answer those questions.

These are only a few examples of Judge Ginsburg's refusal to discuss her judicial philosophy. While she was more forthcoming than recent nominees about her support for the right of a woman to make reproductive choices, she declined to answer many questions on a wide variety of subjects.

Mr. President, there is no doubt about Judge Ginsburg's overall competency. She has an outstanding law school record, having attended Harvard and Columbia, being a member of the *Law Review* at both schools. She has a superb record as a practicing lawyer, having argued cases before the Supreme Court of the United States and won many landmark decisions. Her work as a jurist over 13 years has been similarly outstanding.

One of her strong traits has been to write brief opinions, which is rather unusual for a judge or a Justice. As she

articulates it, she likes to keep it tight and right. Some of her opinions resemble Justice Oliver Wendell Holmes', a Supreme Court Justice noted for brevity in opinions, in clarity and brevity. In fact, it takes a long time to write a short opinion.

So her record is outstanding, and for the reason of her record and her prospects as a Supreme Court nominee, I support her nomination for the Supreme Court of the United States. But in voicing that support, I articulate a reservation and a concern about the limited number of questions which she answered. In fact, I believe the Senate and the Judiciary Committee are responsible for setting the stage with so much approval in advance that her nomination was realistically assured.

We have seen, as a matter of practice, that the nominees to the Supreme Court of the United States answer about as many questions as they really have to answer. When Chief Justice Rehnquist was up for confirmation for the Chief Justice's position, for which he was ultimately confirmed on a vote of 65 to 33, and there was a realistic question about his confirmation to that position, he answered very significant questions saying that the Congress of the United States did not have the authority to take away the jurisdiction of the Supreme Court on first amendment issues. That, to me, Mr. President, is a very important subject. If we do not establish the supremacy of the Court to interpret constitutional issues, then our entire constitutional structure is in doubt.

Judge Ginsburg did answer the question that she supported *Marbury versus Madison*, which established the supremacy of the Court on constitutional issues, but she would not answer the question as to whether the Congress could take away the jurisdiction of the Supreme Court to hear cases under the equal protection clause of the 14th amendment. The equal protection clause of the 14th amendment is vital for individual rights. Judge Ginsburg, as a lawyer, established her reputation on cases involving equal protection of the law. That has been a principal source of her interest in advocacy and the issue which she has pushed: women's rights.

But if the Congress has the authority to take away the jurisdiction of the Supreme Court, the Court could not pass on those issues. And, in fact, we would not have constitutional protections. That is why I pressed for an answer from Judge Ginsburg. I did not get the answer.

It is my concern that we have slid back from the scope of questions to which we have received answers from Judge Bork who answered a great many, as I think realistically he had to, to have a chance for confirmation, although he was not confirmed.

My reading of the record shows Judge Ginsburg answered fewer questions

than Justice David Souter, than Justice Anthony Kennedy, than Justice Sandra Day O'Connor. Only Justice Antonin Scalia answered fewer questions than Judge Ginsburg.

Judge Ginsburg did concede that the opinion of the Senate and the voice of the Senate in confirmation stands on an equal footing to the opinion of the President in making the nomination. But the Senate cannot discharge that constitutional authority unless it has latitude to receive answers to its questions.

My judgment, Mr. President, on a nominee depends on a balancing of his or her record before the hearings—academic, professional record—and the nominee's willingness to be responsive and the substance of those responses. Despite my substantial reservations on the responsiveness of Judge Ginsburg, I am voting for her because of her outstanding educational, professional and judicial qualifications.

I hope that it will not be necessary to reject nominees in the future because of lack of responsiveness to Senators' questions, but I do express the reservation, the caveat, that it may become necessary as the only way to establish the appropriate balance to enable the Senate to perform its constitutional duty on advise and consent.

Mr. President, I wish to acknowledge the outstanding assistance given to me in preparation of the hearings themselves by my former law partner, Mark Klugheit, of the Dechert, Price & Rhoads firm in Philadelphia, and my Judiciary Committee chief counsel, Richard Hertling.

Mr. Klugheit came to Washington to serve as counsel for the Impeachment Committee on Judge Alcee Hastings and then returned as an unpaid volunteer for the preparation of hearings on Judge Ginsburg. Mr. Klugheit assembled a team of summer associates from Dechert, Price & Rhoads. And I thank Jennifer Arbittier, Scott Rose, Silvestre Fontes, Rachel Nosowsky for their research assistance, and also, in my Judiciary Committee office, Alison Serxner who assisted Mr. Hertling. It was a voluminous task to read more than 300 published opinions, a large number of unpublished opinions, and some 75 articles which Judge Ginsburg had written to prepare for the questioning and evaluation of the nominee, and I thank those individuals for their assistance.

Mr. President, I ask unanimous consent that the appendix to my written statement to which I earlier referred to be printed in the RECORD.

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

APPENDIX—EXAMPLES OF JUDGE RUTH BADER GINSBURG'S REFUSALS TO ANSWER OR NON-RESPONSES TO QUESTIONS ASKED BY MEMBERS OF THE JUDICIARY COMMITTEE DURING HER CONFIRMATION HEARINGS, JULY 20-JULY 22, 1993

The CHAIRMAN. So what did you mean when you said, Judge, in the Madison lecture that it ended race discrimination in our country, perhaps a generation before State legislators in our southern States would have budged on the issue? Are you saying that the Nation itself may have been in sync with Brown and the Court not that far ahead of the Nation, and it was only that part of the country?

Judge GINSBURG. Well, the massive resistance was concentrated in some parts of the country, that there was discrimination throughout the country I think is undoubtedly the case. But there was certainly a positive reaction in Congress, not immediately, but first the voting rights legislation started in the fifties, and then the great civil rights legislation of 1964. The country was moving together.

The CHAIRMAN. It was a decade later. My time is up, Judge. You have been very instructive about how things have moved, but you still haven't—and I will come back to it—squared for me the issue of whether or not the Court can or should move ahead of society a decade, even admittedly in the Brown case, it was at least a decade ahead of society. The Congress did not, in fact, react in any meaningful way until 10 years later, and so it moved ahead.

One of the things that has been raised, the only question that I am aware of that has been raised, not about you personally, but about your judicial philosophy in the popular press and among those who follow this, is how does this distinguished jurist distinguish between what she thinks the Court is entitled to do under the Constitution and what she thinks it is wise for it to do. What is permitted is not always wise.

So I am trying to get—and I will fish for it again when I come back—I am trying to get a clear distinction of whether or not you think, like in the case of Brown, where it clearly did step out ahead of where the Nation's legislators were, whether that was appropriate. If it was, what do you mean by it should not get too far out ahead of society, when you talked about that in the Madison lectures?

But I will give it another try. I think you not only make a great Justice, you are good enough to be confirmed as Secretary of State, because State Department people never answer the questions fully directly, either.

Senator KENNEDY. Well, we have overturned those decisions now in the Civil Rights Act of 1991. I am asking you whether you are willing to express an opinion about those cases that were overturned since it won't come back up to you and since now we have legislated in those particularly cases.

Judge GINSBURG. I don't want to write a Law Review commentary on the Supreme Court's performance in different cases. I think the record of what went on in the lower courts, in some of those instances the Supreme Court's position was contrary to the position that had been taken in the lower Federal courts, and in the *Ward's Cove* case, in the *Patterson* case. And it is always helpful when Congress respond to a question of statutory interpretation, as it did in this case, to set the record right.

Now, sometimes I spoke of the Pregnancy Discrimination Act and Title VII. I think that Congress was less clear than it could

have been the first time around. Maybe that wasn't apparent until the case came up. Congress reacted rather swiftly and said, yes, discrimination on the ground of pregnancy is discrimination on the ground of sex, and Title VII henceforth is to be interpreted that way.

So I think it is a very healthy thing. It is part of what I called the dialogue, particularly on questions of statutory interpretation; that if the Court is not in tune with the will of Congress, that Congress doesn't let it sit and makes the necessary correction, that can be even on a constitutional matter—and I referred to the *Simka Goldman* case yesterday when Congress fulfilled the Free Exercise Clause more generously than the Court had.

Senator METZENBAUM. My question to you is: How would you view an antitrust case where the facts indicated that there had been anti-competitive conduct but the defendant attempted to justify it based on an economic theory such as business efficiency?

Judge GINSBURG. I am not going to be any more satisfying to you, I am afraid, than I was to Senator Specter. I can answer antitrust questions as they emerge in a case. I said to you yesterday that I think the only case where I addressed an antitrust question fully on the merits was in the Detroit newspaper case where I think I faithfully—or at least I attempted to faithfully interpret the Newspaper Preservation Act and what Congress meant in allowing that exemption from the antitrust laws.

Senator METZENBAUM. Indeed you did. Judge GINSBURG. Antitrust, I will confess, is not my strong suit. I have had, as you pointed out, some half a dozen—not many more—cases on this court. I think I understand the consumer protector, the entrepreneur, individual decisionmaking, protective trust of those laws, but I can't give you an answer to your abstract question any more than I could—I can't be any more satisfying on the question you are asking me than I was to Senator Specter on the question that he was asking.

If you talk about my particular case—and it was a dissent. There was a division in the court on how to interpret that statute. I think I tried to indicate what my approach—I think that case indicates what my approach is in attempting to determine what Congress meant. But I can't, other than saying I understand—

Senator DECONCINI. Let me put it this way, Judge: Do you think there is any merit to a process within the judicial branch of government, which would permit the removal of a judge?

In other words, what if a constitutional amendment set up or gave authority to the judicial branch to set up procedures where complaints could be heard? A judge would have an opportunity to respond and to have a hearing and to appeal the hearing, and what have you, and that the Supreme Court or somebody within the judicial branch could, in fact, dismiss the judge. Have you given that any thought?

Judge GINSBURG. I understand that the Kastenmeier Commission that has been looking into the discipline and tenure of judges, has come out with a preliminary draft of its report that takes a careful—that commission has been operating for some time and it is supposed to have a very broad charter to take a careful look at all these areas.

I will read the final report when it comes out with great interest, but I don't feel equipped to address that subject.

Senator DECONCINI. Let me ask you this: Is it offensive to you, if the judiciary had authority to discipline judges and that discipline could also include dismissal?

Judge GINSBURG. We already have an in-house complaint procedure, as you know.

Senator DECONCINI. Yes, I do.

Judge GINSBURG. And I think that has worked rather well. It has never come to the point in all my 13 years there has been an instance calling for removal.

Senator DECONCINI. My problem, Judge, is what do you do with a convicted judge? Wouldn't it be appropriate for the judiciary to have a process that they could expel that judge? I mean I am giving you the worst of all examples. I am not talking about the litigant who is unsatisfied, doesn't like the ruling of the judge and, thereby, files a complaint as to moral turpitude of the judge, and then you have a hearing on that. I am talking about something that is so dramatic as a felony conviction of a judge.

Judge GINSBURG. Senator, I appreciate the concern that you are bringing up, and it isn't hypothetical, because there are judges who are in that situation. They are rare, one or two in close to a thousand.

Senator DECONCINI. I think there are two.

Judge GINSBURG. So I appreciate the problem. When I was asked before about cameras in the court room, I was careful to qualify my own view, saying I would, of course, give great deference to the views of my colleagues on this subject, and there is an experiment going on now in the Federal courts on that subject.

Here I don't even feel comfortable in expressing my own view, without the view of the U.S. Judicial Conference on this subject. I know that the judges are going to study the Kastenmeier report, and they are going to react to it. I can just say that I appreciate it is a very grave problem.

Senator LEAHY. Does that mean that the Free Exercise Clause and the Establishment Clause are equal, or is one subordinate to the other?

Judge GINSBURG. I prefer not to address a question like that; again, to talk in grand terms about principles that have to be applied in concrete cases. I like to reason from the specific case and not—

Senator LEAHY. Let me ask you this: In your view of the Supreme Court today—or do you have a view whether the Supreme Court has put one in a subordinate position to the other?

Judge GINSBURG. The two clauses are on the same line in the Constitution. I don't see that it is a question of subordinating one to the other. They both have to be given effect. They are both—

Senator LEAHY. But there are instances where both cannot be upheld.

Judge GINSBURG. Senator, I would prefer to await a particular case and—

Senator LEAHY. I understand. Just trying, Judge. Just trying.

Senator SIMON. If I could get you to be a little more specific here, if I can ask, not in commenting on the substance of the Alvarez case—incidentally, he was tried in the United States and not found guilty—but were you at all startled, when you heard about the results of the Alvarez case?

Judge GINSBURG. If I may, Senator, I would not like to comment on my personal reactions to that case. I think I told you what my view is on how U.S. officials should behave, and I would like to leave it at that. This was a decision of the United States Supreme Court that you have cited, and I have religiously tried to refrain from commenting

on a number of Court decisions that have been raised in these last couple of days.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Just to try to pursue that a little bit further, Judge Ginsburg, could you talk at all about the methodology you might apply, what factors you might look at in discussing Second Amendment cases should Congress, say, pass a ban on assault weapons?

Judge GINSBURG. I wish I could, Senator, but all I can tell you is that this is an amendment that has not been looked at by the Supreme Court since 1939. And apart from the specific context, I really can't expound on it. It is on area in which my court has had no business, and one I had no acquaintance as a law teacher. So I really feel that I am not equipped beyond what I already told you, that it isn't an incorporated amendment. The Supreme Court has not dealt with it since 1939, and I would proceed with the care that I give to any serious constitutional question.

Senator MOSELEY-BRAUN. So I have two questions. The first is, in a situation like this, if the property owners challenge the government action as a taking of their property, what principles should the Supreme Court look to in evaluating that claim?

Judge GINSBURG. Senator, the question has some kinship to the one that Senator Pressler raised about the wetlands. It is just evolving. There is a clear recognition that at some point a regulation does become a taking. When that point is reached is something to be settled for the future.

We do know that, as I said in the Lucas case, when the value of that property is totally destroyed as a result of the regulation, that is indeed a taking and there must be compensation for it. Reliance is certainly one of the factors that goes into the picture.

As I say, this is just a developing area and it is still evolving and I can't say any more about it than is reflected in the most recent precedents in the Nolan case and in the recent Lucas case of the Court. But there certainly is sensitivity to the concerns. One, the regulations for the benefit of the community, which you mentioned, and the other is the expectation, the reliance of the private person, and those two will have to be balanced in the future cases coming up. But this is an area that is very much evolving now, and I can't say anything more than I have said about it so far.

Senator HATCH. But in the International Funding case, you cited *Harris v. McRae* favorably in support of a distinction you drew between funding restrictions that are permissible and those that are not. Irrespective of your views on the policy of abortion funding, do you agree that Mayer and Harris, those two cases, were decided correctly?

Judge GINSBURG. I agree that those cases are the Supreme Court's precedent. I have no agenda to displace them, and that is about what I could say. I did express my views on the policy that is represented. That is not something that anybody has elected me to vote on.

Senator THURMOND. One vocal critic of this decision said that the Supreme Court has now created an entirely new constitutional right for white people. Judge Ginsburg, do you believe this to be an accurate assessment of the Shaw decision? And if confirmed, how will you approach challenges to reapportionment plans under the Equal Protection Clause?

Judge GINSBURG. Senator Thurmond, the Shaw case to which you referred was returned to a lower court. The chance that it

will return again to a higher court is hardly remote. It is hardly remote for that very case. It is almost certain for other cases like it. These are very taxing questions. I think that the Supreme Court has redistricting cases already on its docket for next year, so this is the very kind of question that would be injudicious for me to address.

Senator GRASSLEY. Well, there wouldn't be any question about separation of powers protecting Members of Congress from applicability of criminal laws against this. What principal distinction can there be made of having employment laws or civil rights laws applied to Congress?

Judge GINSBURG. I think if you ask the counsel to the Senate, who argued very effectively in a number of Speech or Debate Clause cases before us, for a brief on that subject, that office would be best qualified to address it.

Senator GRASSLEY. Well, I believe before long you will be addressing it sometime. Obviously that would keep you from responding to specific question, but—

Judge GINSBURG. If and when, I would have the benefit of the wonderful brief, I hope; the briefs on both sides. But that is the difficulty that I confront in this milieu. I am so accustomed—and as a judge, it is the only way I can operate, on a full record, with briefs, and not making general statements apart from a concrete case for which I am fully prepared with the arguments that parties make on both sides.

Senator BROWN. I wanted to cover one last area, and it may be an area you would prefer not to explore. If you do, I would certainly understand.

I believe earlier on Senator Cohen and others had brought up a question with regard to homosexual rights. I would not expect you to rule on something or advise on something that may well involve a case. But there is a question I thought you might clear up for us that I think has some relevance here.

The Equal Protection Clause, as we have explored it this afternoon, deals, in effect, requiring sex-blind standards with regard to Government action or legislation, or may well deal in that area. That relates to classes of people; in this case, males and females. Obviously there are other classes.

In the event we are dealing with forms of behavior—and I appreciate that is not a foregone conclusion with regard to homosexuals. That is open to debate whether or not it is a class of people or forms of behavior. But in the event we are dealing with forms of behavior, would they come under the provisions of the Equal Protection Clause?

Judge GINSBURG. Senator Brown, I am so glad you prefaced this by saying you would understand if I resisted a response, because this is an area where I sense that anything I say could be taken as a hint or a forecast on how I would treat a classification that is going to be in question before a court, and ultimately the Supreme Court. So I think it is best that I not do anything that could be seen, be used as a prediction of how I might vote with regard to that classification.

Senator COHEN. What about sexual orientation?

Judge GINSBURG. Senator, you know that that is a burning question that at this very moment is going to be before the Court based on an action that has been taken. I cannot say one word on that subject that would not violate what I said had to be my rule about no hints, no forecasts, no previews.

Senator PRESSLER. Are you uncomfortable that the Constitution's Bill of Rights does not extend to Native Americans?

Judge GINSBURG. I can't express my personal view on that subject. I know that there are many people who care deeply about the concept of tribal sovereignty. I am not a member of one of those communities and, as a judge, I will do my best to apply faithfully and fairly the policy that Congress sets with respect to tribal governance.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may be able to proceed for a period of time not to exceed for 5 minutes to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Vermont for 5 minutes.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 1327 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Mr. President, I thank the Chair and I yield the floor.

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

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes as if in morning business to introduce a bill.

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

The Senator is recognized for up to 5 minutes.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1328 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REINVENTING GOVERNMENT

Mr. GRASSLEY. Mr. President, I rise early this afternoon to present the first of several statements that I am going to make over the next few weeks on an issue that is really foremost in the minds of many: Reinventing government. It has also been foremost in the minds of famous authors, David Osborne and Ted Gaebler in their now-celebrated book entitled "Reinventing Government." The term reflects a necessity—brought on by taxpayer ani-

mosity—for the Government to become more responsive and more effective in its delivery of Federal services. Taxpayer hostility is a result of not just poor service delivery under our present system, but also deals very much with the bottom line cost—maybe even more so.

The challenge to advocates of reinventing government is to reform the Federal bureaucracy so that it performs better, is less wasteful, and allows the decisionmaking, or ownership of Government, to occur closer to the citizenry. In theory, at least, everything, save the Constitution, should be on the table, and it would not hurt if we were on the table either in the respect of always reviewing, to a considerable degree, whatever we do.

The macro benefits to the country would be enormous: More effective service delivery, less Government spending, a need for fewer taxes, and a build-down of the national debt.

All that stands between these worthy objectives and the present system is a reinvention of Dunkirk. Somehow, an enormous, countervailing political will must build. This, alone, can turn back the dynamic of growing government caused by special interests feeding off of the present, failing structure. The people want such change. It is up to us to deliver.

As I proceed with my floor statements between now and the August recess, together with others of my colleagues, I intend to advance such an agenda, beginning with the principles and standards for an effective reinvention. I intend to draw on the insights in Osborne and Gaebler's book, on my own experiences attempting to reinvent the Defense and Justice Departments during the 1980's, on such management legends as W. Edwards Deming and Peter Drucker, and on many others.

In essence, this agenda would be an extension of my defense reform efforts of the 1980's, only this time applied to all of Government.

I would especially like to commend the work and leadership of Senator ROTH of Delaware, Mr. President. Senator ROTH has advanced the cause of reinventing Government in the Senate, and in a bipartisan way, for many years, even before this administration committed itself to reinvention. The administration's stated commitment gives us the foundation for true bipartisan cooperation. Many of us on this side of the aisle have long advocated fundamental reform of the Federal Government. We look forward to the opportunity to form a bipartisan coalition for constructive change.

The centerpiece of Senator ROTH's efforts has been two reinvention bills, each of which I have cosponsored.

One of the bills has passed the Congress already—the Government Performance and Results Act. This act is a

model for setting performance goals for Federal programs so that effectiveness can be measured and monitored.

A second bill, the Reinventing Government Act, would establish an entity similar to the Base Closure Commission that would tackle the tough issues of which programs and agencies to reform and how.

In my view, this approach has worked effectively. It has worked on perhaps the thorniest issue of all facing a representative institution such as ours: the closing of military bases in our States and districts.

If Government indeed is to be reinvented, and democracy revitalized, this law would give us the best chance of succeeding, in my view. Again, that is something that we need to commend the Senator from Delaware [Mr. ROTH] for his leadership in this area.

I should also commend the efforts of the President and the Vice President. Under their leadership, the seed has been planted for real Government reform at the highest levels of our Government. In my view, if it took Nixon to go to China, it will take Democrats to reform the welfare state. I have lived and practiced under this adage: It took a CHUCK GRASSLEY and other Republicans to reform the Defense Department and to lead the way to the freeze of the Defense budget in the 1980's. I believe in this principle, and I can testify to its effectiveness.

Mr. President, I would like to help define what it means when we use the term reinventing government. Consistent with any organizational reform or turnaround, we must begin with fundamental questions: What is it that we do now, and what is it that we should continue to do?

In the case of reforming Government, this means asking and, of course, answering the following three questions about those things the Federal Government now does:

First of all, what functions should the Federal Government continue to do as it does now; that is, rowing? That is what I call rowing, like rowing a boat.

Second, what functions should the Federal Government no longer do, but rather maintain a guiding hand in; that is, steering? That is what I call steering, like steering an automobile.

Third, what functions should the Federal Government turn over to State or local governments, to communities, to foundations, or to private industry; that is, drydocking, I call it, to coin a phrase.

Answering these three questions will create three categories for Federal programs and functions. I would like to look at them separately.

First, there is rowing. These are programs that the Federal Government must do. One example would be administering to the national defense. This is a function that the Government must do itself to provide for the collective defense of the Nation.

Second, there is steering. These are programs in which the Government's policymakers may want to maintain a hand in the decisionmaking process. But their resources for service delivery would not be relegated to the civil service. Private and/or semiprivate entities could compete for service delivery to ensure effective service. One example of this could be welfare reform, where State governments and communities supplant the role of the Federal Government's AFDC Program. Under the present system, the civil service holds a monopoly on service delivery. It seems to me this must be corrected.

Finally, there is the third aspect, what I call drydocking. I have coined this phrase to signify a third category of functions that is not provided for in Osborne's and Gaebler's book entitled "Reinventing Government." Drydocking is for those programs we would determine should no longer have Federal Government involvement. For example, perhaps we would decide that the Federal Government should no longer be involved in the passenger railroad business.

The expected benefits from reinvention are compelling, both tangibly and politically. The results would yield cheaper, more effective Government services; in the longer run, we could expect lower budgets and fewer taxes; we would gain competition for the delivery of Government services; we would restore gradual ownership of our Government to the citizenry, and, in the process, we would revitalize democracy.

Mr. President, I intend to, and I am sure the Senator from Delaware [Mr. ROTH] as well, in forthcoming floor statements, will be more specific with regard to standards and principles for reinventing government. We will be more specific about how the Federal Government can row better, and how it can transition from rowing to steering, or from steering to drydocking of various programs. Today, I merely wanted to discuss the broader context of the issue, and to begin the process of defining what it is and how it should be applied.

Mr. President, I would also like to call my colleagues' attention to the most recent issue of the magazine *We the People*. The magazine is, fittingly, dedicated to reinventing the Nation's legislature. It is put out by the Congressional Institute, a reform-minded think tank here in Washington.

The July/August issue of *We the People* is, in essence, a primer on reinventing Government. I commend its reading to my colleagues, and I will ask unanimous consent to include several articles from the issue in the RECORD. These articles comprise good background reading as we prepare to tackle the system.

In closing, Mr. President, I once again commend the leadership on this

issue of the President, the Vice President, and the Senator from Delaware [Mr. ROTH]. I hope we can continue a constructive, bipartisan approach to reforming the Federal Government and to restoring much of the ownership of Government back to the citizenry.

Mr. President, I ask unanimous consent to print in the RECORD the material to which I have referred.

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

[From the Congressional Institute, July-August 1993]

IN THE MARKET FOR A REVOLUTION

It seems like long ago but, last November, the voters "reinvented" one-fourth of the U.S. House, in the greatest turnover since Truman, to trigger reform and create jobs. Most of the 110 freshman Reps have since dropped from sight.

In their place, we watch (1) an Administration unable, after months of being unwilling, to govern from the innovative center; and (2) a Congress taking back its Constitutional lead on fiscal matters, yet refusing to forsake tax-and-spend—in short, wielding the right powers in the wrong direction.

None of this is revolution; all of it is revolting. The Political Class can't afford any more such triumphs—and American politics can't take any further self-destruction. For what has "politics" become? A noxious nexus, joining the force of government with the farce of campaigns, sheltering a welter of occupations that comprise a unique industry.

And the shelter is falling down: To view politics as an industry is to be startled, because this vast sector has no satisfied customers—except those it buys. (No wonder the wildcatter Perot's "favorables" are back to the peaks of June '92.)

But our diagnostic isn't wholly caustic. In fact, this magazine is filled with proposals for public life after the "near-death" of politics as we've known it. We favor Managed Revolution.

So we dedicate this issue to those who would lift politics beyond protest, and government beyond greed. Our most receptive readers could be those of you who'd like to add some innovation to career-preservation—they often mix.

WHO STRANGLER POLITICS?

McGovern liberals, Reagan conservatives and everyone in-between, need a new framework—because the political system and culture shared by everyone 35 and over is on its deathbed. Three megafactors are both cause and symptom:

Divided Government. Every time they prevent either party from having unified command, voters hand a blank check to every excuse-making, responsibility-repellent pol in the Washington Beltway. Having gridlock between White House and Congress (instead of between an in-party and its loyal opposition) elevates the visibility of "politics" while reducing its substance.

During the Nixon Era, and again under George Bush, a bipartisan establishment mangled the economy: Exploding deficits, hyper-regulation, feeding bureaucracy without exercising governance. Each time, because neither major party had deniability, both were judged guilty, and a floodtide of congressional turnover began.

From 1974 through '80, Congress was given a vast transfusion of new blood. (During those four election cycles, no one spoke of

term limits, as 120 new Republicans, and even more new Democrats, came into the House.) From 1992 through at least '96, look for the same kind of cumulative legislative purge. Divided Government ended last November, but its policy-debilitation drags on—and so, in congressional terms, will the electorate's retribution.

MASS FISCAL IGNORANCE. Everyone knows deficit spending is out of control, but how many truly know why? Much of the middle-class thinks it pays for everything and receives little or nothing. This comforting notion was stoked by every candidate who raised a rhetorical fist against Washington, from Wallace to Nixon to Carter to Reagan to Clinton. A populist message—"you're getting shafted!"—wins the election, then renders deficit-reduction a hard sell: Why sacrifice benefits if you believe you're already being shorted?

INTENTION DIVORCED FROM RESULT. This problem is so vast you can hardly see it. Since LBJ's time, the U.S. political system has split "meaning well" from delivering the goods. Both Beltway and citizenry share in this syndrome. How? Each signs off on expanding programs that don't work. Beltway officials do this because every failure "earns" more resources. The related interest groups keep the officeholders in line. How? With polls showing broad-based support for more spending, on nearly everything. This racket is insane—but it also makes perfect sense.

THE LOGIC OF INSANITY

Why would a populace devoid of faith in Washington want it to spend more on most domestic functions? Because (a) the majority doesn't want to sound, or feel, hardhearted; and because (b) out-of-power politicians routinely claim the additional money can be transferred from "waste, fraud and abuse."

A third reason people tell pollsters they favor more social spending is lack of an alternative: Precious few officeholders, either on the right or on the left, fight for "activist government"—meaning the delivery of results, along with responsibility, to the deserving needy while supplanting the welfare-state provider class. The coalition that does this will win big. The Kemp/Weld/Armey Empowerment agenda, and the original Democratic Leadership Council, were halfway there.

But Kemp, as HUD Secretary, lost out to a White House whose grounding principle was a compromising position; the DLC's program has been swamped by Capitol Hill hog-feeders.

These defaults appear totally irrational—so there must be some powerful reasons for them. Those reasons emerge starkly when politics is viewed as a unique industry, lately under siege.

The Political Class manages an "industry" headquartered in Washington, D.C. Over 60 years, the sector's command of national resources tripled. But, since 1989, everyone in (or near) politics has sensed something wrong with the fundamentals. And just who is "everyone"?

The national parties. Most lobby groups. An Administration whose optimism turned to panic in 120 days. The New York news media, though technically apolitical and non-governmental. Innovative policy-formulators wondering if they should trade in their green eyeshades for a place at the hog-trough. Deficit-fighters contemplating red ink forever. And Congress's newer Members of Congress—afraid to risk their jobs even though the job-description is being rewritten by what seems an unfriendly fate.

By any corporate yardstick, this vast sector—i.e. much of the federal government, and most of the Political Class that fights over it or feeds on it—is not far from meltdown. Its claim on resources remains at all-time highs, but “market-share”—measured by voter turnout, and compounded by the lowest two-party presidential showing in 80 years—is collapsing.

People don't like how Congressmen are chosen and campaigns are financed. People will not “contribute” more in taxes until the structures already in place bolster personal safety, SAT scores and budgetary honesty. Principled partisan differences are respected (e.g. the 1991 Gulf War debate, when Congress's approval rating soared). But when debates are choked off by House rules, or limited to personal dirt and short-term party gain, the entire political industry looks desperate, and sometimes childish. The debtmeter runs, the industry rots, and Ross Perot digs in.

GOVERNING FROM NEW MODELS

Despite all of that, society is soldiering on and muddling through. If you're not trapped in the inner-city (or the more alarming school systems), it's hard to be resolutely pessimistic.

Though most people fear for their kids' long-run economic prospects, they remain upbeat with their individual lives. New-fashioned Capitalism is resilient, technological growth miraculous. Venture capital exploded during 1992, reversing a four-year slide. Various types of spiritual renewal pick up steam, and Hillary Rodham Clinton befuddles hardliners with an overture to “responsible fundamentalist Right.”

As spokesman for the alienated middle-class, Perot also knows, “what works.” So do they. Much of what America's Political Class needs can be found on CNBC, in your daily paper's business section, even among friends and relatives: If they went through the auto industry's convulsions or (more recently) computer-sector turbulence, or if they earn a living as designers and retailers, they have a sense of industrial catharsis: What it costs, what it delivers.

Who defines the next future? How do departmental heads cope? Why are charitable donations and “third-sector” voluntarism at all-time highs? And what will we learn by systematically contrasting their effectiveness with the provider classes of the welfare state? How does Al Gore's “reinventing government” effort square with recent corporate-turnarounds?

And what about the other technology-buff on the national-reform stage this summer? Is Ross Perot the fellow to do for political reform what Jack Welch did at General Electric, David Kearns at Xerox, and Eckhard Pfeiffer at COMPAQ?

If so, is it wise to “bet the entire company” on a wildcatter who understands command but not leadership? If it isn't the Political Class needs revolutionary alliances with entrepreneurial entities to create alternative reform agendas, and regain market-share, fast.

In Perot, the American system hasn't confronted anyone so procedurally radical since 1932-35, when Gov. Huey Long came at Franklin Roosevelt from the left and right simultaneously. As for Perot's movement, you have to go back a whole century before Long to find a plausible precedent.

NEITHER PARTISAN NOR ELECTED

On May 28, a landmark Nightline showed an eerie video from 1969: Perot, not yet 40, is telling Ted Koppel himself that the move-

ment's name will be United We Stand and deploy electronics to bypass the power structure. Perot followed through—boy, did he ever: 24 years later, we have his “third party.”

Yet neither its donors nor its local activists are known to the real parties. A Germond/Witcover column explains: “Chapters from the neighborhood level on up are being formed of individuals who have shelled out the \$15 that Perot has set as a membership fee, and chapters are being coordinated into congressional district organizations as grassroots political pressure groups” (National Journal 6/5/93).

What precedent exists for a public yet anonymous, anti-political, middle-class power drive? It's a stretch, but try this one: The Freemasonry Order of the 1820s. No Perot, but their influence was pervasive.

The mysterious disappearance of a renege lower-class stonemason (after he had threatened to expose the Order's secrets), led to the first national political convention: Not of Masons, but of opposing forces crying “conspiracy.” As this grassroots polarization wracked party elites, their leaders (Andrew Jackson and Henry Clay) created a rival network of organization—thus adding roots to a two-party system.

And now that two-party system, severely weakened over decades, is being supplanted by something that isn't a party. “United We Stand America” displays traits of an army, a professional association, and a cult. Not that its leaders are Utopian, but they are angry, and focused. A comprehensive Schneider/Molyneux “Ross Is Boss” report in the May Atlantic Monthly contained this sketch:

“We saw no evidence of a sinister agenda among the activists we met. These were educated people, and they made a great display of tolerance. Women and minorities were given prominent positions in the local Perot organizations. When Perot supporters talked about ‘us’ against ‘them’, they meant the people—all the people—against the politicians.”

The Perot people comprise a force that may or may not ever form a government—but they can purge the entities that aren't offering governance now. They sound ready to destroy politics to save democracy. And, if they enjoy another 15 months like the last 15, the 1995 Congress will swear in several dozen freshmen elected as neither Democrats nor Republicans. (You heard it here first.)

A REPUBLIC OF PIE CHARTS

Does anyone come close to Perot in marketing treatments for an America less and less governable? If not, who did we recently hire to do the governing, and what are they doing instead? Making no headway on the issue where Perot has done his best work.

Perot's anti-deficit “infomercials” are the first countrywide candor since Jack Kennedy explained the costs of government, and the obligations of citizenship. Instead of building on Perot's best issue, scattered House Members are hedging their bets—by paying \$15 to join the local United We Stand. Since when is a good insurance policy so cheap?

A much sounder hedge would be to make the party they already belong to—whether Democrat or Republican—more in-tune with alienated centrists. Since most Senators and Representatives are not part of Congress's Oligarchy, they would have much less to lose by talking straight (for starters) about revenues and outlays—i.e. who pays and who profits.

Local opinion-leaders might step up to the plate and help Congress with the hard work of redesigning the national budget. How

should this door be opened? By replacing polls and interest groups with genuine exercises in public judgment (for the concept, see O'Donnell on Yankelovich, pages 15-17).

We should try budget-balancing workshops and focus groups. (The Roosevelt Center and the Committee For a Responsible Federal Budget did some pioneering work with this format back in 1986.) Let Labor locals and Kiwanis volunteers do the show-and-tell, illustrate the tradeoffs, and chair the “mark-up.”

That removes the budget's first-cut from interest groups and their Appropriations-subcommittee hostages. It's one way to democratize Perot's pie-chart-and-bar-graph TV show. Without such citizen-participation breakouts, federal legislators face more sleepless nights, as resentment piles ever higher on the doorsteps of officialdom.

FROM PEROT TO LINCOLN

Borrowing a George Will epithet, this essay has used “Political Class” to encompass both national parties; a befuddled Administration; wayward wonks and derailed deficit analysts; corporate operatives whose “product” is amendments and exemptions over goods and services; the non-business media; and hundreds of fretful Reps and Senators unable to risk their jobs to deliver on either a dream or a duty.

Well, guess what: This magazine's producers are par of the Class and so, most likely, are you. “We” are waste-deep in a decomposing industry. And most of “us” are still thinking too small, or too predictably.

When a trusted product fades or an old paradigm cracks, Peter Drucker says, in seeking replacements, to aim high. Here's a try: It's time for what Lincoln called “a new birth of freedom.” The public sector must be rejuvenated, or reassembled, to replicate the private sector's results (not to mention the planet's experimentation in self-government).

The Political Class needs to facilitate the supplanting of its corrupt and obsolete elements. By using technology, by allying with proven private-sector reformers, and by producing measurable gains, those ready to govern may win back a fed-up middle class.

Most realms of business practice what Joseph Schumpeter called Creative Destruction. Now it's the politicians' turn—and, as candidate Perot used to say, “it won't be pretty.” Perhaps it could be profound? Mr. Lincoln's most insightful biographer remains Harry Jaffa, who noted on page 361 of Crisis of the House Divided:

“Lincoln insisted . . . that there must be some conviction, usually embodied in the form of a story that can be told, comprehended, and taken to heart by all, which produces a sense of community and unites the hearts of those who call themselves fellow citizens. Without that fellow feeling, there is no basis for mutual trust, and where there is no trust there can be no freedom. For political self-government involves governing and being governed, and where there is insufficient trust, the idea of making others the trustees, for however limited a time, of our dearest interests does not make sense.” So trust must be rebuilt.

Along the trail, political operatives might find balance, even empathy, in Lincoln's realism, expressed in 1842, right after his 33rd birthday: “Few can be induced to labor exclusively for posterity; and none will do it enthusiastically. Posterity has done nothing for us; and theorize on it as we may, practically we shall do very little for it—unless we are made to think we are at the same time doing something for ourselves” (Van Doren, Literary Works p. 287).

Lincoln merged vision with human nature to build a new political coalition on the Republic's oldest ideals. One way to "aim high" is to look for something equally grand now. That's why we filled this *We The People* with proposals for public life after the near-death of conventional politics. Again, it is for those who would take politics beyond protest, and lift government beyond greed, by adding governing innovation to career-preservation.

[From the Congressional Institute, July-August 1993]

MEMO TO THE VICE-PRESIDENT: REINVENTION MINUS CONTENTION WILL BARELY BE WORTH A MENTION

It will look more decentralized, and employees who actually do the work will feel they have more authority to make decisions that affect the quality of their department or agency to do the job. It will be, in short, a high-quality, low-cost government—Vice-President Al Gore, *Washington Times* 6/3/93.

His final sentence is a valuable dream. If it's to be more than a pipedream, the Vice-President's National Performance Review needs help. After all, how do elected officials navigate wholesale reform of a national governing structure—the kind of change where, at least theoretically, everything but the Constitution itself is on the table? Start with a broad landscape of realities:

Macro: America won't have a majority for "reinvention" until it's half-complete and demonstrating some value. In other words, most voters don't care about this issue; that leaves to elites and opinion-leaders the burden of making it news, and making it credible. And yet, even among the Political Class, reinvention has found few fans.

The bureaucracy's wariness is understandable. But what about Members and activists who have a wider constituency? Why are they leaving this once-a-decade governmental shape-up effort to Al Gore and his insiders?

Because ideological liberals favor Big Government even if it's ineffective. And because ideological conservatives tolerate Bad Government if its costs are contained. The alternative—enhancing a federal program's productivity, i.e. the social value returned on a dollar taxed—might raise Beltway and Civil Service esteem. Why should the Right help them out of the public-opinion doghouse? And yet, if Conservatives hold to this mindset, they'll regain power with no plan for innovative federal stewardship.

Macro: The polls DO reveal support for greater efficiency. To the extent this part of Gore's message resonates, it is raising expectations. For what? For a painless fix: The Vice-President's road show risks becoming the newest version of removing "waste, fraud and abuse."

When the populace thinks 20 to 40 cents of each tax dollar is "wasted," it becomes simple to solve the budget crisis: Cut back National Science Foundation grants and United Nations salaries. Sting the beekeepers. Weed out welfare chiselers. Blow away Civil Service featherbedders. Take prisoners off Social Security. Shouldn't these simple steps, plus a few other changes, bring the books near balance? A majority thinks so; Gore himself must know better.

Yet he is preparing the country for a limited program the can't possibly reach the presumed and popular goal, i.e. zero deficit under a "high-quality, lost-cost government."

Last summer, Ross Perot broke out of a similar box while tens of millions watched.

By mid-October, his new approach—find the facts, share the numbers, ask for help, spread the pain—had gained credibility as a corporate-style turnaround plan. A majority assumed, and probably still does, that Perot's tax hikes would go to deficit-reduction. They believe nothing of the kind about Congress's June budget crescendo.

So why would Al Gore position his Administration for ridicule or (at best) zero payoff on the governmental-reform issue? This is a serious question.

Macro: An organism only reforms when the overall gain—in money, power, self-respect and public acclaim—outweighs the pain. The fuel for all reform is motivation—via vision at the concept level, and by personal incentives in daily worklife. The strongest motivators, for each executive and service-deliverer, must become known, if an institution's incentives are to be changed to support productive behavior. (For how to manage Congressmen to end deficit spending, see Walter Williams, page 2.)

Macro: What gets measured gets achieved. And, in a reformed federal structure, two dissimilar realms need measurement: Processes, and outcomes. Most reinventors and managers are comfortable tracking process—but this is gibberish to the public, and not exciting even to most people reading this magazine. (Where are Mike Dukakis and Dave Stockman when you need them?)

By contrast, outcomes-measurement just might engage the public. Anything that links tax dollars to services received—the way, say, people correlate federal gas taxes with interstate-highway improvements—enhances the national dialogue. It also might make some of the remedies (whether by Gore or more radical teams) mass-marketable, thus triggering some quality-control for field offices and at the citizen level.

Now for the not-so-good news. Except for hiring journalist David Osborne, Gore and Co. have done a great many things wrong:

As of late June, they were working 99% with insiders. The Grace Commission worked 99% with outsiders. Either approach is doomed. You need half and half: Outsiders, led by company turnaround experts, deliver honest auditing, help redefine the vision, and force new priorities. The Civil Service's insiders are partners in setting strategy, partly because they will not carry out what they have not helped set.

Gore's endless anecdotes stoke the national delusion that substantial savings will come from making the feds' trains run on time. (This is not unlike counselling a cancer patient to join a health club and get a manicure.)

By overselling the payoff and underrating the investment, the National Performance Review is setting itself up to be whacked in the face—with an infomercial pie-chart: Great fun for Perot and the GOP, but it can't be what Al Gore and the President would prefer for fall.

From what we hear, Gore's drift is toward deregulating and empowering the senior bureaucrats plus some field offices. He assumes these managers and providers know what the citizenry wants (and they'll have no reason to disagree with the assumption). But this would be like Hechinger's "serving the public" solely by puffing-up top management, expanding flextime, and copying a competitor's store design—the kind of steps that come long after markets are surveyed and business mission reevaluated.

In government, if you start with, and stop with, provider flexibility, you invite Peter Drucker's "den of thieves." As Indianapolis

Mayor Stephen Goldsmith observes, "The purpose of government accounting has always been to prevent officials from stealing money—not from wasting it." That purpose should not be lost by reinventors. To decentralize management, without competitive pressures and mission-reinvention, is to invite not excellence but multimedia versions of the GSA Mess and Operation III Wind.

While Gore reinvents, his colleagues reflate and reregulate. The list is long: The Family Leave Act is another entitlement, with costs marked. The Labor Department fights to outlaw "striker replacement," which is a sop to union-power while it saps job-market efficiency. The proposed National Service Program, seemingly frugal, will nationalize part of American voluntarism—and leave at a fundraising disadvantage all the unfavored charities. And, after all the various budget schemes, not a single program is slated for repeal (no, not even the beekeepers subsidy).

The most egregious decision is to raise marginal income tax rates. This policy has no leg to stand on. It doesn't raise national income. It won't raise the U.S. Treasury income. It reduces the real progressivity of the tax code. It pushes the well-off back to evasion and avoidance. It discourages work, savings, investment and job-creation. It will boost the incomes only of tax lawyers and lobbyists (not empathetic occupations).

Nearly everyone else—West Germany, Japan, Australia, New Zealand, Britain, India, Denmark, even Sweden—reduced marginal rates during the 1980s. To raise them now is mindless. Yet everyone in the Administration supports doing so, never mind that it will be a blow to efficiency (tax manipulators don't need further encouragement) and effectiveness (America's level of work, savings and investment).

Granted, tax policy isn't within Gore's task-force purview; all the same, the Clinton/Gore policy initiatives to date fit no definition of reinvention.

For the serious reinventor, many principles of sociology, corporate governance, and political coalition-building need to reinforce one another: It's an inside/outside job, with public/private-sector pooling. So it isn't encouraging to dwell on this passage from James H. Perry in the June 23 *Wall Street Journal*:

"More than 200 reinventing specialists, most of them career federal employees; are toiling in two downtown offices analyzing all the data. The agencies, with 800 more employees working on the project, are doing their share too; this week, top managers at the Labor Department held a three-day retreat to come up with ideas on reinventing their part of the government. The goal is to produce a final report, free of jargon and analysis by highly paid consultants, in September."

I always cheer jargon-avoidance, but producing a report is not "the goal."—FRANK GREGORSKY.

[From the Congressional Institute, July-August 1993]

DECLARATIONS OF REINVENTION

(By Kris J. Kolesnik)

It's something called "reinventing government," and the Clinton Administration is serious about it. Most serious of all is Mr. Gore, [who] says he wants to invent a government that will be decentralized, that will use market principles, and that will "treat Americans like customers again." What private industry has done in the way of total-quality management, he wants to do for the

federal government.—James Perry, Wall Street Journal 6/23/93 p. A16

Nearly all the media coverage reflects a widespread misunderstanding of the Vice-President's National Performance Review. Should Mr. Gore himself share the same misunderstanding, his noble endeavor to "reinvent government" may miss the mark miserably.

Rather than systems and administration, you have to begin with culture and purpose. The roots of a real "reinvention" are, first, determining what government should and should not do. Once this determination is made, place appropriate limitations on what it does. Only then comes systematic reform—so that what government must do, it performs not only more efficiently, but also more effectively.

Is the Gore Group moving toward this ideal? Or will it talk up "reinventing" while settling for "streamlining"? To "streamline" government is to allow the government to keep doing nearly everything it does now, but with administrative savings. This avoids the fundamentals of purpose and priorities.

The process of reinventing any part of the government ought to resemble how a CEO would restructure and turn around a major private-sector corporation. To merely streamline Ford Motor Co. would not have done the trick. Unless the Veep's task force emulates the Ford turnaround (or other suitable models), this 1993 Reinvention risks becoming the biggest public disappointment since . . . the Grace Commission.

WHY DO WE HAVE AN SBA?

The Small Business Administration makes its loans primarily to the least stable firms and to those rejected by other lending institutions. Default rates are consequently very high. SBA loans contribute to an inefficient marketplace and cost taxpayers a bundle.

The genuine reinventor will ask: Should the government be making such loans in the first place? Can other, non-federal, sources supplant the federal role? Effective reinvention is prefaced with the right questions. It replaces all two-dimensional propositions—e.g., streamlined government vs. bloated government—with more fundamental inquiries.

Why should the federal government be deciding small-business loans? What problems has the SBA's approach wrought? Is there a more effective way to administer the loans? How can we limit federal obligations and still produce results? Why not help small business by simply stopping the hindrance of it by other federal action?

Financial markets are today much more efficient, and much less susceptible to market failures, than when the SBA program was established. So an effective move might be a return loan decisions for small businesses to the financial marketplace. Then examine the rest of government policy, searching out whatever hamstrings venture-capital and smaller enterprises.

EFFICIENT, EFFECTIVE

Two common terms—but what exactly is the difference? Efficiency generally relates to cost. Effectiveness measures performance toward a purpose or mission. Effectiveness might yield efficiencies, but it cannot be gained through efficiency.

As Peter Drucker once put it: "Efficiency is doing things right, effectiveness is doing the right things." A successful enterprise is one that is effective: It performs well—and, the better the performance, the more money it will make.

Performance is what allows a business to compete in the marketplace. Results are

what count, i.e. quality goods and services at the lowest possible cost. Making a bad product cheaper does not constitute better performance. "Doing things right" when they are the wrong things can be financially suicidal.

A government bureaucracy, however, does not depend on performance for its revenues. Insofar as the term may be used, "results" for the bureaucracy means a larger budget. And "performance" is the logrolling ability to increase that budget. Serving the stated need or requirement becomes a secondary issue. Money substitutes for policy, PR for performance.

In such an environment, why would efficiency ever be an objective? In fact, it's something to actively avoid—because efficiency inhibits budget growth and therefore hurts "performance" in the bureaucratic sense of that word. This is why government whistleblowers are viewed as enemies of the bureaucracy.

Whistleblowers are viewed from within as corporal germs. And so their supervisors, like white corpuscles, attack the perceived threat. Even if inefficiencies are crushed, they grow back again in time.

Effectiveness is equally anathema to the bureaucracy. Its very mode of payment—budget-allocation, i.e. how much of this year's total "we" get—put effectiveness at odds with a bureaucracy. The first critical question in determining effectiveness is "What should our business be?" To the bureaucracy, this question is the most threatening of all, because it might create controversy. And controversy can threaten budget-allocation.

And yet, as stated earlier, the first critical question of true, effective reform is to ask what the government should and shouldn't do. Without an answer, there can be no mission or purpose; without a purpose, what do we have to measure performance against?

STEERING, ROWING

Perverse incentives are symptomatic of the mode of payment. The perverse incentives for government "performance"—i.e. favoring higher budgets and lower effectiveness and efficiency—must be reversed.

Reversal will come only after we (1) determine what the government should and shouldn't do; (2) set the purpose or mission of government agencies; and (3) create incentives for achieving the mission.

That's what the National Performance Review should do. First, identify those areas the government should not be involved in. Then, recommend phasing out those agencies and employees formerly serving those functions. For the remainder, missions and goals must be defined, with incentives established to facilitate their successful achievement.

This is how you "change the culture." Reeducating federal workers is not enough when they are still rewarded for increasing budget allocation. They must instead be rewarded for achieving the stated mission.

One way to foster favorable incentives is to inject competition into the government's delivery of services. In their book *Reinventing Government*, David Osborne and Ted Gaebler call for a decentralized government in which, more and more, the federal role becomes that of a catalyst. The authors distinguish between a government that "rows" and one that "steers." Government, they say, should do more steering (setting policy) and less rowing (delivering services). They suggest using resources other than those of the federal workforce to deliver services to taxpayers.

The key issue is not always public versus private, but competition versus monopoly.

Bureaucracies, note the Reinventing authors, "are captives of sole-source, monopoly-suppliers—their own employees . . . Monopoly suppliers become a problem as soon as policymakers decide to change their strategies."

To avoid the supply bottleneck, say Osborne and Gaebler, policymakers should have at their disposal an array of private, public and other resources that can compete for service delivery. This would let policymakers seek the best means for achieving their goals. The focus would be on performance, and would not be frustrated by "monopoly suppliers."

The absence of the market test in the delivery of federal services ensures a lack of the discipline that would otherwise compel effectiveness, innovation and a shedding of obsolete programs.

REINVENTION IN FIVE STEPS

Step one: Determine what is the business of the various segments of federal government and what should it be. Another way to pose this is, What are we actually doing, and what do we need to be doing?

The questions are extremely difficult to answer: Difficult for one team, for a whole federal agency, and especially for a Congress which should function as an executive board for much of the government. Precisely because they are hard questions, the most important thing is to ask them, and then let the multiple answers collide.

Step two: Those functions not properly the business of the federal government should be turned over to state and local governments, private organizations, churches, communities, foundations and so on. Public employees and agencies that formerly performed those functions should be phased out.

Step three: for the remaining functions, i.e., those judged a government responsibility, decide whether the federal government should "row" or "steer." For example, the federal government has a rowing function in national defense and some, but not all, administration of justice. But should it also deliver the mail?

Where government once rowed but now steers, public employees and agencies formerly performing those functions could be eliminated or made to compete with other suppliers. Osborne and Gaebler (on page 31 of their book) offer 36 "arrows" in its quiver of innovative and other resources as alternatives to service-delivery by public employees.

Step four: Those functions of government that continue to require rowing must receive clearly defined missions and objectives. They must be measurable; they must be prioritized.

Step five: Measuring performance will determine the success or failure of the program. (As the old saying goes: What gets measured gets done.) Results can be audited by the Office of Management and Budget, with oversight from Congress. OMB must constantly question the utility of federal programs, and force decisions about which older ones the federal government should no longer row.

LEFT IN THE DARK

Reinventing government implies a titanic political struggle; even at the conceptual level, it can vex the sharpest mind. It requires restoring ownership of government to the citizenry—or at least to government entities closer to the citizenry.

To do so will take years, and require doing battle with some of the very forces from which the Vice-President is obtaining advice