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AMENDMENTS SUBMITTED

THE NOMINATION OF ADM. HENRY MAUZ, JR.

McCAIN (AND OTHERS) AMENDMENT NO. 2582

Mr. McCAIN (for himself, Mr. DOLE, and Mr. COVERDELL) proposed an amendment to the motion of Mrs. MURRAY to recommit with instructions the nomination of Admiral Henry Mauz, Jr., to the Committee on Armed services; as follows:

At the end of the instructions add the following:

The Senate finds that:

The President has proposed to use the United States Armed Forces to intervene militarily in the situation in Haiti;

The stated purpose of the proposed United States military intervention in Haiti is the restoration by force of Jean-Bertrand Aristide to the Office of President of Haiti;

The President has not presented a comprehensive case for United States military intervention in Haiti to either the American people or their representative in Congress;

The support of the American people is critically important to the success of any offensive military action;

All national public opinion surveys taken to date establish that a substantial majority of Americans oppose United States military intervention in Haiti;

The State Department Country Reports on Human Rights Practices for 1991 characterized President Aristide's regime as "unwilling or unable to restrain popular justice through mob violence";

Allegations connecting President Aristide to several incidents of human rights abuses, including allegations of his involvement in the assassination of a political opponent, remain unresolved;

United States vital national security interests are not threatened by the situation in Haiti;

It is the sense of the Senate that the Armed Services Committee also consider the fact that it is the sense of the Senate:

That the lives of United States Armed Forces personnel should not be risked in combat for the purpose of restoring Jean-Bertrand Aristide to the office of President of Haiti.

MITCHELL (AND NUNN) AMENDMENT NO. 2583

Mr. MITCHELL (for himself and Mr. NUNN) proposed an amendment to amendment No. 2582 proposed by Mr. McCAIN to the motion of Mrs. MURRAY, supra; as follows:

Strike all after the first colon and insert the following:

SEC. . SENSE OF THE SENATE ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.

(a) STATEMENT OF POLICY.—It is the sense of the Senate that the Armed Services Committee also consider the fact that it is the sense of the Senate that—

(1) all parties should honor their obligations under the Governor's Island Accord of July 3, 1993, and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of the Senate that funds should not be obligated or expended in Haiti unless—

(1) authorized in advance by the Congress;

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment;

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as is practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of the Senate that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of United States Armed Forces, including steps to ensure that United States Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objective of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction, or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

COMMUNICATIONS ACT OF 1994 TELECOMMUNICATIONS EQUIPMENT RESEARCH AND MANUFACTURING COMPETITION ACT OF 1994

ROBB AMENDMENT NO. 2584

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill (S. 1822) to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; as follows:

On page 10, below line 24, add the following:

"(6) To the maximum extent practicable, to ensure that every school and classroom in the United States has access to existing and innovative telecommunications and information services and technologies.

On page 11, line 1, strike out "'(6)'" and insert in lieu thereof "'(7)'".

On page 11, line 4, strike out "'(7)'" and insert in lieu thereof "'(8)'".

On page 12, between lines 16 and 17, insert the following:

"(3)(A) There is hereby established a fund to be known as the Educational Telecommunications and Technology Fund (in this section referred to as the 'Fund'). The purpose of the Fund is to provide funding for activities that ensure that elementary and secondary schools in the United States have complete access to existing and innovative telecommunications and information technologies and services.

"(B)(i) Not later than 180 days after the date of the enactment of this section, the Commission shall prescribe regulations that, notwithstanding the second sentence of paragraph (2), provide for the deposit into the Fund of such portion of the monetary contributions required under that paragraph as the Commission shall prescribe.

"(ii) The regulations under this subparagraph shall also establish guidelines governing the deposit into the Fund of all or a portion of the following:

"(I) Payments to the Commission as a result of the determination of the Commission of overcharges on the part of an entity.

"(II) Payments of penalties assessed by the Commission.

"(iii) The Commission may prescribe in regulations under this subparagraph for the deposit into the Fund of funds from such other sources (including from fees received from auctions of the electromagnetic spectrum) and in such amounts as the Commission determines appropriate.

"(4) Not later than 2 years after the date of the enactment of this section, the Secretary of Education and the Commission shall jointly prescribe regulations relating to the disbursement of sums in the Fund. Such regulations shall include the following provisions:

"(A) Provisions governing the utilization of sums in the Fund, including the projects for which sums in the Fund shall be available.

"(B) Provisions for determining the State and local entities eligible for awards of sums from the Funds.

"(C) Provisions establishing a fair and expeditious process for the application for and selection of the entities to be awarded sums from the Fund.

"(D) Provisions governing the evaluation of the activities of entities that are awarded sums from the Fund.

"(E) Provisions ensuring that entities awarded sums in the Fund utilize such sums for the purposes for which such sums were awarded.

On page 15, between lines 3 and 4, insert the following:

(c) TELECOMMUNICATIONS SERVICES FOR EDUCATIONAL INSTITUTIONS.—(1) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall, in consultation with the Federal Communications Commission and the Secretary of Education—

(A) issue a notice of inquiry into the feasibility of establishing an educational tele-

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communications and technology corporation in order to provide credit and grant funds to support the national goal of ensuring that elementary and secondary schools have complete access to existing and innovative telecommunications and information technologies and services;

(B) review alternative for an appropriate organizational form for such a corporation; and

(C) recommend to _____ an organizational form for such a corporation.

(2) The Assistant Secretary shall complete proceedings on the notice of inquiry and publish the recommendations referred to in paragraph (1)(C) not later than 1 year after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, September 14, 1994, in open session, to consider the following pending nominations: Mr. Paul G. Kaminski, to be Under Secretary of Defense for Acquisition and Technology and Hon. Frederick F.Y. Pang, to be Assistant Secretary of Defense for Force Management.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on September 14, 1994, at 9:30 a.m. on the nomination of Gus Owen to be a member of the Interstate Commerce Commission.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, September 14, 1994 at 10:30 a.m., to hear witnesses testify on S. 1834, the Superfund Reform Act of 1994 and to hear and consider the nominations of Stuart L. Brown, to be an assistant general counsel in the Department of the Treasury and chief counsel for the Internal Revenue Service; Frank Neuman, to be Deputy Secretary of the Treasury, and Edward Knight to be general counsel of the Treasury.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 14, 1994, at 2 p.m., in room 226 Senate Dirksen Office Building on the nominations of James L. Dennis to be U.S. circuit judge for the fifth circuit, Frederic Block to be U.S. district judge for the Eastern District of New York, Robert N. Chatigny to be U.S. district judge for the District of Connecticut, Allyne R. Ross to be U.S. district judge for the Eastern District of New York, Shira A. Scheindlin to be U.S. district judge for the Southern District of New York, Dominic J. Squatrito to be U.S. district judge for the District of Connecticut.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a hearing on pending legislation. The hearing will be held on September 14, 1994, at 2 p.m. in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on September 14, 1994, immediately following the 9:30 a.m. nomination hearing, on truck lengths and safety.

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

ADDITIONAL STATEMENTS

S. 2329, THE MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

• Mr. MCCAIN. Mr. President, I want to take this opportunity to make a few comments on S. 2329, the Mohegan Nation of Connecticut Land Claims Settlement Act of 1994. First, I want to express my sincere best wishes to the Mohegan Nation for every success in all of their future endeavors. I also want to congratulate them for their diligence and perseverance. They have gone about the process of becoming recognized by the Federal Government and resolving their claims against the State of Connecticut and the United States in accordance with all applicable laws and a healthy respect for the rights of others.

When S. 2329 was considered by the Committee on Indian Affairs, I expressed some serious concerns about the nature of the settlement between the Mohegan Nation and the State of Connecticut. After careful review and analysis, I am now convinced that the settlement agreement reflects a fair bargain reached in good faith by the parties. Accordingly, I do not object to the passage of S. 2329.

However, I do want to call to the attention of my colleagues that this settlement includes a compact between the State of Connecticut and the Mohegan Nation for the conduct of class III gaming activities under the Indian Gaming Regulatory Act. As a condition of the settlement, the Mohegan Nation will be obligated to pay the State and the Town of Montville tens of millions of dollars. Some of these payments are in lieu of taxes which would otherwise have been collected on lands that will be transferred to the United States to be held in trust for the Mohegan Nation. There is nothing unusual about that aspect of this settlement. Other payments will be made primarily for the privilege of engaging in gaming. Even these payments are not without precedent in Connecticut. What is unprecedented is the magnitude of the payments being made in that State by the Pequot Tribe at the present time and those that will be made by the Mohegan Nation in the future.

The Mohegan settlement happens to come along at a time when the Committee on Indian Affairs is engaged in an extensive effort to review the Indian Gaming Regulatory Act to determine how it can be amended to resolve concerns which have been raised by tribal, State and Federal officials. Among those concerns is the need for Federal minimum standards for the regulation of Indian gaming activities and a sufficient Federal regulatory capability to ensure the integrity of Indian gaming. Senator INOUYE and I have proposed that Indian gaming activities should be assessed to pay for the costs of the required Federal regulatory activity. Many Indian tribes have told us that the proposed assessment would make their gaming activities unprofitable. I have no reason to doubt that this may be the case for some of the smaller, more marginal operations. However, I must note that the total estimated annual cost for Federal regulation of Indian gaming is only a small fraction of what is presently paid to the State of Connecticut by the Pequot Tribe and what will be paid by the Mohegan Nation under this settlement.

I have to wonder if current tribal and Federal policy is focused on the proper objectives. Federal regulation of Indian gaming will benefit everyone, including the patrons of Indian gaming, the Indian tribes and the States. If we have a few Indian tribes that can afford to pay hundreds of millions of dollars to Connecticut for the privilege of gaming, then why is it not possible for those tribes and the others that are enjoying success in gaming to pay the relatively modest cost of Federal regulation so that the more marginal Indian gaming operations can be assessed at a rate which will not jeopardize their continued operation?

I raised this concern with several witnesses in the hearings held during July by the Committee on Indian Affairs on S. 2230, the Indian Gaming Regulatory Act Amendments Act. I have attempted to pose this question to the leadership of the Pequot Tribe, but have not had the courtesy of their response. I will continue to seek an answer from them. I have also raised this concern with the distinguished sponsor of S. 2329, Senator DODD, and have received his assurance that he understands my concern and is committed to working with Senator INOUYE and the Committee on Indian Affairs to find a satisfactory way to ensure that the

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