

consume more than 10 minutes, at least that is my intention.

#### THE 103D CONGRESS

Mr. BYRD. Mr. President, we verge toward the final moments of the 103d Congress. Our work here is nearly finished. The good that we have achieved, and the efforts that have failed, will both become paragraphs in the history of this institution and in the unfinished biographies of us all. Even with the sincerest of regrets, that which we have done, cannot be undone; and even with the most impassioned of yearnings, that which we have left undone, cannot now be accomplished.

For ere the glass that now begins to run  
Finish the process of his sandy hour,  
These eyes, that see thee now well coloured,  
Shall see thee wither'd, bloody, pale, and  
dead.—

#### HAITI

Mr. BYRD. Mr. President, yesterday, the Congress voted for a nonbinding legislation that places no limits on the mission in Haiti. I know that nothing succeeds like success, and I acknowledge that there is no appetite in the Congress today for placing any limits on the thus far successful operation in Haiti. But although the Congress will return on November 30 and December 1, those days are dedicated to addressing only the GATT agreement. Therefore, there is no further opportunity to address the United States mission in Haiti until the 104th Congress convenes in January 1995. While I fervently hope that the operation in Haiti continues to be relatively trouble-free, remains limited in scope, and a downward glide-path is followed toward handing the operation over to the United Nations, I remain deeply concerned about the potential for the mission to balloon into nation-building and about the safety of our troops.

One drop of blood drawn from thy country's bosom, should grieve thee more than streams of foreign gore\* \* \*

#### "PORK" FOR THE WASHINGTON POST?

Mr. BYRD. On another matter, Mr. President, I have been the object of some very derogatory editorial writing on the part of the Washington Post recently. On September 21, 1994, the editorial page of the Washington Post labeled as mere "pork" certain provisions in the fiscal year 1995 Transportation appropriations bill. In trying to create a mountain out of a molehill, the Post's editors called me "the King of Pork." Now, the shoe is on the other foot, and dirt of another molehill is creating muddy going for the editors of the Post.

The Washington Post is now, apparently, guilty of using the same editorial page to urge the speedy passage of the GATT world trade agreement, although time for further inspection of

this lengthy piece of legislation reveals a \$900 million loophole that favors—whom? The Post's parent company, a fact that the Washington Post editorials failed to acknowledge. A provision inserted into the GATT implementing legislation—which is not subject to amendment or changes in conference, as are provisions in the appropriations bills—requires companies to pay only 85 percent of the average price of wireless telephone licenses in upcoming auctions, and no less than \$400 million. But this is a far cry from the estimated \$1.3 billion than those licenses might fetch in a free market. And the Washington Post was not even happy with that compromise. They had argued that those licenses should be given away, with no payment at all to the Government. Is this, then, "Pork" for the Post?

Mr. President, I ask unanimous consent that two articles from the Washington Post dated October 5 and October 7, 1994, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 5, 1994]

#### THE TRADE BILL \* \* \* AND THE POST

The House remains scheduled to take up the trade bill today, and vote on it possibly tonight. That's what it ought to do. Some members have urged that the vote be put off until after the election, as was done in the Senate. They ask why the House should have to cast in advance a hard vote that the Senate won't cast until afterward. But the vote won't be any easier then. Nor will it be any less necessary.

The bill incorporates into U.S. law the terms of the new world trade agreement. Through worldwide tariff cuts—the largest tax cut in history—and various other means, the agreement is expected to generate a strong expansion of the U.S. and world economies. The fear among some is that it will cost the United States jobs; in fact it will have the opposite effect. Nor will it lead to the erosion of U.S. sovereignty they profess to foresee, a weakening of health and safety, labor or environmental standards or a higher deficit. In the long run, the growth will likely reduce the deficit.

This newspaper has been attacked in recent days from several quarters on grounds that our editorial support for the trade bill masks and is the result of a provision that would benefit The Washington Post Co. That's just plain false, as some of those making the charge best know. The paper has been a strong and tireless, if not actually tiresome, supporter through three administrations and eight years of the international negotiations that have now given rise to this bill. More than 400 editorials have been published in that period on the subject of trade. Virtually every one has been tilted in the direction of freer trade; many have endorsed provisions now part of the trade agreement; all but a few of these several hundred appeared before the bill and the revenue provision in question were even drafted.

We on the editorial page try to keep abreast of provisions in which The Post Co. has a commercial interest so that we can acknowledge them when they arise. Usually we do so and we failed to do so here; it was a mistake. What we should have known and said about the trade bill provision is as follows:

It involves the price that will have to be paid for a license to provide advanced cel-

lular telephone service by a company in which The Post is a major investor and 70 percent limited partner. The critics describe the price as a deep discount; The Post Co. looks at it as anything but. The license was originally supposed to be free. It was one of three awarded by the Federal Communications Commission in a national competition meant to encourage companies to invest in new wireless technology. After the company in which The Post has its interest won the competition, the FCC changed its mind and said it would charge for the license. The possible proceeds were then seized upon by the administration and others looking for future revenues to offset the tariff losses under the trade bill. The license fee in the bill will be less than the fee would have been as proposed by the FCC. But the provision that officials of rival companies are calling a gift, Post company officials regard instead as a breaking of the government's word and a dunning.

But break or dunning, the revenue provision was not a basis for the editorial. Nor does it seem to us to be a basis for voting either way on the bill. We continue to think, as we have all along and for the same reasons, that the trade bill ought to pass.

[From the Washington Post, October 7, 1994]

#### POST TAKEN TO THE PILLORY—PAPER CRITICIZED ON TRADE PACT PROVISION

(By Howard Kurtz)

The Washington Post, which delights in exposing secret deals on Capitol Hill, suddenly finds itself accused of participating in one.

A media furor has developed over a provision involving the GATT world trade agreement that would provide what critics call a windfall for three firms, including a Post Co. subsidiary, that are seeking wireless telephone licenses from the government. The Post became the primary target of criticism after running editorials backing the trade pact without mentioning the company's financial interest.

"We did make a mistake and we really feel awful about it," Meg Greenfield, the paper's editorial page editor, said yesterday. "Of course we should have known. We wished we'd known. There's a system for information on these things, and it just broke down."

Opponents of the General Agreement on Tariffs and Trade have gleefully seized on the disclosure that The Post and the corporate parent of the Atlanta Constitution would benefit from the provision, which was inserted by the Clinton White House and House Energy and Commerce Chairman John Dingell (D-Mich.) into legislation implementing GATT. The ensuing controversy has helped temporarily derail a U.S. vote on GATT.

Former presidential candidate Ross Perot charged on "Larry King Live" that "the White House cut a deal with The Washington Post and the Atlanta Constitution that is going to cost the taxpayers \$2 billion.

\* \* \* It is the ultimate corruption of our system \* \* \* the biggest piece of pork ever. \* \* \* I mean this makes Whitewater look small."

Conservative commentator Pat Buchanan, also a former presidential contender, said on CNN's "Crossfire": "Somebody snuck that thing in there, and it is an outrage. . . Let me give you a little sound bite: The Washington Post got a \$200 million bailout in the GATT treaty. Did your congressman vote for it?"

Executives at The Post Co. and American Personal Communications (APC), which is 70 percent owned by The Post, say the provision actually saves the taxpayers money and was hardly a back-room deal. In fact, they say, The Post disclosed the first legislative

move in this direction last July, before it became part of the GATT bill.

"The idea that these terms would be put in GATT was, emphatically not APC's idea," said Donald Graham, The Post's publisher and chief executive officer. "It was Chairman Dingell's idea."

Scott Schelle, APC vice president, said GATT opponents are using The Post's involvement as the "excuse dujour" to help sink the treaty. "There is no aspect of a give-away here at all," he said.

One man who helped broker the deal is former Democratic congressman Thomas Downey, now a lobbyist for APC. "My role has been useful but marginal," Downey said. "APC made their case both to Mr. Dingell and the White House. So did The Post. Both sides had big interests in explaining their side."

GOP critics take a more jaundiced view. "The Washington Post had no business editorializing and saying this was a good deal for the free world, and all of a sudden you see in the bowels of this legislation there's a little item they overlooked," said Rep. Robert Livingston (R-La). "That to me is appalling."

How a provision affecting The Post came to be added to the controversial GATT measure in the waning days of a congressional session is a tangled tale. In 1992, APC and two other firms won a federal competition to develop "pioneer" technology for wireless telephones. The licenses were awarded for free, which was standard practice at the time. The three companies spent tens of millions of dollars developing the technology, which is to compete with cellular phones.

Last year, however, Congress ordered the Federal Communications Commission to start auctioning off such licenses in the future. The chief rivals of the "pioneer" firms, Bell Atlantic and Pacific Telesis, argued vociferously that the newcomers should pay for their lucrative franchises.

PacTel, which tried to win one of the free licenses, is no slouch in the lobbying department. The company has contributed more than \$1.3 million to congressional candidates over the past decade.

"Yes, we competed. Yes, we lost," said PacTel spokesman Robert Stewart. But he said the proposed deal is "too much of a give-away" and "would create a tremendous distortion in the marketplace."

In July, the FCC went further and decided to charge the three companies a total of more than \$1 billion for their existing licenses. The Post subsidiary cried foul, suing the government for changing the rules in midstream.

Graham said, "There is no question whatsoever that the pioneer awards were supposed to be free of licenses. . . . The pioneers feel this promise is being broken because of ferocious and successful lobbying" by corporate rivals. Graham said he too had "done some lobbying" with the administration and Congress.

Dingell, for one, was persuaded. In a letter to colleagues, he said the FCC does not have the legal authority to charge for phone licenses and that its effort could be "quite possibly overturned in court," leaving the government with "nothing." So the White House and Dingell struck a deal with the companies that the congressman defended as "a good deal for the taxpayers."

The compromise requires the companies to pay 85 percent of the average price of licenses in upcoming auctions, and no less than \$400 million. While this is far less than the estimated \$1.3 billion the licenses might fetch today, Graham said it is "grossly worse" than the deal the companies originally struck. Had The Post known the eventual cost, he said, "we would not have consented."

The GATT legislation suddenly loomed as a very attractive vehicle. Not only was it on a "fast track," meaning it could not be amended, but the administration was required to find some money to offset the revenue lost by lowering tariffs. The pot of cash to be raised from the three companies was ideal for this purpose, and the Dingell language was quietly added to the thousands of pages of GATT legislation.

PacTel officials discovered the move Sept. 21, and in the next two days the Associated Press and Wall Street Journal carried stories on the deal. Still, the issue remained muted.

That changed on Tuesday, when PacTel bought full-page ads in The Post and Washington Times. "The Washington Post and two other corporations have slipped in a billion-dollar loophole—and the Post forgot to mention its own special interest in two editorials urging quick passage of the trade pact," the ad said.

"We ran the ads because we'd had no success getting the attention of the administration," Stewart said. Dingell dismissed the ad as "misleading" and part of a "corporate cat fight."

Asked why he sold space to a business rival, Graham said: "The Post tries to give extraordinary freedom to advertisers to say what they wish. We've run many ads criticizing the newspaper and its policies."

While acknowledging its mistake in an editorial Wednesday, The Post said it has run more than 400 editorials in favor of free trade. Greenfield said the notion that her editorial page was secretly trying to advance corporate interests was "a bit nutty." But the political damage had been done: House Republicans succeeded that day in delaying a scheduled vote on GATT until after the November elections.

The disclosure of The Post's role was "explosive" and "dynamited support within the Republican Party," Buchanan said. "It's an insider's deal, and the fact that it's The Washington Post is icing on the cake. The Washington Post is not a beloved institution in the Republican Party."

All this has left the paper in the awkward position of reporting on a Capitol Hill struggle in which it has become central player.

"It's always hard to make sure you're having the same arm's-length relationship that you have with any other story," said Executive Editor Leonard Downie Jr. "Probably it's difficult to convince readers that we are treating it the same way as any other institution."

#### FAREWELL TO A GREAT AMERICAN

Mr. BYRD. Mr. President, I was officially sworn in as a Member of the United States Senate in 1959, January—more than 35 years ago.

During these almost 36 years of service in this institution, I have been privileged to know, and to count as personal friends, many men and women who tread the pages of American history—brilliant Senators, dedicated Senators, patriotic Senators, prophetic Senators, and many Senators who might rank among some of the outstanding legislators of this or any country.

With some still serving here today, I can rightly say that I have suffered sincerely from the departures and retirements of many of those Senators from our past, and as long as I live, I shall never forget my personal associa-

tion with the long parade of Senators who have served with me here and who have gone into retirement and some who have gone to await their summons to the Eternal Roll Call.

I was the 1,579th Senator to be sworn in. From the beginning in 1789 to the present, there have been 1,814 men and women, who have graced the Senate Chamber and who have answered the rollcalls of this body.

Having said that, Mr. President, I cannot recall the departure from the Senate of anyone whose departure I regret more than the impending departure of Senator GEORGE MITCHELL from Maine, our Majority Leader and a man whom I admire deeply and sincerely, both as a colleague and a friend.

As I contemplate Senator MITCHELL's retirement from our midst, my unstudied initial reaction is, "Say it is not so!"

Like so many of our colleagues, I have benefited by the brilliance of Senator MITCHELL's mind, and from Senator MITCHELL's leadership and comradeship here in our parliamentary struggles.

Indeed, when the 104th Congress assembles next year, no matter who among us is no longer here, the vacuum left by GEORGE MITCHELL will be difficult to fill.

The basic outlines of Senator MITCHELL's career are a matter of public record. I shall not revisit that record here.

But I do remind our colleagues that Senator MITCHELL is the son of an immigrant mother who worked in a textile factory and of a father who was the orphaned son of Irish immigrants and who worked as a laborer and a janitor.

I recount those realities in order to underline the higher reality of GEORGE MITCHELL's life and career.

Contemporaneously, some cynics find amusement in ridiculing the Horatio Alger story—in asserting that the classic "American Dream" is a fantasy fit only for the gullible and weak-minded—a fantasy with no foundation in life and no realization in human experience.

To such cynics, I say, "look at GEORGE MITCHELL!"

Both Senator MITCHELL and I rose from less than auspicious origins to find our places in the life of a nation that rewards hard work and real effort.

Senator MITCHELL and I have lived out biographies as dramatic, perhaps, as one could ever find—lives of Americans not born to privilege, but lives presented with opportunities and rewards undreamt of by most Americans and impossible to the people of most other lands around the world.

As I stand before you, Mr. President, in the recesses of my imagination, I entertain a genuine fantasy—a fantasy of the Founding Fathers—Washington, Jefferson, Madison, and others—beaming down on us from on high, as this Congress moves toward adjournment and as Senator MITCHELL steps down from his Majority Leadership position.